

LUFA POLICY ON LEGAL FEES

LUFA will not pay the individual legal fees of members when those members retain legal counsel for themselves in relation to some employment related matter.

Rationale:

There are two important reasons that LUFA has for not bearing the financial cost of private legal counsel.

First, unions represent the interests of all their members with regard to collective agreements. While any specific issue occasioned by the conflict of a particular member clearly impacts that member, such conflict also affects the organization as a whole. Thus while LUFA retains counsel to advise it on the interests of an individual, the advice it receives also takes into account the impact of the member's issue upon the union as a whole. In short, the legal advice LUFA seeks is about how best LUFA should proceed in protecting the interests of both the individual and the collective. LUFA pays for advice to LUFA. In essence this reflects the nature of the lawyer-client relationship: counsel works for and seeks the interest of the client who retains it.

Second, LUFA has a fiduciary duty to its members to spend wisely the monies it collects as dues. Only if LUFA retains counsel can it control the legal costs incurred on behalf of its members. Given the nature of the lawyer-client relationship, such control would be lost if we agreed to assume the cost of legal advice for individual members.