March 4, 2008

All General Chairmen

Dear Sirs and Brothers:

Attached hereto is a copy of an additional FELA policy that the National Division Officers adopted on February 7, 2008, entitled "FELA - Guidelines for Appointing a Single System Division or Federation Designated Law Firm." The policy permits a recommendation for designated FELA counsel to come directly from the System Division or Federation to the National Division President/Executive Board, without first being adopted by the respective Region.

Should a System Division or Federation determine there is a need for an additional firm to be approved as designated FELA counsel within their respective territory, one firm may be designated to work exclusively within the System Division or Federation when approved by the National Division President.

This policy does not take away from the jurisdiction and/or authority of the National Division President, and follows the general principles of Circular No. 155, dated December 18, 1992.

Fraternally yours,

[Signature]
President

Attachment
cc: Mr. Perry K. Geller, Sr.
National Division Vice Presidents
Guidelines for Appointing a Single System Division or Federation Designated Law Firm
National Division Policy effective February 7, 2008

This policy will permit a recommendation to come directly from the System Division or Federation to the National Division President/Executive Board, without first being adopted by the respective Region. Also, this policy will provide a method for System Divisions or Federations to insure that their members have the necessary choices of Designated FELA Counsel.

The listing of Designated FELA Counsel will remain unchanged unless law firms are removed or added by the President. Included in the removal process will be a written complaint(s) and an evaluation of said complaint(s) by the President or by someone that he designates. Then, provided that it is determined that the complaint(s) has merit, and with the approval of the National Division Executive Board, said law firm could be removed from the listing of Designated FELA Counsel.

In order for a law firm to be added to the listing of Designated FELA Counsel, a recommendation from one of the Regions or System Divisions or Federations to the National Division Executive Board is required. After evaluating the need for, and quality of the law firm, the National Division Executive Board may approve the law firm, which may be designated by the President. Just as today, the nomination of a law firm by a Region or System Division or Federation does not guarantee that the firm will be approved as Designated FELA Counsel.

If a System Division or Federation determines there is a need for an additional firm to be approved as designated FELA counsel within their respective territory, one firm may be designated to work exclusively within that System Division or Federation when approved by the National Division President. Prior to the designation, the System Division or Federation will provide a proposal stating the reason that the designation is needed to the National Division President for his/her review and approval. Subject to the approval of the President, the designation will be made by the General Chairman of the respective System Division or Federation in accordance with any appropriate provisions of that System Division or Federation's bylaws.

After approval has been secured, the law firm will be notified of their designation by the General Chairman of the respective System Division or Federation, with a copy of the letter to the National Division President. Included in that same letter, the General Chairman will advise the newly-designated law firm of the precise limits, and identify the specific Local Lodges by number and location within the System Division or Federation.
The law firm will be restricted to working within the limits of the System Division or Federation and permitted to attend meetings of the Local Lodges within that System Division or Federation, only. If a law firm is found to be making initial contact with members, either individually or collectively, outside of that System Division or Federation, the National Division President will have the authority to immediately revoke the law firm's designation, and will so notify the law firm immediately in writing of the decision.

If a law firm is found to be in violation of this provision, the firm will not be considered then, or at any future time, for appointment as designated FELA counsel. This provision does not prevent a BMWED member from contacting a law firm for legal advice or assistance, as long as the member makes the initial contact. More than one System Division or Federation can individually designate the same law firm, however, said law firm will be restricted to the boundaries of the System Divisions or Federations that designated the firm.

Authorization for removal of a law firm from the listing of Designated FELA Counsel that was designated by a System Division or Federation to practice within that System Division or Federation for circumstances other than outlined above can be accomplished simply by the respective General Chairman notifying the firm via certified letter, with a copy to the National Division President, stating that the firm's authorization has been revoked. Removal of the law firm will be in accordance with authority granted the General Chairman contained in the respective System Division or Federation bylaws, just as the designation is so governed.

A law firm requesting approval as designated FELA counsel must do so through the System Division or Federation General Chairman, only. Any contact pertaining to designation with a Local Lodge Officer instead of the respective General Chairman will cause the law firm to not be considered then, or in the future, for appointment to any listing of designated FELA counsel recognized by the BMWED.

Only the listing of nationally-designated FELA counsel will be published in the BMWED Journal. Any publication of additional designated counsel by a System Division or Federation will be the responsibility of that System Division or Federation.

The National Division policy entitled "FELA Guidelines for Appointment" effective March 21, 2007, will remain unchanged and continue to be enforced for all nationally and locally approved designated FELA counsel. Law Firms so designated will acknowledge receipt and understanding of this policy to the respective General Chairmen of the System Divisions and Federations and to National Division.