

## FREQUENTLY ASKED QUESTIONS

### DPROA ANNUAL ADJUSTMENT/AGE 55 BENEFIT SUPPLEMENT LAWSUIT

Lawsuit Filed: February 8, 2019, Travis County TX

Plaintiff: Dallas Police Retired Officers Association (DPROA) [www.dproa.org](http://www.dproa.org)

Defendant: Texas Pension Review Board

#### Why did DPROA File this Lawsuit?

In June 2017 the Texas Legislature passed a new Pension Bill (HB 3158) pertaining to the DPFPS. The Bill reduced or eliminated Pension Benefits for retirees and active members hired prior to January 1, 2007.

**THERE WILL BE NO FUTURE PENSION BENEFIT INCREASES AFTER OCT.1, 2106.**

We contend these changes are illegal. Specifically, eliminating our Annual Adjustment and age 55 benefit supplement violate the provisions of a 2003 amendment to the Texas State Constitution (article 16-section 66).

#### Why should I Join this lawsuit? How does it help me?

The short answer is Money... Your Money and your financial security  
We will rapidly lose purchasing power due to the loss of any inflation protection.

**Example: A monthly Pension benefit of \$5000 today will only be worth \$2697 in 25 years, assuming 2.5% yearly inflation...This is a 46% loss in purchasing power.**

**After only 10 years the loss is 22%**

If this pension law is not declared unconstitutional, we will have no protection against inflation. Our pension checks will be stagnant for the rest of our lives.

Many retirees and their survivors will die in poverty.

**Every Firefighter/Police Officer hired prior to January 1, 2007 can benefit from this lawsuit.**

#### What is the goal DPROA hopes to achieve by filing this suit?

**FIRST:** Our attorney will seek a “declaratory judgment” from the court that the changes to the annual adjustment/age 55 supplement are void, illegal, unenforceable or unconstitutional in violation of the Texas State Constitution.

A “declaratory judgement” does not provide for reinstatement of benefit payments.

**SECOND:** DPROA will, through its attorney, if necessary, compel the DPFPS system to reinstate benefits.

**Will there be a contingent fee allowing the attorneys to take a percentage of our recovered benefits if we should win? Will DPROA ask for additional money to fund this lawsuit at a later date?**

There is no contingent fee. The attorney “fixed fee” is the only compensation the attorney will receive.

The attorneys and DPROA’s expectation is that the fixed fee, and if needed, other DPROA resources will provide adequate funding to complete the legal process.

### **How can I join this lawsuit?**

STEP 1. you must become a member of DPROA and pay membership dues.

\$270 per year for Retired Police Officers.

\$135 per year for the Fire Affiliate members.

\$120 per year for active Firefighter/Police DROP members.

Membership must be maintained until the conclusion of all legal activities.

NOTE: Active members who are not in DROP cannot be members due to the DPROA Constitutional bylaws. By special provision they will be allowed to join the lawsuit.

STEP 2: Everyone must sign a Contractual Agreement for Legal Services with DPROA and contribute \$400 for attorney fees. This is a one time contribution

The Forms are available on the DPROA home page [www.dproa.org](http://www.dproa.org)

**The deadline to join is May 31,2019 with payment received no later than June 7, 2019.**

### **If I join the AA suit and die before it’s concluded, does my spouse automatically replace me? What responsibilities does my spouse have?**

The suit seeks declaratory judgement to declare the changes to the Annual Adjustment and Benefit Supplement null and void. If successful we will seek to recover past adjustments already denied. The beneficiary on file to receive your pension in the event of your death will take your place as long as they maintain their membership in the DPROA. Police must maintain their full/active membership (\$270 annual). Fire must maintain their affiliate membership (\$135 Annual).

It will be the members responsibility to keep their beneficiary current with DP&FPS.

### **I am an active/ retired Firefighter. Why must I become a member of DPROA to be included in the suit?**

The Lawsuit is being filed by DPROA on behalf of its members. Only dues paying members in good standing will be included.

DPROA has made a provision for Firefighters to join as Affiliate Members at a reduced membership rate.

In addition, with the intent to include as many impacted individuals as possible, DPROA has added a provision for active Police/FF who are not in DROP. Because these individuals are not allowed by the Constitutional bylaws to be members of DPROA, they will be afforded the opportunity to be a party to the suit for the \$400 contribution only.

### **Based on the experience with the Pay lawsuit why not simply wait for the inevitable class action suit, get in for free, and achieve the same results?**

There was no “free” ride on the Pay lawsuit and there will be no “free” ride on this lawsuit. Any attorney who would pursue this case as a Class Action lawsuit would likely require a contingent fee of between 33%-40% and possibly require an additional upfront retainer. This would result in each member of the class forfeiting a major portion of any possible recovery, both retroactive and perhaps going forward, amounting to thousands of dollars.

We believe the membership dues in DPROA and the fixed \$400 attorney fee is a far superior financial option.

**Why do I have to join this, or any, lawsuit to regain the Annual Adjustment /age 55 supplement? Won't everyone get their benefits restored if DPROA wins even if they do not have legal representation?**

While no one can be certain of the legalities, should we achieve a “declaratory judgment” it could still require the intervention of an attorney to regain all the actual losses incurred. The Pension System may or may not voluntarily elect to restore all prospective and retroactive lost benefits.

The attorney contracted by DPROA has agreed to provide representation for our members to compel the Pension system to restore all benefit as part of his “fixed fee”.

**Why did DPROA sue the Pension Review Board? The Pension system, City and Legislature reduced our pension benefits. Why not sue them?**

Our attorneys believe the PRB is the proper agency to sue since they are tasked with the responsibility to assure compliance with the law, INCLUDING CONSTITUTIONAL LAW.

In conclusion, this legal effort centers around Texas Constitutional Law. Specifically, to what extent are our accrued and granted pension benefits legally protected. Any lower court ruling will likely be appealed, and these legal questions will ultimately be determined by the Texas Supreme Court.