

Where Can I Carry | Law Of Deadly Force | Stand Your Ground | Invoke Your Rights

Your CWFL WORKBOOK

Illustrated Concealed Carry Guide

FLA

**GET ARMED,
GET LEGAL!**



**IT CAN HAPPEN
TO YOU...**



US LAW SHIELD
Limited Edition
\$9.95

Editor's Note

How To Properly Use Your CWFL Workbook

This booklet is a guide to a new aspect of your life: your Florida Concealed Weapon / Firearm License. It outlines how to apply for your CWFL, what you can carry and where, when the State of Florida allows you to use deadly force, and what to do afterwards. This teaching aid will explain to you some common pitfalls, clear up potential misconceptions, and most importantly, give you a usable mental framework to help you not break the law. Created by a team of lawyers, law professionals, and firearms professionals, this booklet is the result of extensive legal research and real world experience dealing with the system. It was written by lawyers that work in this area on a daily basis, who have extensive experience in firearms and the law related to firearms. This wealth of knowledge has been distilled into this booklet, which provides concepts and rules of law in an accessible and understandable format, breaking through the "legalese" in an attempt to provide you clarity.

With that said, this booklet is not a substitute for a lawyer. Further, nothing in this book constitutes legal advice for any particular situation, your's or anyone else's. Many volumes of books have been written on this topic, and one could spend many lifetimes studying these complex issues of law. As such, we have attempted to condense these points into a digestible format that can be read within a reasonable timeframe, but there are complex nuances in the law that are not covered. This booklet is not all encompassing. It is instead an aid, a starting foundation helping you with the first steps of your journey to understand the legal system and laws pertaining to your CWFL. If you have questions, after reviewing this teaching aid, regarding your particular situation, we strongly recommend that you contact a licensed attorney in your state for legal advice.

Notes:

***My Lawyer's 24/7 Emergency Number _____ (I NEED THIS!!!)

GETTING YOUR CWFL



The following is the four step process for applying and receiving your Concealed Weapon and Firearm License. If you're reading this booklet, odds are you've already completed step #1:

1



Sign up for a CWFL Class



2

Gather all of the items on "The Checklist" and put them in an envelope addressed to the Florida Department of Agriculture (the department administering the program).

"THE CHECKLIST"

- ☐ Your Completed Application
(be sure to proofread for errors)
- ☐ A Certificate of Completion from a Training Class:
 - Any Firearms Training conducted by a state-certified individual
 - NRA safety or training course
 - Any other equivalent
- ☐ Documentation of Citizenship and Residency:
 - Drivers License, Passport, State ID, Voter Registration
- ☐ A Passport Photograph
- ☐ A legible set of your fingerprints or the receipt from your electronic fingerprint submission
- ☐ A Check or Money Order for the appropriate fees which apply to your application; \$112.00 if you are submitting a hardcopy of your fingerprints or \$70.00 if you have submitted your fingerprints electronically
- ☐ Court documents reflecting the final disposition of any arrests (If Applicable)



3

MAIL TO:

(We suggest sending via certified mail)

**Division of Licensing
P.O. Box 6687
Tallahassee, FL 32314**



4

**If Approved, Receive
CWFL Within 4-6 Weeks**
(CWFL Valid for 7 Years)

CONCEALED WEAPON OR FIREARM LICENSE STATE OF FLORIDA

DOE, JOHN E.
23 SAMPLEVILLE AVENUE
ROSE DAIRY, FL 00000

BIRTH DATE	SEX	RACE
00/00/00	M	B

LICENSE NUMBER	ISSUED	EXPIRES
W 0000000	00/00/00	00/00/07

The above named individual is licensed by the Department of State, Division of Licensing in accordance with Section 790.06, Florida Statutes.



2



UNDERSTANDING WHAT YOU CAN CARRY

What May I Legally Carry Concealed With A CWFL?

What Is A CWFL

A Concealed Weapon and Firearm License is a Florida issued license, much like your driver's license, which empowers the holder to legally carry a concealed handgun or weapon in locations otherwise not restricted by law (see page 5 for locations).



With Your CWFL

Handgun



Knife



Electric Weapon



Billie



Tear Gas Gun



The list of weapons that may be legally carried with a CWFL is contained in Florida Statute §790.06. It allows for the concealed carry of:

- Handguns
- Knives
- Electronic Weapons or Devices
- Billies
- Tear Gas Guns



Despite its name, a CWFL does not authorize you to carry concealed weapons which are not specifically mentioned in this statute. For example, metallic knuckles, throwing stars, and nun-chucks are not legal to carry concealed

Municipal Regulations



Be careful before you start carrying any variations of these legal concealed weapons. Florida law allows municipal ordinances to restrict what types of knives, electric weapons, billies, and tear gas guns you may carry in your locale. Florida state law, however, does not allow municipal ordinances to regulate the carry of handguns.

Florida Statute §790.33

YOUR NEW RESPONSIBILITIES



Keep It Concealed

If you are carrying a concealed firearm, it must be “carried on or about a person in such a manner as to conceal the weapon from ordinary sight of another person.” However, Florida law also provides that if you are lawfully carrying a concealed firearm, it is not a violation if you “briefly and openly display the firearm to the ordinary sight of another person,” so long as the firearm was not displayed “intentionally” or “in an angry or threatening manner.”

Florida Statute §790.001, §790.053



Carry Your License

IF

You are in the possession of your concealed weapon...



THEN

Florida law provides that you must also be in possession of your CWFL and Valid Identification.

Florida Statute §790.06



Present Your CWFL

IF

You are in the possession of a concealed weapon...

AND

A Law Enforcement Officer demands your identification (such as a drivers license)



THEN

Florida law provides that you must present both your valid identification as well as your CWFL.

Florida Statute §790.06





WHERE CAN I LEGALLY CARRY A FIREARM?

Both before and after you get your CWFL you will want to familiarize yourself with the locations where it is legal for you to possess a firearm.

Some Specific Locations	With CWFL	W/O CWFL
In a person's own home or place of business.	YES	YES
In a motor vehicle if the firearm is concealed but not in a secured case.	YES	NO
In a motor vehicle if the firearm is in a secured case and carried for self-defense or other lawful purpose.	YES	YES
Public places not otherwise prohibited by law.	YES	NO
Property of any public or private school, school bus, school bus stop, or school activity or event, career center, college, technical school, or university.	NO	NO
Any school, college, or professional athletic event not involving firearms.	NO	NO
Hospitals that do not provide mental health services.	YES	NO
Any police, sheriff, or highway patrol station; or detention facility, jail, or prison.	NO	NO
Any courthouse or courtroom without the judge's permission.	NO	NO
Any polling place.	NO	NO
Private property upon receiving actual or posted notice that entrance with a firearm is not permitted.	NO	NO
Any meeting of the Legislature or legislative committee.	NO	NO
Any meeting of the governing body of a county, municipality, public school district or special district.	NO	NO
State or local government property any time a meeting is not occurring.	YES	NO
Any United States Post Office or other place not permitted by federal law.	NO	NO
Any portion of an establishment licensed to dispense alcoholic beverages for consumption on the premises, which portion of the establishment is primarily devoted to such purpose.	NO	NO
The inside of an airport terminal, except for a firearm encased for shipping as checked baggage.	NO	NO
Inside a seaport including parking lots at the seaport.	NO	NO
Any place of nuisance as defined in Florida Statute §823.05.	NO	NO
While engaged in camping, hunting, or fishing.	YES	YES
While engaged in firearms training, testing, or at a shooting range.	YES	YES
Grocery, convenience, or liquor stores which are not posted as prohibiting firearms.	YES	NO

SELECT PLACES IN FLORIDA



Is It Trespassing?



Florida law is at best silent with regards to whether these types of signs give a CWFL holder “legal notice” that their entry would be a trespass. Further, at the time of printing, there existed no reported court cases on this issue. However, if you have actual notice (*i.e.* the property owner told you) not to enter or to leave private property because you are carrying a gun and you fail to depart, you are committing an act of criminal trespass.

Florida Statute §810.08, §810.09



Parking Lots



Note that business owners cannot prohibit you from lawfully keeping a firearm locked in your vehicle in the business’ parking lot. Schools, prisons, nuclear plants, companies engaged in national security, companies licensed to make, use, or store explosives, or places where firearms are prohibited by federal law are not included in this parking lot provision.

Florida Statute §790.251

Bars and Restaurants

It is a crime to carry a weapon into “any portion of an establishment licensed to dispense alcoholic beverages for consumption on the premises, which portion of the establishment is primarily devoted to such purpose.” Therefore, you may not legally carry your concealed firearm into bars, taverns, and the bar area of a restaurant.



Florida Statute §790.06(12)(a)



Airports



You may not carry your firearm in any portion of an airport terminal under Florida law. This includes both the secured and unsecured areas of the terminal.

Florida Statute
§790.06(12)(a)

State and National Parks



CWFL holders may legally carry in both state and national parks in Florida. But note: you are legally excluded from carrying a firearm in any federal government buildings such as the museum or ranger stations located in national parks.





I'M CHARGED WITH WHAT?

The Following Are Crimes For Which Justification

Open carry of a firearm, (except for a license holder who does not briefly display the firearm in an angry or threatening manner, or in necessary self defense)
- 2nd Degree Misdemeanor

Improperly exhibiting a firearm in a rude, angry, careless, or threatening manner not in necessary self-defense
- 1st Degree Misdemeanor

Knowingly discharging a firearm in any public place, paved road, or occupied premises; recklessly or negligently discharging a firearm outdoors on property used primarily as the site of a dwelling or zoned for residential use
- 1st Degree Misdemeanor

Aggravated Assault:
Intentional threat to commit an act of imminent violence with the use of a deadly weapon without an intent to kill
- 2nd Degree Felony

MISDEMEANORS

Any occupant of a vehicle who knowingly and willfully discharges a firearm from the vehicle within 1,000 feet of any person
- 2nd Degree Felony

HOW BAD IS IT?



Under Florida Law May Be Used As A Defense.

FELONIES

1st Degree Murder : The premeditated killing of another person
- Capital Felony

2nd Degree Murder: The unlawful killing of another person resulting from a dangerous act committed by a person with a depraved, reckless disregard for human life
- Life Felony

Manslaughter: The killing of another person through negligent acts
- 1st Degree Felony

Aggravated Battery: Intentionally causing great bodily harm against another, or using a deadly weapon during the commission of the battery
- 1st Degree Felony

Maliciously shooting into a dwelling, building, or mode of transportation
- 2nd Degree Felony

Florida law provides an additional aspect to the sentencing of individuals who possessed or used a firearm during the commission of a felony crime. Florida Statute §775.087 outlines felony elevation as well as minimum sentence durations.

PUNISHMENT

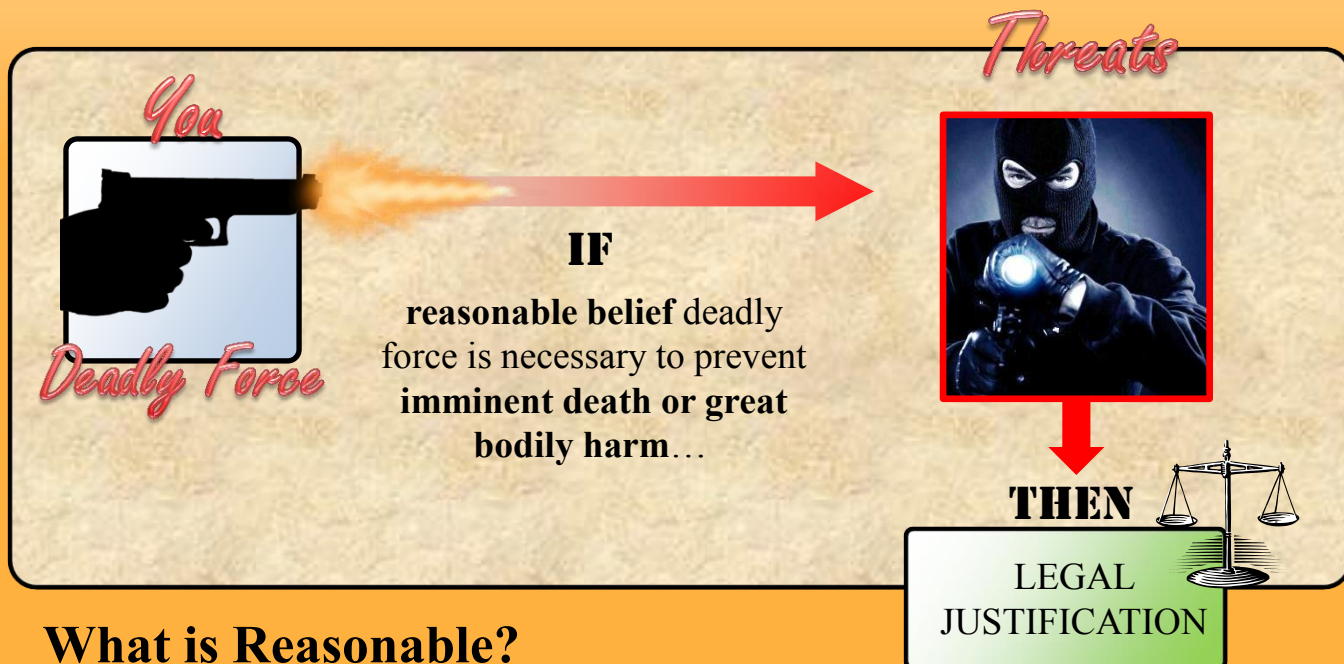
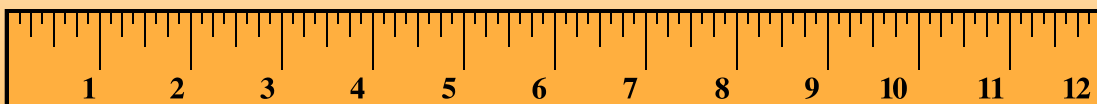
- **Capital Felony**
death or life imprisonment
- **Life Felony**
imprisonment for life or term of imprisonment not exceeding 40 years
- **1st Degree Felony**
imprisonment not exceeding 30 years or when authorized by the statute, up to life in prison
- **2nd Degree Felony**
imprisonment not exceeding 15 years
- **3rd Degree Felony**
imprisonment not exceeding 5 years; 3 year minimum prison sentence if a firearm is involved

- **1st Degree Misdemeanor**
imprisonment not exceeding 1 year
- **2nd Degree Misdemeanor**
imprisonment not exceeding 60 days



REASONABLE PERSON STANDARD

**Your Conduct Will Be Measured
By A Reasonable Person Standard**



What is Reasonable?

The law will judge your actions (*i.e.* use of deadly force) by using the reasonable person standard. That is – would a reasonable person under the same or similar circumstances agree that to prevent imminent death or great bodily harm deadly force was necessary? This reasonable person standard is the law's attempt to make the concept of reasonableness an objective test. The law does not focus on whether you believed deadly force was reasonable, but whether a reasonable person would consider it reasonable. If the legal system (ultimately this could be a jury) determines that a reasonable person would agree that to prevent imminent death or great bodily harm deadly force was necessary, then you were legally justified in using deadly force. However, juries, judges, and prosecutors are simply human beings, and people can have vastly different ideas of how a reasonable person should act under any given circumstances. This is particularly true if asked to decide whether or not deadly force was necessary to prevent imminent death or great bodily harm.

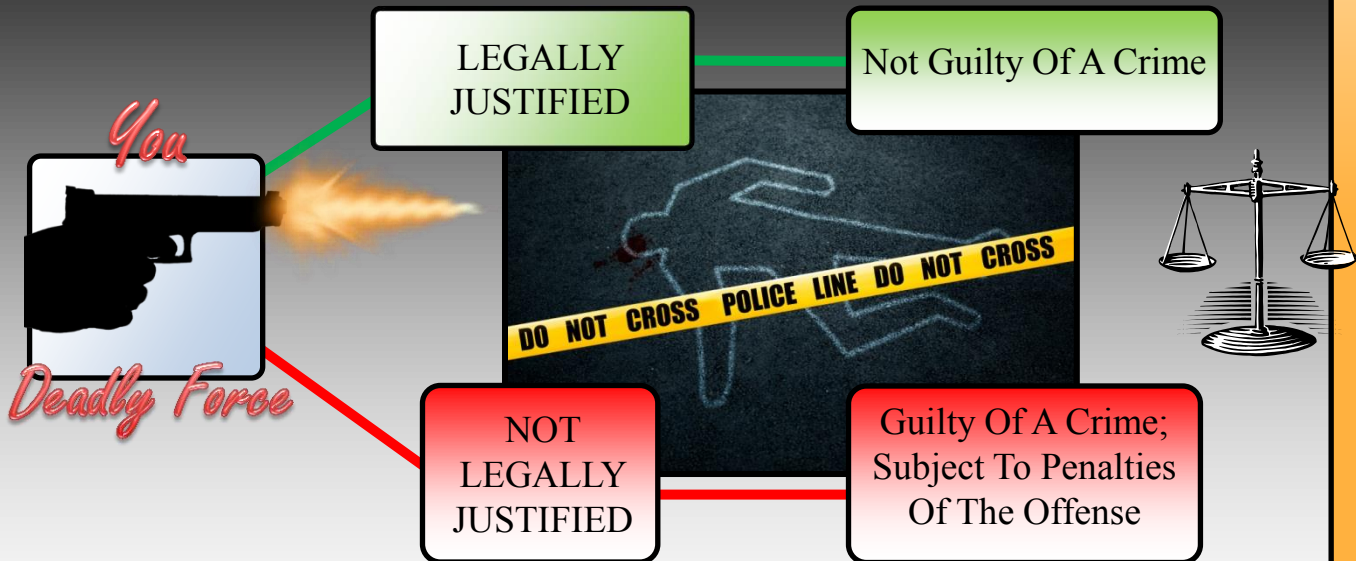


WHEN IS IT NOT A CRIME?



Justification Of Deadly Force

Legal justification is a set of circumstances that the law says is a valid excuse for a person doing something that would otherwise be a crime.



As a general rule, it is illegal to shoot someone, however, if done under a particular set of circumstances (*i.e.* self-defense/defense of others) the law states a person is excused from the illegality or is legally justified.

What is Deadly Force?

Florida law defines “deadly force” as force that is likely to cause death or great bodily harm. Discharging a firearm is considered use of deadly force.

What is a Forcible Felony?

A great majority of Florida’s law regarding when “use of deadly force” is legally justified, is based on a perpetrator’s commission of a “Forcible Felony.” Florida Statute §776.08 lists these crimes for which deadly force is legally justified as a response.

- Murder
- Manslaughter
- Sexual Battery
- Aggravated Assault
- Carjacking
- Home Invasion Robbery
- Robbery
- Burglary
- Arson
- Kidnapping
- Aggravated Battery
- Aggravated Stalking
- Aircraft Piracy
- Treason
- Unlawful throwing, placing, or discharging of a destructive device or bomb
- Any other felony which involves the use or threat of physical force or violence against an individual



WHEN CAN YOU LEGALLY USE DEADLY FORCE...

Imminent Threats

Law of Self Defense

Deadly Force May Legally Be Used In Florida:

You



- Murder & Manslaughter
 - Kidnapping & Sexual Battery
 - Robbery & Aggravated Assault
 - Carjacking & Aggravated Battery
 - Home Invasion Robbery & Aggravated Stalking
- When a person has a reasonable belief that deadly force is necessary to prevent imminent death or great bodily harm to yourself;
 - When a person unlawfully and forcefully enters or entered a dwelling, residence, or occupied vehicle;
 - When a person unlawfully and forcefully removes or attempts to remove you from a dwelling, residence, or occupied vehicle; or
 - When a person has a reasonable belief that deadly force is necessary to protect themselves from the imminent commission of a forcible felony.



- Dwelling – a building or conveyance of any kind, including any attached porch, whether the building or conveyance is temporary or permanent, mobile or immobile, which has a roof over it, including a tent, and is designed to be occupied by people lodging therein at night.
- Residence – a dwelling in which a person resides either temporarily or permanently or is visiting as an invited guest.
- Vehicle – a conveyance of any kind, whether or not motorized, which is designed to transport people or property.
- The Florida laws for justification of “use of deadly force” can be found in Florida Statute Chapter 776.

WHEN CAN YOU LEGALLY USE DEADLY FORCE...



Law of Defense of Others

Imminent Threats

Deadly Force May Legally Be Used In Florida:



Murder & Manslaughter

Kidnapping & Sexual Battery

Robbery & Aggravated Assault

Carjacking & Aggravated Battery

Home Invasion Robbery & Aggravated Stalking

- When a person has a reasonable belief that deadly force is necessary to prevent imminent death or great bodily harm to another;
- When a person unlawfully and forcefully enters or entered a dwelling, residence, or occupied vehicle;
- When a person unlawfully and forcefully removes or attempts to remove another from a dwelling, residence, or occupied vehicle; or
- When a person has a reasonable belief that deadly force is necessary to protect another from the imminent commission of a forcible felony.





WHEN CAN YOU LEGALLY USE DEADLY FORCE...

Protection of Your Property

Trespasser

DON'T SHOOT! Deadly Force is **NOT** legally justified!

Trespass



**Tortious or
Criminal
Interference
with
Property**

**DON'T EVEN
THINK OF
PARKING
HERE**



“but,” non-
deadly force
is justified.

**NO DEADLY
FORCE!**

§776.031 of the Florida Statute allows for legal use of force, **NOT** deadly force, to terminate a trespass or interference with property.

But, IF...

Trespasser

Commits or Attempts to Commit...

Arson



Burglary



Aircraft Piracy

Any Other Forcible Felony



**Then deadly force is
justified...**



Although Florida Statute Chapter 776 provides that you are not legally justified in using deadly force to defend your property or to terminate a criminal trespass, it does provide that if the perpetrator begins to commit a forcible felony, such as arson, burglary, or aircraft piracy, then you are legally justified in using deadly force to prevent the imminent commission thereof.

WHEN CAN YOU LEGALLY USE DEADLY FORCE...



Protection of a 3rd Party's Property

STOP

Florida Statute §776.031 provides that you may use force, NOT deadly force to protect a third person's property to the same extent as the law allows you to protect your own property as long as you reasonably believe:

- You have a legal duty to protect the third person's property; or
- The third person's land or property is that of your immediate family member or household.



However

- You may use deadly force to stop the imminent commission of a forcible felony against the 3rd person's property.

Protection Against Animals

Florida law does not provide a specific statutory justification for using deadly force against animals in protection of yourself or another. However, Florida courts have the discretion to allow you to claim self defense or necessity as a defense to the charge of animal cruelty (this is a common charge if you use force or deadly force against an animal).

Florida law does provide however, that you may shoot a **DOG** in defense of your own domestic animal or livestock..



This does not appear to apply if another wild animal attacks your domestic animals or livestock



Florida Statute §767.03

The definition of both "domestic animal" and "livestock" can be found in Florida Statute §585.01

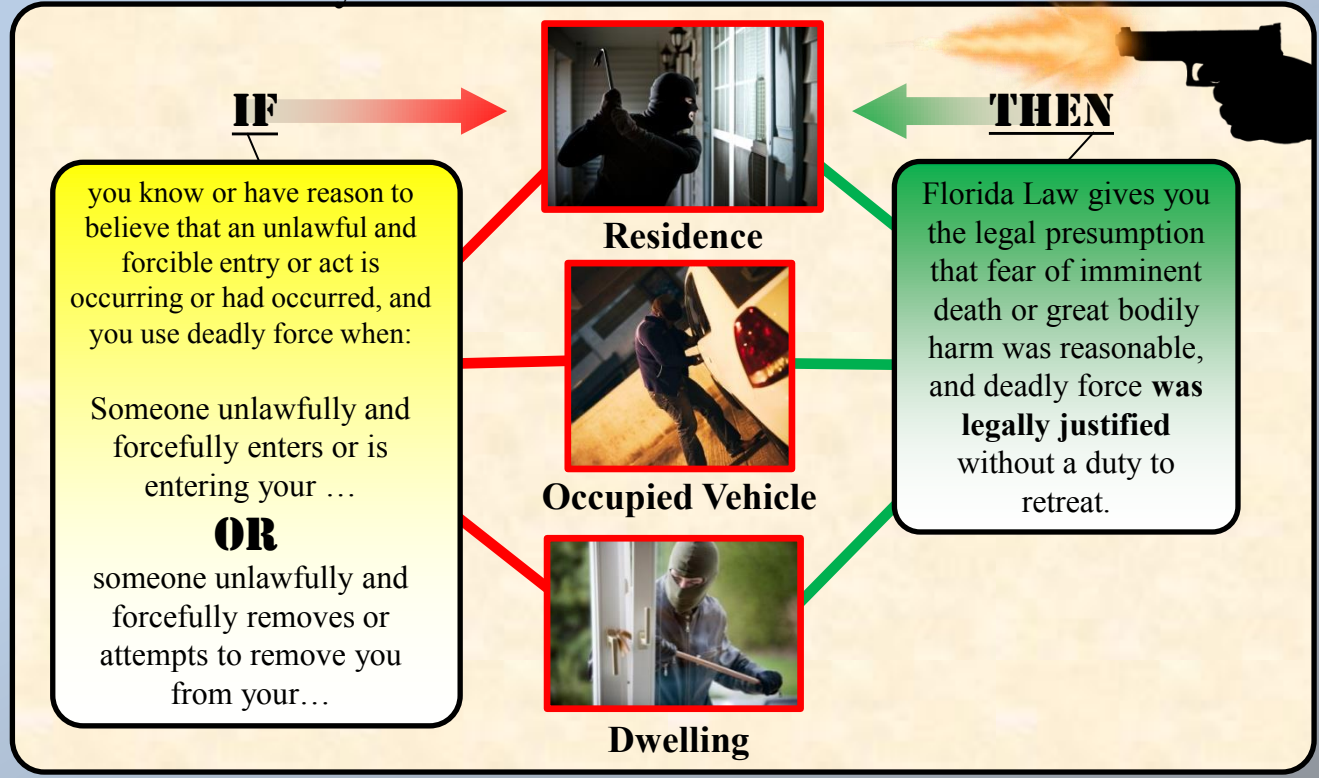


THE CASTLE DOCTRINE

The “Castle Doctrine” is the popular name for a legal philosophy that every person, as the “King” or “Queen” of their own home, never has to flee the castle before using deadly force against an intruder. Florida’s version of the Castle Doctrine can be found in Florida Statute §776.013.



Use of Deadly Force Under the Castle Doctrine in Florida



What’s The Difference Between A Residence And A Dwelling?

- Dwelling – a building or conveyance of any kind, including any attached porch, whether the building or conveyance is temporary or permanent, mobile or immobile, which has a roof over it, including a tent, and is designed to be occupied by people lodging therein at night.
- Residence – a dwelling in which a person resides either temporarily or permanently or is visiting as an invited guest.

DO I HAVE TO RETREAT?



Florida law allows a person to stand their ground with no duty to retreat and meet force with force. If you qualify under the statute, a prosecutor or law enforcement officer cannot argue that you had a reasonable escape route or that you should have had to fall back before justifiably using deadly force.

No Legal Duty To Retreat!



Am I Legally Required To Retreat?

Florida Law Provides you have:

**NO DUTY TO
RETREAT AND
HAVE THE RIGHT TO
STAND YOUR GROUND**

IF



all three of the following are met...

- ✓ You are not engaged in unlawful activity;
- ✓ You are in a place where you have a legal right to be;
- ✓ You have a reasonable belief that deadly force is necessary to prevent death or great bodily harm or to prevent the commission of a forcible felony.

- The law concerning “Stand Your Ground” is contained in §766.013(3) of the Florida Statute.



WHAT TO DO AFTER BANG!

Invoke Your Legal Rights!

Many countless men and women have sacrificed their lives and fortunes so that we Americans may have legal rights – don't waive them. If you are involved in a shooting, you may need every legal right available.

The 911 Call

Make sure the threat has been controlled.

Call 911.

Return the firearm to safe keeping if possible.

Do not disturb the scene.

CALL YOUR LAWYER!

When police arrive, comply with all commands in a non-threatening manner, keeping your hands clearly visible. The police do not know who the good guys and bad guys are when they first arrive.

Inform the police that you have been a victim of a crime. State to the police: "I wish to invoke my right to remain silent, and I want to consult my attorney before making any statements."

Make no statement to anyone about the incident; wait to talk to your attorney.

If asked to accompany law enforcement, comply, but make no statements.

Do not make jokes or cute remarks and say nothing, even if you believe you have done nothing wrong.



If you use your gun, call 9-1-1 and get medical and police assistance. However, the only information that the 9-1-1 dispatcher needs to know from YOU is your name, the location of the emergency, what assistance is needed, and that you have been a victim of a crime. **DO NOT DISCUSS WHAT HAPPENED WITH THE OPERATOR!** All calls are recorded.

Don't Talk After A Shooting

Talk to your lawyer before you make any statements about a shooting. If what you say does not match the physical or material evidence at the scene, you may have a huge problem regardless of how innocent your mistake may be. Your freedom, liberty, and fortune are at risk, so invoke your right to remain silent and your right to a lawyer.



The Role Of The Police

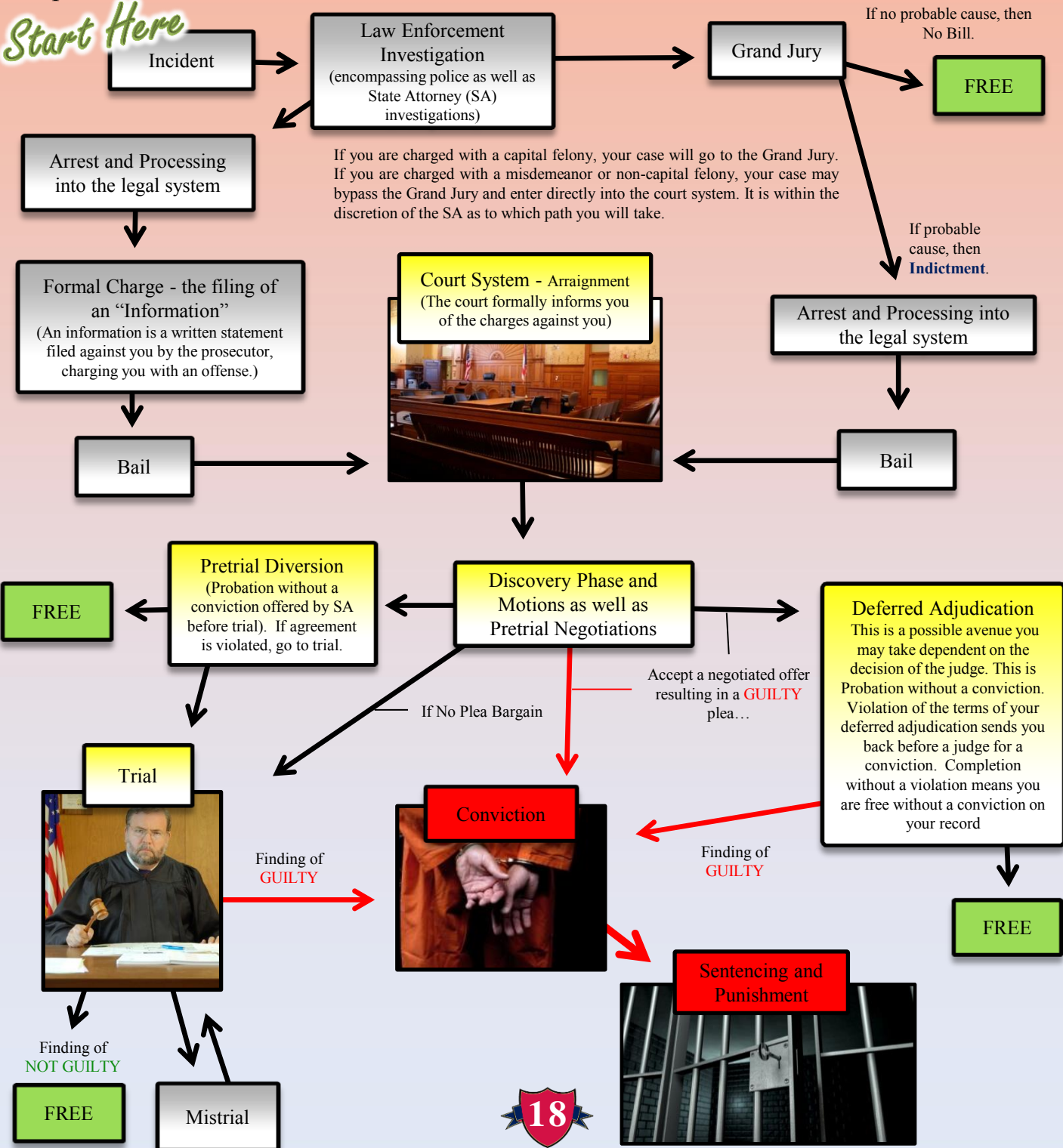
Law enforcement's main job after a shooting is to investigate. Remember, what you say to the police can and **WILL** be used against you. Note: the U.S. Supreme Court, in 2010, held that a police interrogation may go on indefinitely until you invoke your legal rights – so **INVOKE YOUR RIGHTS!**

FLORIDA CRIMINAL LEGAL PROCESS



This is the standard progression through the legal system for incidents relating to firearms. Charges may be dismissed at any time, thus ending the process.

Start Here





CIVIL LIABILITY

Two Independent Legal Systems



The Bad News – Your Insurance Won’t Cover It



Unfortunately, if you have used justified deadly force against another, your homeowners insurance or most other insurances, will provide you no coverage. Why? – Because insurance generally only covers acts of negligence, and not intentional acts. You intentionally shot the bad guy, thus, no coverage.

The Good News – Statute Offers Some Protection

Fortunately, Florida law provides a certain degree of immunity if you have justifiably used deadly force. Unfortunately, in order to invoke this “protection” or “immunity” offered by the statute, you must put forth the immunity defense in court, and show that you were justified in using deadly force. The civil liability immunity statute is contained in Florida Statute §776.032. It provides that if a person uses legally justified force or deadly force, that person:

“...is immune from criminal prosecution, and civil actions...”

Even with the protection of this statute, if the bad guy sues you, you will have to introduce facts to the judge to prove beyond a preponderance of the evidence that you were justified. This statute front-loads the legal process, and puts the majority of legal arguing in the pre-trial phase. Thankfully, if you were justified and your lawyer correctly files a motion to dismiss the opposition’s claims based on your immunity, you can recover attorneys’ fees, court costs, compensation for lost income, and expenses incurred.

Note To US Law Shield Members:

All of Your Attorneys’ Fees Are Covered For Both The Criminal and Civil Systems.

US Law Shield:
“We Defend Your
Right To Bear Arms”



THE RULES OF FIREARM SAFETY

Whenever handling a firearm, it is imperative that you always follow the basic rules of firearm safety and safe gun handling.

THE CARDINAL RULES



Keeping the finger straight off the trigger of a Glock 17.

- 1) Treat **EVERY** weapon as if it were loaded
- 2) Never point a firearm at anything you don't intend to shoot
- 3) Keep your finger straight and off the trigger until you are ready to fire

RULES FOR PROPER USE OF A FIREARM



Always wear eye and ear protection.

Know your target's foreground and what is beyond it.



Only use proper ammunition as specified by the firearm's manufacturer.

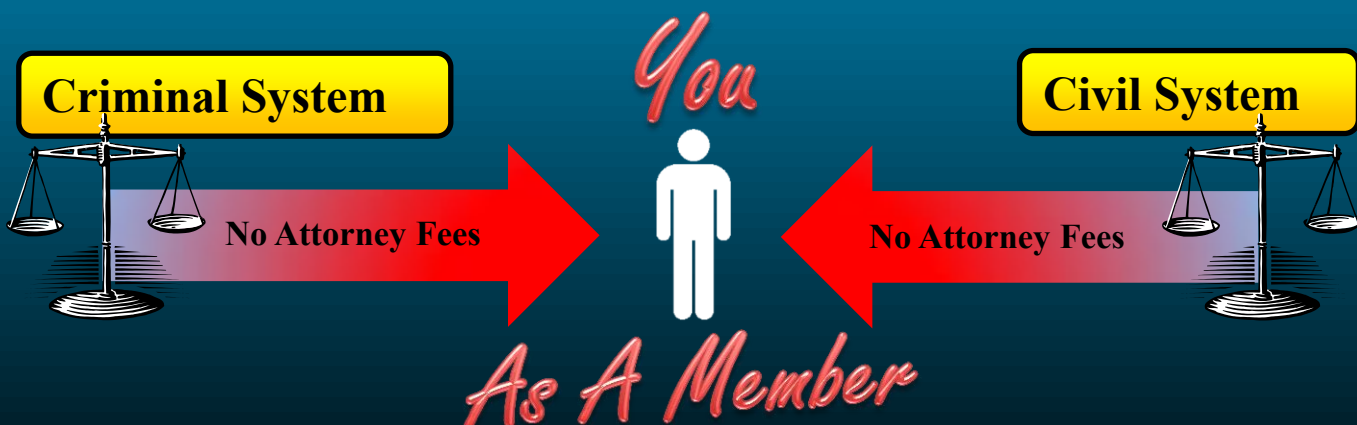


Never use a firearm under the influence of alcohol or drugs (including over the counter or prescription).



**FIREARMS LEGAL
DEFENSE PROGRAM**

YOUR AFTER-BANG PLAN



Sign Up Now!

**Your Membership Starting As
Low As \$10.95 / Month**



**24/7 Attorney
Answered Hotline**



**Criminal and Civil Law Protection
NO Additional Attorney Fees**

**Any Use Of A Firearm
Covered Anywhere You Can
Legally Have A Gun**

**Firearms Education:
"Questions and Education"**

**Continued Education:
"Update on Laws"**

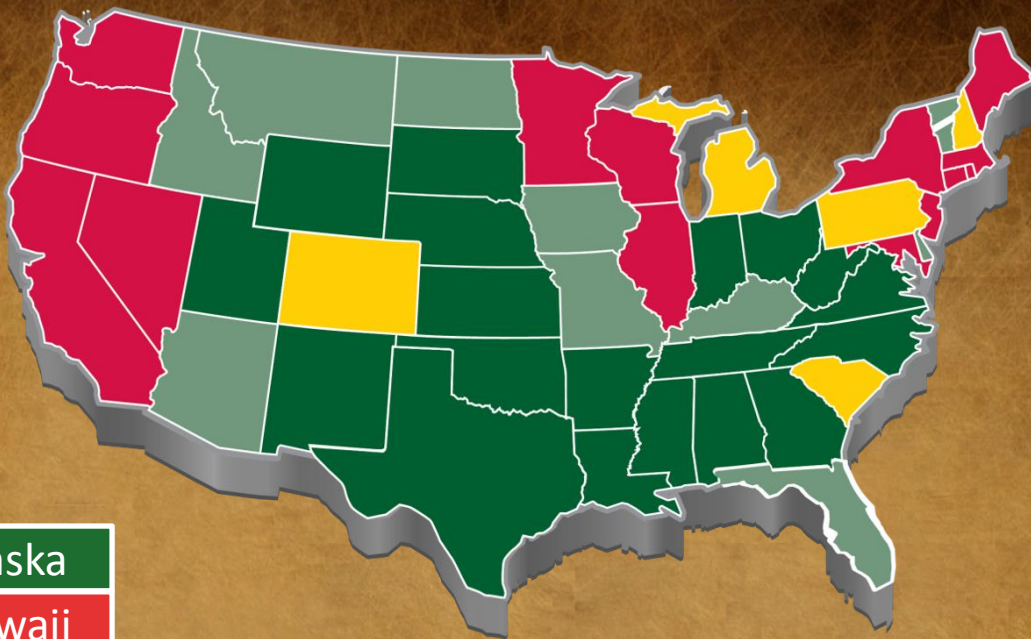
Also Available:

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**USLawShield.com
(877) 474-7184**

**This program is brought to you by US Law Shield
Legal Expense Insurance Corp.**

Notes Continued:



Alaska
Hawaii

	Handguns Only		Not Recognized		Legal to carry open or concealed
	All Weapons		Handguns for FL Residents Only		

Traveling With Your Firearm

If travel plans take you beyond the borders of the Sunshine State, and you wish to continue exercising your 2nd Amendment rights in one of the other states of the Union, familiarize yourself with that state's laws! When you are in another state, you are subject to that state's laws. There is no standardization of gun laws within the 50 individual states (not to mention Indian Reservations). Even states that are thought of as "gun friendly," can have peculiar quirks in their firearm laws. The firearm laws of the various states are usually found on that state's chief law enforcement department or attorney general website. If you are traveling to or through a state which does not honor a Florida CWFL, it is imperative that you check the laws of that state concerning legally traveling with a firearm. In states that do not recognize Florida CWFLs, a good general rule when traveling, is to unload your firearm, lock and stow it in a locked trunk or other area that is not accessible to the driver. **Take the time to know the law!**

Any of the information in this manual is solely a general legal discussion of the law in Florida and should not be considered as giving legal advice, nor creating an attorney-client relationship. This manual is not a substitute for legal advice on any particular situation. Your situation may be different so contact an attorney regarding your personal circumstances. Only a licensed attorney may give you legal advice. Please call our office for more information:
(877) 474-7184

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