

**Garden City Teachers Association
Benefit Trust Fund
Legal Services Program**

“(The assistance of counsel) is one of the safeguards of the Sixth Amendment deemed necessary to ensure fundamental human rights of life and liberty....The Sixth Amendment stands as a constant admonition that if the constitutional safeguards it provides be lost, justice will not still be done.”

United States Supreme Court Justice Hugo Black
Gideon v. Wainwright

GENERAL RULES REGARDING COVERAGE

Enrollment

To receive benefits, you must have completed a Trust Fund Enrollment Form. The Enrollment Form provides the Fund with necessary basic information: your name, address, Social Security number, birth date, marital status, etc. If you have not completed an Enrollment Form, it is essential that you do so at the earliest possible opportunity.

All correspondence addressed to the Fund must contain the member's name and address. Please notify the Fund in writing, of any changes of name, address, etc. Maintenance of current records assures efficient processing of your claim and prompt receipt of your benefits.

Appeals to the Board of Trustees

The Board of Trustees adopts rules and regulations for the payment of benefits and all provisions in this booklet are subject to such rules and regulations and to the Agreement and Declaration of Trust, which established the Fund and governs its actions.

A covered member may request a review of action taken by the Fund Office by submitting an appeal, in writing, to the Board of Trustees within 60 days after the action of the Fund Office. Such appeal should be addressed to the Board of Trustees of Garden City Teachers Association Benefit Trust Fund, C/O the Fund's panel law firm, Mirkin & Gordon, P.C. 98 Cutter Mill Road, Great Neck, New York 11021.

WHO IS ELIGIBLE?

If you are eligible for benefits from the Garden City Teachers Association Benefit Trust Fund, you are eligible for legal services benefits. See pages 7-9 of this booklet for eligibility rules.

Your dependents are not eligible for legal services benefits unless specifically included in the benefit description.

HOW TO USE THE LEGAL SERVICES PROGRAM

If you wish to make an appointment to consult a lawyer for benefits provided by the Garden City Teachers Association Benefit Trust Fund, call the panel law firm directly at (516) 466-6030.

You will be provided with an attorney from the panel law firm selected by the Fund. This firm will provide the covered member with the benefits of the Benefit Trust Fund. Your relationship with this law firm will be that of attorney and client. The attorney-client relationship will be exclusively between the covered member and the law firm. No member of the Fund, or any Trustee of the Fund, can interfere in this relationship.

The Fund is designed to help pay for covered legal services. While the Fund cannot pay for all legal costs incurred, it will help meet a substantial amount of such costs. You should explore,

with an attorney of the panel law firm, the cost involved for any problem for which you seek help so that you and the law firm will have a working concept of what services are covered as well as what you will have to pay yourself. Remember, however, that it is not always possible to estimate total costs. When, after general consultation with the panel law firm, you decide to retain the panel law firm, you will then be requested to make initial appropriate payment as indicated in the plan of benefits.

You are not compelled to use the plan provided by the Fund. You are free at all times to select an attorney of your own choosing and make payment to such an attorney for services. However, the Fund will not absorb or be responsible for any part of the fees or charges of attorneys other than those representing law firms on the panel of the Fund.

A covered member is also free at any time to discontinue the services of the panel law firm and, if he/she so desires, to secure the services of a non-panel attorney. However, in such an event, the Fund will neither be responsible for nor absorb any part of the fees or charges of such other attorneys. In addition, the covered member continues to be obliged to the panel law firm for any cost already incurred above the scheduled amount.

The panel law firm may, under exceptional circumstances, at any time (as is customary in the case of the independent retention of private attorneys) not undertake, discontinue or withdraw from representation of any covered member with appropriate adjustment of fees. In such cases, the covered member is free to secure his/her own counsel. However, the Fund will neither absorb nor be responsible for any of the fees or charges of a non-panel attorney.

There is no subscription or registration fee to be paid by any covered member in order to entitle him/her to the benefits of the Fund.

In instances where two covered members are involved in the same controversy or proceeding as adversaries, (and both members would have the right to the benefit under the rules of the Fund) each member will be provided access to an attorney or provided with a stipend by the Fund, at the discretion of the Trustees.

REPRESENTATION IN CIVIL MATTERS

The benefits of the Fund are divided into two major benefit categories: **Representation in Civil Matters** and **Representation in General Legal Matters**. You are entitled to representation in no more than three (3) Civil Matters during a rolling twelve (12) month period, beginning with your request for representation in the first matter. The following section concerns itself with the specific benefits within this category.

Legal Defense Benefit

Who is Covered?

Any covered member who is a defendant in a situation involving his/her rights in resisting a claim and has had a legal action started against him/her which does not fall within any of the specified benefits listed in this booklet*, is covered by this benefit.

***Please note that special service benefits such as those involving divorce proceedings, separation proceedings, annulment proceedings, adoption proceedings, and homeowner proceedings are covered by the schedules and contained under those specific headings in this booklet.**

What is the Benefit?

The Fund provides coverage through the panel law firm for all necessary legal services arising from the defense of a lawsuit or proceeding commenced against you in courts and administrative agencies. The following are only examples of some of the courts and agencies in which the Fund provides coverage under the Legal Defense Benefit:

- Supreme, Surrogate's & District Courts of Westchester County
- United States District Court for the Eastern and Southern Districts of New York
- United States Customs Court
- Supreme, Surrogate's and County Courts of New York, Brooklyn, Queens, Richmond, Bronx, Nassau, Rockland, Putnam, Dutchess and Suffolk Counties
- Civil Courts of New York, Brooklyn, Queens, Richmond and Bronx Counties
- District Courts of Nassau and Suffolk Counties;
- Administrative Agencies and Bureaus.

This benefit provides, for example, the legal defense cost of a lawsuit alleging breach of contract or against lawsuits involving garnishment or medical expense claims. Your problem may be successfully resolved after consultation with a panel attorney or it may necessitate the steps leading to and including your defense in a litigation or before an administrative agency.

The following schedule indicates the legal services available and the amount to be paid by you at each stage:

<u>Steps in the Legal Process Provided by The Fund through the Panel Law Firm</u>	<u>Amount Paid by You</u>
A. Consultation.....	Nothing
B. Pre-litigation: including, for example, negotiation of settlement including the drafting of any necessary papers.....	\$15
C. Litigation: including, for example, third party complaint, demand for Bill of Particulars, preparation of Jury Demand and Court Appearance, if necessary.....	\$35

If the Legal Defense Benefit is concluded at the consultation stage there is no cost to you. However, if the Legal Defense Benefit is concluded at the pre-litigation stage, the cost to you is \$15; if the Legal Defense Benefit must enter the litigation stage, the cost to you is an additional \$35. The total cost to the member for a Legal Defense Benefit that reaches litigation is \$50 (\$15 + \$35).

How is the Legal Defense Benefit Obtained?

To obtain this benefit, simply contact the panel law firm to request an appointment. At the time of your appointment, you and an attorney from the panel law firm will complete the appropriate forms.

Uncontested Legal Separation Benefit

Who is Eligible?

Any covered member who desires to seek a separation from his/her spouse by means of a separation agreement mutually agreed upon by the parties .

What is the Benefit?

There are two types of legal separation: uncontested and contested separation. The Fund provides coverage for all circumstances in the legal process in uncontested separation proceedings.

Uncontested Separation: Coverage is provided through a panel law firm for all necessary legal services, which the preparation and negotiation of a separation agreement may require. The separation agreement may be prepared and executed with a minimum of consultation or it may necessitate extensive negotiation with opposing counsel and spouse.

The following schedule indicates the legal services available and the amount to be paid by you in each circumstance:

<u>Steps in the Legal Process Provided by The Fund through the Panel Law Firm</u>	<u>Amount Paid by You</u>
A. Consultation.....	Nothing
B. Uncontested or cooperatively agreed..... separation with minimal negotiation	\$45
C. Settlement after extensive negotiation.....	\$75

How is the Legal Separation Benefit obtained?

To obtain the Legal Separation Benefit, simply contact the panel law firm to request an appointment. At the time of the appointment, you and an attorney from the panel law firm will complete the appropriate forms.

Uncontested Divorce Proceeding Benefit

Who is Eligible?

Any covered member is entitled to this benefit.

What is the Benefit?

Divorce proceedings may be categorized as uncontested or contested matrimonial actions or the dissolution of a domestic partnership. The Fund provides coverage for all steps of the legal process in uncontested divorce proceedings.

Steps in the Legal Process Provided by The Fund through the Panel Law Firm

- A. A member is entitled to ten hours of legal representation in negotiating a divorce settlement until litigation must commence in instances where the panel attorney determines that litigation is necessary in order to maintain, defend, advance or assert the member's interest (See "B" below). A divorce action will be initiated when:
1. The member and spouse have agreed upon an uncontested divorce and no stipulation of settlement is required; or
 2. The member and spouse had previously signed a separation agreement or stipulation of settlement and have agreed upon an uncontested divorce; or
 3. The member requests representation in negotiating a stipulation of settlement (e.g.: equitable distribution, child support, custody, visitation and maintenance) and the spouse has retained an attorney. A stipulation of settlement is negotiated and executed, grounds are agreed upon and the spouse signs an affidavit agreeing upon the grounds for divorce

Amount

Paid by You.....\$60.00

- B. The member may (in addition to "A" above) retain the services of the panel law firm after the first ten hours of legal representation or once litigation is necessary to commence, subject to a written agreement of retention. The panel firm has agreed to provide said representation with a 25% reduction in its hourly rate, which hourly rate has been established as \$350.00 for 2009.

How is the Divorce Proceeding Benefit Obtained?

To obtain the Divorce Proceeding Benefit, simply contact the panel law firm to request an appointment. At the time of the appointment, you and an attorney from the panel law firm will complete the appropriate forms.

Uncontested Annulment Benefit

Who is Eligible?

Any covered member is entitled to this benefit.

What is the Benefit?

There are two types of annulments: uncontested and contested. The Fund provides coverage for all steps of the legal process in uncontested annulment proceedings.

The following schedule indicates the legal services available and amount to be paid by the member in each circumstance:

<u>Steps in the Legal Process Provided by The Fund through the Panel Law Firm</u>	<u>Amount Paid by You</u>
Uncontested Annulment - Coverage includes, Summons, Complaint, Note of Issue, Trial or Hearing, preparation of Findings of Fact, Conclusions of Law, Entry of Judgment and Finalization.....	\$60.00

How is the Annulment Benefit Obtained?

To obtain the Annulment Benefit, simply contact the panel law firm to request an appointment. At the time of the appointment, you and an attorney from the panel law firm will complete the appropriate forms.

Adoption Benefit

Who is Eligible?

Any covered member who seeks representation in an adoption proceeding is covered by this benefit.

What is the Benefit?

The Fund will provide you with an attorney from a panel law firm to represent you in formal adoption proceedings. This benefit does not include payment of any fees or expenses to adoption agencies or any other agencies, but is limited to those services normally rendered by an attorney to formalize an adoption. After all arrangements have been agreed upon, the panel attorney will prepare all petitions and allied papers and will appear in court with the parties in support of the adoption, if required.

The following schedule indicates the legal services available and the amount to be paid by you in each circumstance:

<u>Steps in the Legal Process Provided by The Fund through the Panel Law Firm</u>	<u>Amount Paid by You</u>
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Consultation.....	Nothing
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Preparation of Documents and Court Appearance for adoption of child.....	\$65
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How is the Adoption Benefit Obtained?

To obtain the Adoption Benefit, simply contact the panel law firm to request an appointment. At the time of the appointment, you and an attorney from the panel law firm will complete the appropriate forms.

Personal Bankruptcy Benefit

Who is Covered?

You are eligible if you are a covered member.

What is the Benefit?

The Fund provides coverage through the panel law firm for all necessary conferences and legal services in the preparation of a petition to file for personal bankruptcy. Such a petition and schedules to file for personal bankruptcy may be finalized with a minimum of consultation and negotiation or it may involve a number of exceedingly complex steps. In some situations, it may require attendance at meetings with creditors and settlement agreements.

The following schedule indicates the legal services available and the amount to be paid by you in each circumstance:

<u>Steps in the Legal Process Provided by The Fund through the Panel Law Firm</u>	<u>Amount Paid by You</u>
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Consultation.....	\$0
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Simple Personal Bankruptcy.....	\$75
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Complex Personal Bankruptcy.....	\$100
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How is the Personal Bankruptcy Benefit Obtained?

To obtain the Personal Bankruptcy Benefit, simply contact the panel law firm to request an appointment. At the time of the appointment, you and an attorney from the panel law firm will complete the appropriate forms.

Change of Name Benefit

Who is Covered?

You are eligible if you are a covered member.

What is the Benefit?

This benefit provides legal advice and representation in the change of name procedure. Counsel will file all appropriate papers and represent you in the change of name process.

The following schedule indicates the legal services available and the amount to be paid by you at each stage:

<u>Steps in the Legal Process Provided by The Fund through the Panel Law Firm</u>	<u>Amount Paid by You</u>
Consultation.....	\$0
Actual change of name procedure.....	\$45

How is the Change of Name Benefit Obtained?

To obtain the Change of Name Benefit, simply contact the panel law firm to request an appointment. At the time of the appointment, you and an attorney from the panel law firm will complete the appropriate forms.

Homeowner Rights Benefit

Who is Covered?

You are eligible if you are a covered member who owns a private dwelling, a condominium or cooperative apartment as a primary residence or is in the process of purchasing or selling such a primary residence or refinancing of a mortgage on a primary residence.

What is the Benefit?

This benefit has two components:

- Legal advice or representation for the sale or purchase of any private dwelling, condominium or cooperative apartment in which the member primarily resides or plans to reside; or the purchase of any unimproved property with the intention of building a home in which the member expects to primarily reside; or the refinancing of a mortgage on his or her primary residence.
- Legal advice or representation in the defense of a mortgage foreclosure proceeding involving any of the above stated residences.

Regarding the first component of this benefit, the following schedule indicates the legal services available and the amount to be paid by you in each instance:

<u>Steps in the Legal Process Provided by The Fund through the Panel Law Firm</u>	<u>Amount Paid by You</u>
Consultation.....	\$0

Negotiation, Advice and Representation
in the sale, purchase, or refinancing
of a primary residence.....\$60

It should be noted that this benefit does not include any aspects of residential problems that involve Title searches or Title insurance nor the costs of same.

The second component of the Homeowner Rights Benefit is legal representation through the panel law firm attorney in defense of a proceeding to foreclose a mortgage on a dwelling which you own and in which you reside. A mortgage foreclosure problem may be resolved after consultation with a panel attorney or it may require the contesting of any action to foreclose the mortgage in the appropriate court.

<u>Steps in the Legal Process Provided by The Fund through the Panel Law Firm</u>	<u>Amount Paid by You</u>
Consultation.....	\$0
Pre-litigation: including for example, negotiation of settlement as well as the drafting of any necessary papers.....	\$15
Litigation: including, for example, demand for Bill of Particulars, preparation of Jury Demand, Motions and Court Appearances.....	\$125

How is the Homeowner Rights Benefit Obtained?

To obtain the Homeowner Rights Benefit, simply contact the panel law firm to request an appointment. At the time of the appointment, you and an attorney from the panel law firm will complete the appropriate forms.

GENERAL LEGAL MATTERS

As indicated before, the legal services benefits of the Benefit Trust Fund are divided into two categories: Representation in Civil Matters and General Legal Matters.

This section describes the General Legal Matters of the Fund. These benefits are provided to you in those instances where your legal problems do not fall within the benefits provided within the Representation in Civil Matters category.

The following section describes the benefits included within the General Legal Matters category.

General Consultation Benefit (three each year)

Who is Covered?

All covered members are entitled to this benefit.

What is the Benefit?

This benefit provides you with an opportunity to consult with an attorney from the panel law firm for three one-half hour sessions each calendar year concerning any legal questions whatsoever. This benefit is made available by the Fund at no charge to you.

The General Consultation Benefit does not include representation. If such representation involves a covered matter, the Fund will pay the cost of representation in accordance with its Benefit Schedule. Of course, if the matter is not covered, any further legal costs must be borne directly by you.

How is the General Consultation Benefit Obtained?

To obtain the General Consultation Benefit, simply contact the panel law firm to request a consultation appointment. At the time of the consultation, you and an attorney from the panel law firm will complete the appropriate forms.

Document Review Benefit

Who is Eligible?

All covered members are entitled to this benefit.

What is the Benefit?

This benefit provides professional review and interpretation of all legal documents, such as: guarantees, warranties, installment purchase agreements, loans, leases, insurance policies and court papers previously prepared by an attorney from the panel law firm. There is no limitation placed upon the utilization of this benefit, which is provided at no cost to you.

The Document Review Benefit provides review and interpretation of documents only. The Document Review Benefit does not include representation. If such representation involves a covered matter, the Fund will pay the cost of representation in accordance with its Benefit Schedule. Of course, if the matter is not covered, then any further legal costs must be borne directly by you.

Exclusions and Limitations:

The following documents are not included in the Document Review Benefit:

- Tax Returns

- Work that is being prepared by other attorneys at the time of the Document Review Benefit.

How is the Document Review Benefit Obtained?

To obtain the Document Review Benefit, simply contact the panel law firm to request an appointment. At the time of the appointment, you and an attorney from the panel law firm will complete the appropriate forms.

Will Benefit

Who is Eligible?

Any member and/or his/her spouse/domestic partner who wishes to execute a Will or have one reviewed or updated is covered by this benefit.

In addition, the parent(s) or parent(s)-in-law of a member who wishes to execute a Will, or have one reviewed or updated, is covered by this benefit.

What is the Benefit?

This benefit provides for the preparation and execution of a simple will for you (if agreeable to the member), your parent(s) or your parent(s)-in-law under the supervision of an attorney from the panel law firm. This benefit is provided without charge not more than once in a 12-month period.

The Fund makes this benefit available at **no charge to the member, his/her spouse, parent(s) or parent(s)-in-law.**

How is the Will Benefit Obtained?

To obtain the Will Benefit, simply contact the panel law firm to request an appointment. If both member and spouse, domestic partner, mother and father, or mother- and father-in-law, desire a will, it is recommended that they make the appointment together. At the time of the appointment, the appropriate forms will be completed with the assistance of an attorney from the panel law firm. A second appointment will be necessary for the execution (signing) of the completed will(s).

Estates and Administration Benefit

Who is Covered?

Any member; member's eligible dependent who is named Executor in a Will; an Executor named in a Will by a covered member and/or if there is no Will, a member or an eligible dependent who would qualify under intestacy laws to serve as Administrator of the estate is covered by this benefit.

What is the Benefit?

The Fund provides all legal services which may be required in connection with the handling of an estate from its inception (the probate of a Will or Petition for Letters of Administration where there is no Will), through all phases of estate administration including tax proceedings and "winding up" of the estate (through accounts and distribution).*

With respect to the estate of a deceased member, these services are provided to the surviving spouse or eligible dependent children in those instances where the spouse or eligible dependent children would be entitled to be appointed Executor or Administrator.

*PLEASE NOTE: This benefit DOES NOT provide legal services of an adversarial nature, e.g., to contest an existing Will.

The following schedule indicates the possible legal services and the amount to be paid by you.

<u>Coverage Provided by the Fund through a Panel Law Firm</u>	<u>Amount Paid by You</u>
Consultation.....	Nothing

The panel law firm has agreed to provide legal representation in these matters with a 25% reduction in its hourly rate, which for 2009 is \$350.00 (This is \$262.50 per hour for 2009).

How is the Estates and Administration Benefit Obtained?

To obtain the Estates and Administration Benefit, simply contact the panel law firm to request an appointment. At the time of the appointment, you and an attorney from the panel law firm will complete the appropriate forms.

Arraignment Assistance - Telephone Consultation Benefit

Who is Eligible?

You are eligible if you are a covered member or dependent who is a defendant in a criminal proceeding in Nassau, Suffolk, Westchester, Putnam, Dutchess or Rockland Counties, or the boroughs of New York City.

What Is the Benefit?

This benefit provides coverage through the panel law firm for legal assistance arising from an arrest which may lead to immediate imprisonment.

This benefit provides, for example, telephone consultation by an attorney where you or your dependent are charged as the defendant in a criminal matter. It is important to note, however, that this benefit does not cover the costs of legal assistance beyond this stage. If you or your dependent are interested in obtaining legal services beyond the arraignment stage, you must make the necessary arrangements directly with the panel law firm or retain another attorney of your choice.

The following schedule indicates the legal services available and the amount to be paid by you at each stage:

<u>Steps in the Legal Process Provided by The Fund through the Panel Law Firm</u>	<u>Amount Paid by You</u>
Consultation.....	\$0

How is the Arraignment Assistance - Telephone Consultation Benefit Obtained?

To obtain the Arraignment Assistance - Telephone Consultation Benefit, contact the panel law firm.

This service is available at any hour of the day or night by calling the special Fund number assigned to the program: (516) 466-6030.

Consumer Protection Benefit

Who is Covered?

Any covered member is entitled to this benefit.

What is the Benefit?

This benefit provides you with coverage through the panel law firm for a broad range of legal services which might be needed to institute and pursue action against fraudulent practices by merchants, department stores, home repair contractors, public utilities, automobile dealers, appliance dealers, etc. Utilization of this benefit is limited to two matters per member per calendar year and the matter must involve a purchase costing \$500 or more.

The following schedule indicates the legal services available and the amount to be paid by you in each circumstance:

<u>Steps in the Legal Process Provided by The Fund through the Panel Law Firm</u>	<u>Amount Paid by You</u>
Consultation.....	\$0
Representation by Written Communication.....	\$0
Litigation in Small Claims Court.....	\$50
Litigation in Courts other than Small Claims Court.....	\$100 *
Representation with Appropriate Federal Agencies (e.g. F.T.C., etc.).....	\$100 *

*If a lawsuit involves a consumer purchase of \$5,000 or more e.g., "lemon" car -then the cost to you for litigation or representation will be \$250.

Some legal services that are not provided under this benefit include, but are not limited to, suits for punitive damages, class actions and commercial enterprises.

How is the Consumer Protection Benefit Obtained?

To obtain the Consumer Protection Benefit, simply contact the panel law firm to request an appointment. At the time of the appointment, you and an attorney from the panel law firm will complete the appropriate forms.

Identity Theft Protection Benefit

Who is eligible?

Any member who wishes legal consultation in connection with an identity or personal information theft issue is covered by this benefit.

What is the benefit?

The Fund provides coverage through the panel law firm for a member to consult with an attorney if the member believes he/she has been the victim of an act of identity or personal information theft including but not limited to the following examples:

- using or opening of a credit card account in the member's name, fraudulently;
- opening telecommunications or utility accounts in the member's name, fraudulently;
- passing bad checks or opening a new bank account in the member's name, without authorization; and
- obtaining a loan in the member's name, fraudulently.

The panel law firm will provide consultation and assistance* to a member in connection with their contacting and reporting an act of identity theft to the three major credit bureaus, the security departments of the appropriate creditors or financial institutions, the police and the Federal Trade Commission.

The Fund makes this benefit available at no charge to member.

How is the Identity Theft Benefit Obtained?

To obtain the Identity Theft Benefit, simply contact the panel law firm to request an appointment. At the time of your appointment, you and an attorney from the panel law firm will complete the appropriate forms.

****The Identity Theft Benefit does not include representation in litigation other than that already provided in the Consumer Protection Benefit.***

Living Will/Health Care Proxy/Power of Attorney Benefit

Who is Covered?

You are eligible if you are a covered member, a covered member's spouse/domestic partner, a covered member's parent(s), and/or a covered member's parent(s)-in-law.

What is the Benefit?

This benefit provides you, your spouse/domestic partner, your parent(s), and/or your parent(s)-in-law with the opportunity to have a living will, health care proxy and/or durable power of attorney prepared and executed under the supervision of an attorney from the panel law firm. This benefit is provided once every two calendar years at no cost to you.

A living will and/or health care proxy serves as a clear documented expression of an individual's carefully considered intention to have life-sustaining procedures withheld or withdrawn if he or she were to suffer from a catastrophic illness, disease or injury from which there is little likelihood that he or she would recover to enjoy a meaningful quality of life.

How is the Living Will/Health Care Proxy/Power of Attorney Benefit Obtained?

To obtain the Living Will/Health Care Proxy/Power of Attorney Benefit, either you or your spouse/domestic partner should contact the panel law firm to request an appointment. If both husband and wife desire a living will, health care proxy, and/or power of attorney, it is recommended that you make an appointment together. At the time of the appointment, you and an attorney from the panel law firm will complete the appropriate forms.

Planning for the Elderly Benefit**Who is Covered?**

You are eligible if you are a covered member, a covered member's spouse/domestic partner, a covered member's parent(s), or a covered member's parent(s)-in-law.

What is the Benefit?

This benefit provides you, your spouse/domestic partner, your parent(s), and/or your parent(s)-in-law with an opportunity to consult with an attorney from the panel law firm on matters involving the placement of elderly in nursing homes, available Medicare entitlements and health planning for the elderly. This benefit includes the preparation of powers of attorney and is offered at no cost to you.

How is the Planning for the Elderly Benefit Obtained?

To obtain the Planning for the Elderly Benefit, either you or your spouse should contact the panel law firm to request an appointment. At the time of the appointment, an attorney from the panel law firm will complete the appropriate forms with the client.

Estate Planning Benefit**Who is Eligible?**

You are eligible if you are a covered member, a covered member's spouse or domestic partner (if agreeable to the member) or a covered member's parent(s) and/or parent(s)-in-law.

To obtain the Estate Planning Benefit, you should contact the panel law firm to request an appointment.

Appointment of Agent to Control Disposition of Remains Benefit

Who is eligible?

Any covered member, covered member's spouse/domestic partner, covered member's parent(s) and/or parent(s)-in-law.

What is the benefit?

This benefit provides you, your spouse/domestic partner, your parent(s), and/or parent(s)-in-law with the opportunity to have an Appointment of Agent to Control Disposition of Remains document prepared and executed under the supervision of an attorney from the panel law firm.

An Appointment of Agent to Control Disposition of Remains serves as a clear documented designation of a burial agent and expression of special directions of how the individual's burial is to be accomplished.

The Fund makes this benefit available at no charge to member.

How is the benefit Obtained?

To obtain the Appointment of Agent to Control Disposition of Remains benefit, simply contact the panel law firm to request an appointment. At the time of your appointment, you and an attorney from the panel law firm will complete the appropriate forms.

Designation of Person in Parental Relation Benefit

Who is Eligible?

You are eligible if you are a covered member.

What is the Benefit?

This benefit provides the covered member with the opportunity to have a Designation of Person in Parental Relation ("Designation") prepared and executed under the supervision of an attorney from the panel law firm.

A Designation designates another person (the "Designee") as a person in parental relation to a minor or incapacitated person to act on his\her\their behalf in matters relating to education and health care. The Designation is a very useful document for parents who must leave their child with a caregiver for a limited period of time. If drafted properly, the Designation will be valid for up to 6 months.

NOTE: With respect to a covered member who wishes to be named Designee, an attorney from the panel law firm will provide a special consultation to confirm that a Designation one may receive is in conformity with the law.

How to Obtain the Benefit?

To obtain the Designation of Person in Parental Relation Benefit, you should contact the panel law firm to request an appointment. At the time of the appointment, you and an attorney from the panel law firm will complete the appropriate forms.

Counseling of Unemancipated* Children Benefit

Who is eligible?

Upon application of the member/parent, your unemancipated child, who is over 18 years of age and qualifies as an eligible dependent child (as defined by the rules of the Fund).

What is the benefit?

The Fund provides coverage through the panel law firm for consultation and document review services to your unemancipated child on matters involving the following:

- Legal responsibilities that affect your child when they turn age 18, whether or not they are emancipated;
- Contract review;
- Lease review and real estate issues;
- Agreements and documents associated with educational institutions (i.e. universities and colleges);
- Loan agreements and other credit matters; and
- Identity theft matters.

How is the Counseling of Unemancipated Children Benefit obtained?

To obtain the Counseling of Unemancipated Children Benefit, simply contact the panel law firm to request an appointment for your child. At the time of the appointment, your child and an attorney from the panel firm will complete the appropriate forms.

Exclusions:

Excluded from the Counseling of Unemancipated Children Benefit is advice or consultation in any controversy, dispute or proceeding with the covered member/parent.

****An unemancipated child is any dependent child (as defined by the rules of the Fund) who is over 18 years of age and fully dependent on you/the member for support.***

GENERAL EXCLUSIONS FROM ALL LEGAL SERVICES BENEFIT OF THE FUND

All legal services provided by the Fund have been specifically stated and described. Any legal service that has not been so described can be considered excluded from the Fund's legal services plan of benefits.

However, to guide you in your use of the Fund's legal services benefit package, this section lists specifically, but without limitation, particular exclusions from the Plan:

- Any controversy, dispute or proceeding with or against the employer or the employer's agents or officers;
- Any controversy, dispute or proceeding directed against the Union or any of its affiliated bodies, e.g., the Trust Fund, or any of the officers, agents or attorneys of the Union and its affiliated bodies;
- Any controversy, dispute or proceeding in which the Fund would be prohibited from defraying the cost of legal services by any provisions of the law;
- Any controversy, action or proceedings in which representation on a contingent fee basis is normally and customarily available or where the fee is payable by virtue of statute or by order of court;
- Class actions or interventions or amicus curiae activities. Two or more parties may not pool or combine their benefits for the purpose of asserting a claim in which they have a mutual interest;
- Any matter concerning the preparation or filing of income tax returns or payment of income taxes;
- Any controversy, action, proceeding or dispute in which the legal services are available through insurance or through any government agency or attorney (Federal, State or local);
- Any controversy, dispute or proceeding in which you previously retained a lawyer
- Any legal expenses incurred for a matter which commenced before you became eligible to receive a benefit under the Plan;
- Any controversy, dispute, proceeding or matter that cannot be litigated or otherwise handled within Nassau, Suffolk, Westchester, Putnam, Rockland and Dutchess Counties, or the five boroughs of New York City as described in the Legal Defense Benefit section;
- Any controversy, dispute, proceeding or matter which involves a member's business, commercial or investment interest;
- The Fund will not pay claims for services or advice when such activity involves a duplication of the same service or advice previously obtained in connection with the same problem and previously claimed for under the Plan;
- The Fund will not pay court costs and/or filing fees, nor in any event will the Fund pay fines, penalties or any amounts in which a member may be cast in judgment.