

**Clarkstown Teachers Association  
Benefits Trust Fund**

**Legal Services  
Benefits**

# **CLARKSTOWN TEACHERS ASSOCIATION**

## **Benefits Trust FUND**

P O. Box 704

West Nyack, New York 10994

Tel/fax 845-623 8832

[benefits@clarkstownteachers.org](mailto:benefits@clarkstownteachers.org)

### **Board of Trustees**

Catherine Shiel, Chair

John Harrigan, Treasurer

Margaret Gentillo, Secretary

Jeremy Reed, Trustee

Judy Wishtart, Trustee

### **Fund Counsel**

Mirkin & Gordon, P.C.

### **Fund Accountant**

Gould, Kobrick & Schlapp, P.C.

To contact Legal Services: 1-914-997 1576

# TABLE OF CONTENTS

ELIGIBILITY	1
<b>GENERAL RULES REGARDING COVERAGE</b>	1
<b>HOW TO USE THE LEGAL SERVICES FUND</b>	2
<b>REPRESENTATION IN CIVIL MATTERS</b>	3
Legal Defense Benefit	3
Uncontested Legal Separation Benefit	5
Uncontested Divorce Proceeding Benefit	6
Uncontested Annulment Proceeding Benefit	7
Adoption Benefit	8
Personal Bankruptcy Benefit	8
Change of Name Benefit	9
Homeowner Rights Benefit	10
<b>GENERAL LEGAL MATTERS</b>	12
General Consultation Benefit	12
Document Review Benefit	12
Will Benefit	13
Personal Injury (Negligence) Benefit	14
Arraignment Assistance Benefit	14
Consumer Protection Benefit	15
Living Will/Health Care Proxy Benefit	16
Planning for the Elderly Benefit	17
Estates and Administration Benefit	17
Prenuptial Agreement Benefit	19
<b>GENERAL EXCLUSIONS</b>	20

# CLARKSTOWN TEACHERS ASSOCIATION

## Benefits Trust Fund

As of January 1, 1994, the Clarkstown Teachers Association benefits Trust Fund created a program of legal services benefits available to eligible members and in certain instances to their eligible dependents.

### **WHO IS ELIGIBLE?**

If you are eligible for Clarkstown Teachers Association Benefits Trust Fund benefits, you are eligible for benefits of the Group Legal Services. Your dependents are not eligible for Group Legal Services benefits unless specifically included in the benefit description.

### **GENERAL RULES REGARDING COVERAGE**

#### **Enrollment**

To receive benefits, you must have completed a Benefits Trust Fund Enrollment Card. The Enrollment Card 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 Card, 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 Office, 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 of the CTA Benefits Trust Fund 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 of Clarkstown Teachers Association Benefits Trust Fund, P.O. Box 704, West Nyack, New York 10994.

## HOW TO USE THE LEGAL SERVICES FUND

If you wish to make an appointment to consult a lawyer for benefits provided by the Clarkstown Teachers Association Welfare Fund, call (914) 997-1576.

You will be provided with an attorney from a panel law firm selected by the Legal Services Fund. This firm will provide you with the benefits of the 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 employee 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 you have, 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. 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 required to make the 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 to 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.

You are also free at any time to discontinue the services of the panel law firm, and if you desire, 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 non-panel attorneys. In addition, you continue to be obligated to the panel law firm for any cost 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, you are free to secure your own counsel. However, the Fund will neither absorb nor be responsible for any of the fees or charges of a non-panel attorney.

You do not have to pay any subscription or registration fee to obtain the benefits of the Fund.

In instances where two covered members are involved in the same controversy or proceedings 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, as determined by the Board of Trustees.

## **REPRESENTATION IN CIVIL MATTERS**

The benefits of the Fund are divided into two major benefit categories: Representation in Civil Matters and General Legal Matters. All covered members are entitled to three Representation in Civil Matters, each year. The following section concerns itself with the specific benefits within this category.

### **LEGAL DEFENSE BENEFIT**

**Who is Eligible** .....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.\*

**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 a covered member 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 Rockland, Orange, Putnam, Dutchess, New York, Brooklyn, Queens, Richmond, Bronx, Nassau and Suffolk Counties; Civil Courts of New York, Brooklyn, Queens, Richmond and Bronx Counties; District Courts of Nassau and Suffolk Counties and Northern New Jersey; Administrative Agencies and Bureaus.

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

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. A covered member's problem may be successfully resolved after consultation with a panel attorney or it may necessitate the steps leading to ark d 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 the member at each state:

<b>Steps in the Legal Process Provided by The Fund through the Panel Law Firm</b>	<b>Amount Paid by Fund Member</b>
---	---------------------------------------

A. Consultation	None
-----------------	------

- 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 the member. However, if the Legal Defense Benefit is concluded at the pre-litigation state, the cost to the member is \$15; if the Legal Defense Benefit must enter the litigation stage, the cost to the member is an additional \$35. Hence, the total cost to the member for a Legal Defense Benefit that reaches litigation is \$50 (\$15 + \$35).

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

## **UNCONTESTED LEGAL SEPARATION BENEFIT**

**Who is Eligible ....** Any covered member who seeks a separation from his/her spouse by means of a separation agreement mutually agreed upon by the parties or any relief through the court by an action for an uncontested legal separation.

**What is the Benefit ....** The Fund provides coverage 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 the member in each circumstance:

<b>Steps in the Legal Process Provided by The Fund through the Panel Law Firm</b>	<b>Amount Paid By Fund Member</b>
A. Consultation	None

B. Uncontested or cooperatively agreed separation with minimal negotiation ....	\$45
C. Settlement after extensive negotiation	\$75

Where the parties do not wish to enter into a separation agreement, an uncontested action in court for a legal separation may be had.

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

<b>Steps in the Legal Process Provided by The Fund through the Panel Law Firm</b>	<b>Amount Paid Fund Member</b>
A. Consultation	None
B. Litigation: including, for example, conference, preparation of Summons and Verified Complaint, documents relating to maintenance and support of children (in proper instances), Findings of Fact and Conclusions of Law.	\$180

### **How to Obtain the Benefit**

To obtain the Uncontested Legal Separation Benefit, simply contact the Fund to request an appointment. At the time of the appointment, you and your 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. The Fund provides coverage for all steps of the legal process in the categories of uncontested divorce proceedings.

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

<b>Steps in the Legal Process Provided by The Fund through the Panel Law Firm</b>	<b>Amount Paid By Fund Member</b>
Uncontested Divorce – Coverage includes for example, the issuance of Summons and Complaint, Note of Issue, preparation of Findings of Fact, Conclusion of Law, Judgment, Entry of Judgment and Finalization	\$60

**How to Obtain the Benefit**

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

**UNCONTESTED ANNULMENT PROCEEDING BENEFIT**

**Who is Eligible...** Any covered member is entitled to this benefit.

**What is the Benefit...** Annulment proceedings may be categorized as uncontested or contested. The Fund provides coverage for all steps of the legal process in the category of uncontested annulment proceedings.

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

<b>Steps in the Legal Process Provided by The Fund through the Panel Law Firm</b>	<b>Amount Paid by Fund Member</b>
<b>Uncontested Annulment</b> - Coverage includes, for example, Summons and Complaint, Note of Issue, Preparation of Findings of Fact, Conclusions of Law, Entry of Judgment and Finalization	\$60

**How to Obtain the Benefit....**To obtain the Uncontested Annulment Proceeding Benefit, simply contact the Fund to request an appointment. At the time of the appointment, you and your 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.

**What is the Benefit ....**The Legal Services Fund will provide a covered member with an attorney from a panel law firm to represent the member 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 the member in each circumstance:

<b>Steps in the Legal Process Provided by The Fund through the Panel Law Firm</b>	<b>Amount Paid by Fund Member</b>
A. Consultation	None
B. Preparation of Documents and Court Appearance for adoption of child	\$65

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

## **PERSONAL BANKRUPTCY BENEFIT**

**Who is Eligible ....** All covered members are entitled to this benefit.

**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 the member in each circumstance:

	<b>Steps in the Legal Process Provided by The Fund through the Panel Law Firm</b>	<b>Amount Paid by Fund Member</b>
A.	Consultation	None
B.	Simple Personal Bankruptcy	\$75
C.	Complex Personal Bankruptcy	\$100

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

## **CHANGE OF NAME BENEFIT**

**Who is Eligible...**Any covered member is entitled to this benefit.

**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 the member in the change of name process.

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

	<b>Steps in the Legal Process Provided by The Fund through the Panel Law Firm</b>	<b>Amount Paid by Fund Member</b>
A.	Consultation	None
B.	Actual change of name procedure	\$45

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

## **HOMEOWNER'S RIGHTS BENEFIT**

**Who is Eligible...**Any covered member who owns a private dwelling, a condominium or cooperative 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:

(1) Legal advice or representation for the sale or purchase of any private dwelling, condominium or cooperative in which the member primarily resides or plans to reside; or the purchase of unimproved property with the intention of building a home in which the member expects to primarily reside or the refinancing of a mortgage on a primary residence.

(2) Legal advice or representation in the defense of a mortgage foreclosure for procedures 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 the member in each instance:

<b>Steps in the Legal Process Provided by The Fund through the Panel Law Firm</b>	<b>Amount Paid by Fund Member</b>
A. Consultation	None
B. Negotiation	\$60.00

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's Rights Benefit is legal representation through the panel law firm attorney in defense of a proceeding to foreclose a mortgage on a dwelling which the member owns and in which the member primarily resides. 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.

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

**Amount Paid by  
Fund Member**

A. Consultation	None
B. Pre-litigation: including, for example Negotiation of settlement as well as the drafting of any necessary papers	\$15
C. Litigation: including, for example, Demand for Bill of Particulars, Preparation of Jury Demand, Motions And Court Appearances	\$125

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

## **GENERAL LEGAL MATTERS**

As indicated before, the Legal Services benefits of the 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 the members in those instances where the member's 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 Eligible....**All covered members are entitled to this benefit.

**What is the Benefit....**This benefit provides covered members 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 a covered member.

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

*\*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 the member.*

### **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, 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 the member.

## **Exclusions and Limitations:**

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

A. Tax Returns

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

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

*\*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 the member.*

## **WILL BENEFIT**

**Who is Eligible...**Any covered member and his/her spouse , if agreeable to the member, are entitled to this benefit.

**What is the Benefit....**This benefit provides for the preparation and execution of a will with a simple children's trust for the member and spouse under the supervision of an attorney from the panel law firm. The benefit is provided without charge not more than once in every consecutive year period.

**How to Obtain the Benefit....**To obtain the Will Benefit, simply contact the Fund to request an appointment. At the time of the appointment, you and your attorney from the panel law firm will complete the draft of the will. A second appointment will be scheduled for the execution (signing) of the completed will(s).

## **PERSONAL INJURY (NEGLIGENCE) BENEFIT**

**Who is Eligible...**A member and/or all members of his/her immediate family who has suffered a personal injury as a result of negligence is covered by this benefit.

**What is the Benefit...**The Legal Services Fund provides coverage through the panel law firm for all legal services, through trial if necessary, in connection with the prosecution of a claim for personal injury as a consequence of negligence in cases which legal counsel believes are worthy of prosecution.

The member will be represented on the basis of a contingent fee of 33-1/3% of the net sum recovered.

**What Does "Contingent Fee" Mean....**It means that the fee is contingent upon successful recovery, whether by suit, settlement or otherwise. Thus, if there is no recovery, there is no fee. Conversely, the more that is recovered, the greater the fee... all dependent upon a successful conclusion of the matter.

As customary, whether the litigation is successful or not, you are required to reimburse the firm for all disbursements, charges and other expenses, such as: medical and police reports, investigations, witness fees, etc. Also, as is customary, in computing this contingent fee, liens in favor of hospitals, doctors, etc. or other statutory liens upon recovery, are not to be deducted. Such amounts would be paid out of the injured party's share of the recovery.

**How is the Personal Injury (Negligence) Benefit Obtained...**To obtain the benefit, simply contact the Fund to request an appointment. At the time of the appointment, you and your attorney from the panel law firm will complete the appropriate forms.

## **ARRAIGNMENT ASSISTANCE BENEFIT**

**Who is Eligible ....**Any covered member or dependent who is a defendant in a criminal proceeding in Putnam, Dutchess, Rockland, Orange, Nassau, Suffolk or Westchester Counties, or the boroughs of New York City.

**What is the Benefit...**The benefit provides coverage through the panel law firm for necessary legal assistance arising from an arrest which may lead to immediate imprisonment.

This benefit provides, for example, the legal defense cost of the assistance by an attorney, where the member/dependent is 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 the arraignment stage. Thus, if the member/dependent is interested in obtaining legal services beyond the arraignment stage, he/she must make the necessary arrangements directly with the panel law firm or retain another attorney of his/her choice.

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

<b>Steps in the Legal Process Provided by The Fund through the Panel Law Firm</b>	<b>Amount paid by Fund Member</b>
Consultation	None

**How to Obtain the Benefit....**To obtain the Arraignment Assistance Benefit, the Legal Services Fund must be contacted so that the appropriate arrangements may be made by the Fund with 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 Eligible....**Any covered member is entitled to this benefit.

**What is the Benefit....**This benefit provides members 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 \$100 or more.

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

<b>Steps in the Legal Process Provided by The Fund through the Panel Law Firm</b>	<b>Amount Paid by Fund Member</b>
A. Consultation	None
B. Representation by Written Communication	None
C. Litigation in Small Claims Court	\$50
D. Litigation in Courts other than Small Claims Court	\$100*
E. 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 the member for litigation or representation shall be \$250.00*

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

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

## **LIVING WILL/HEALTH CARE PROXY/POWERS OF ATTORNEY BENEFIT**

**Who is Eligible..** .You are eligible if you are a covered member or a covered member's spouse.

**What is the Benefit..** .This benefit provides you and your spouse with the opportunity to have a living will/healthcare proxy and/or power(s) 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.

A power of attorney appoints an individual of your choosing to conduct your affairs immediately or upon the happening of a catastrophic event which results in your incapacity.

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

## **PLANNING FOR THE ELDERLY BENEFIT**

**Who is Eligible....**You are eligible if you are a covered member or a covered member's spouse.

**What is the Benefit....**This benefit provides you and your spouse with an opportunity to consult with an attorney from the panel law firm on matters involving, e.g., the placement of elderly parent(s) in nursing homes, available Medicare entitlement and health planning for the elderly. This benefit includes the preparation of powers of attorney and is offered at no cost to you.

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

## **ESTATES AND ADMINISTRATION BENEFIT**

**Who is Eligible....**You are eligible if you are a covered member or a covered member's eligible dependent who is named as Executor in a Will. You are also eligible if you are named as executor in a will by a covered member. If there is no Will, you or an eligible dependent who would qualify under intestacy laws to serve as Administrator of the estate will be eligible.

**What is the Benefit....**This benefit 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 accounting 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.

<b>Steps in the Legal Process Provided by The Fund through the Panel Law Firm</b>	<b>Amount Paid by Fund Member</b>
A. Consultation	Nothing
B. Small Estates Proceedings	<b>\$150</b>
C. Estates other than Small Estate Proceedings	<b>\$250 plus*</b>

\*The panel law firm has agreed to provide legal representation in these matters with a 25% reduction in its hourly rate, which, for 1997 is \$250.00.

**or**

- (a) For receiving and paying out all sums of money not exceeding \$100,000 at the rate of 5 per cent.
- (b) For receiving and paying out any additional sums not exceeding \$200,000 at the rate of 4 per cent.
- (c) For receiving and paying out any additional sums not exceeding \$700,000 at the rate of 3 per cent.
- (d) For receiving and paying out any additional sums not exceeding \$4,000,000 at the rate of 2 1/2 per cent.
- (e) For receiving and paying out all sums above \$5,000,000 at the rate of 2 per cent.

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

## **Prenuptial Agreement Benefit**

**Who is Eligible:** Any covered member who desires to seek a Prenuptial Agreement from his or her intended spouse mutually agreed upon by the parties.

**What is the Benefit\*:** The Fund provides coverage through a panel law firm for all necessary legal services which the negotiation and preparation of a Prenuptial Agreement may require. The Prenuptial Agreement may be prepared and executed with a minimum of consultation/negotiation or it may necessitate extensive negotiation with opposing counsel and intended spouse. The following schedule indicates the possible legal services and the amount to be paid by the member in each circumstance:

<b>Coverage Provided by the Fund Through a Panel Law Firm</b>	<b>Amount Paid by Fund Member</b>
Consultation	None
Uncontested or Cooperatively Agreed Prenuptial with minimal negotiation	\$70
Prenuptial Agreement with extensive negotiation	\$250

**How to Obtain the Benefit:** To obtain the Prenuptial Agreement Benefit, contact the Legal Services Fund office to request an appointment. At the time of the appointment, you and an attorney from a panel law firm will complete the appropriate forms.

\* [Some persons contemplating marriage may wish to minimize legal uncertainty concerning the disposition of assets in the event of divorce or death. In the event of divorce, a prenuptial agreement may be used to address rights with regard to separate property; spousal support; management of monthly expenses; debts; distribution of property, including academic degrees and licenses earned during the marriage; and protection of children from previous marriages. In the event of death, the agreement may be used to address the right to dispose of property on death to a person or persons other than the spouse.]

## **GENERAL EXCLUSIONS FROM ALL BENEFITS OF THE LEGAL SERVICES FUND**

All legal services provided by the Legal Services Fund have been specifically stated and described. Any legal service that has not been so described can be considered excluded from the Legal Services Fund Plan of Benefits.

However, in order to guide the member in his/her utilization of the Legal Services Fund 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 mist Fund, or any of the officers, agents or attorneys of the Union and its affiliated bodies;
- Any controversy, dispute or proceeding in which the Legal Services 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 tax;
- 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 the member was previously represented by an attorney;
  
- Any legal expenses incurred for a matter which commenced before the member became eligible to receive a benefit under the Plan;
  
- Any controversy, dispute, proceeding or matter that cannot be litigated or otherwise handled within Rockland, Dutchess, Putnam, Nassau, Suffolk or Westchester County, New York City and its metropolitan areas as described in the Legal Defense Benefit section;
  
- Any controversy, dispute, proceeding or matter which involves a member's business, commercial interest or investment matters;

**THE FUND WILL NOT PAY:**

- 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;
  
- court costs and/or filing fees, nor in any event will the Fund pay fines, penalties or any amounts in which an employee may be cast in judgment

**IF YOU HAVE ANY QUESTIONS WITH REGARD TO COVERAGE, BENEFITS OR EXCLUSIONS, PLEASE CONTACT THE FUND OFFICE.**