

# SUFFOLK COUNTY MUNICIPAL EMPLOYEES BENEFIT FUND



# SUFFOLK COUNTY MUNICIPAL EMPLOYEES BENEFIT FUND LEGAL SERVICES PLAN BENEFIT REFERENCE GUIDE

*Effective, August 1, 2017*



*Provided by the Law Firm of*  
**Feldman, Kramer, Monaco, P.C.**  
**330 Motor Parkway, Suite 400**  
**Hauppauge, New York 11788**  
**1 (800) 832-5182**

**NOTES**

## PHONE NUMBER AND PLAN SUMMARY -

Legal Services Plan & 24 HR. EMERGENCY HOTLINE - 1 (800) 832-5182

### Preventive Legal Services

- Free Consultation (three (3) 1 hr. sessions per calendar year)
- Free 24 Hr. Emergency Hotline
- Free Document Review
- Free Legal Letter

### Retained Legal Services

- Free Last Will & Testament
- Free Health Care Proxy
- Free Living Will
- Free Durable Power of Attorney Benefit

Elder Law Benefit (1 hr. Free/20% reduction in fee)

### Comprehensive Legal Services (select three (3) services /calendar year, unless otherwise noted)

- Free Real Estate Transaction (Two (2) transactions/three (3) yrs. from initial trans.)
- Free Family Court
- Free Uncontested Separation/Divorce/Annulment
- Free Uncontested Name Change
- Free Immigration Consultation
- Eviction Defense Benefit (5 hrs. Free/once in any 12 months)
- Foreclosure Defense (10 hrs. Free)
- Free Simple (Uncontested) Chapter 7 Bankruptcy Proceeding
- Debt Consolidation (5 hrs. Free)
- Traffic Matters (once/ 12 months from first use)
- Criminal Defense Benefit (reduced Fee \$250/hr. or 30% from flat fee)
- Reduced Benefit Fee (for items not covered \$250/hr.)

### Contingent Fee Matters

- Personal Injury Benefit (10% reduction in Contingency Fee)
- Uncontested Estate and Probate Benefit (20% reduction in contingency fee)
- Stock Broker Fraud Benefit (10% reduction in contingency fee)

**Suffolk County Municipal Employees Benefit Fund**

For questions about Coverage, Benefits & Exclusions - (631) 319-4099

## A Message from the Board of Trustees

Welcome to the Suffolk County Municipal Employees Benefit Fund Legal Services Plan, and Congratulations – effective August 1, 2017, you have a powerful tool that can help you and your family better manage the legal challenges which confront all of us in today’s complex world – a pre-paid legal services plan that replaces the current voucher program.

With this new **Legal Services Plan**, the Trustees of the Fund have provided you with access to a local law firm with 52 attorneys on staff and hundreds more throughout NYS who are available to assist you with most of your personal legal problems. In the event of a legal emergency, like an accident or arrest, your attorneys are available 24 hours to answer your call. **The enclosed plan description provides the contact telephone number as well as describes all covered benefits. And best of all, in most cases, there will be no cost to you for the Legal Services Plan Attorneys.**

We are working together to make using your legal services plan as easy and beneficial as possible. If you have a legal question or concern, you can simply pick up the phone and make a free call to your legal services plan attorneys. You will get advice and action from your attorneys but you will not get a bill! And you can receive these legal services anywhere in the USA, when you’re traveling or if a child needs legal help at college.

**You can call about Real Estate, Family Law, Personal Injury, Estates, Wills, Traffic Violations, Powers of Attorney, Health Care Proxies, etc. You can have any related questions answered without cost. You will also have your Wills prepared without cost.** While most legal matters will be covered at no cost, for those where fees are payable, they are at sharply reduced rates.

**With this new plan, many of the legal benefits used by our members are now free!** For Legal Services Plan coverage that is not free, the hourly or fixed attorneys’ rates will be offered at a significantly reduced rate.

According to the American Bar Association’s own statistics, if you are an average law-abiding United States resident you have a 37% chance of having a legal problem during the next twelve months. That’s better than a 1 in 3 probability that you will need an attorney in the next year.

Please read the Legal Services Plan Benefit Reference Guide carefully. **Remember, in the event of a legal emergency, like an accident or arrest, your attorneys are available 24 hours to answer your call.** This Legal Services Plan gives you the power to enforce your legal rights so call whenever you think you need help.

**Remember....The next time you tell someone “You’ll be hearing from my lawyer,” THEY WILL!**

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## DISCLAIMER

All the information and comments printed in this booklet are for your information and guidance only. The Legal Services Plan's benefits may be changed, amended or modified from time to time at the discretion of the Suffolk County Municipal Employees Benefit Fund Trustees. Nothing contained in this booklet may be used as a basis for any claim whatsoever against your employer or your union. This is not an insured program.

If you have any questions with regard to Coverage, Benefits, or Exclusion in the Legal Services Plan, please contact the:

### SUFFOLK COUNTY MUNICIPAL EMPLOYEES BENEFIT FUND

**30 Orville Drive, Suite D  
Bohemia, NY 11716-2513**

**631-319-4099**

**Fax 631-218-7970**

**Email - [Inquiry@scmebf.org](mailto:Inquiry@scmebf.org)**

**Website - [www.scmebf.org](http://www.scmebf.org)**

**DISPUTE RESOLUTION & APPEALS**

In the event any controversy or complaint arises in connection with the terms and procedures contained in this Booklet involving the Legal Services Plan, Participating Referral Attorney, Covered Member and Dependent, or any combination thereof, the following procedures must be followed.

**FIRST:** Fully exhaust all possibilities of resolving the dispute with the other party or parties involved. When all such possibilities have been exhausted, Covered Member or Dependent may then:

**SECOND:** Notify the Grievance Department of the Law Firm in writing, as to the nature of the dispute and all of the relevant particulars to:

**Feldman, Kramer, Monaco, P.C.**  
*Attn: Grievance Department*  
**330 Motor Parkway, Suite 400**  
**Hauppauge, New York 11788**

In the event the Grievance Department of the Law Firm is unable to effectuate a satisfactory resolution, the Covered Member may then:

**THIRD:** Appeal to the Fund's Board of Trustees for its help toward resolving the complaint or controversy by setting forth the dispute, in writing. 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 Plan and governs its actions. A covered member may request a review of action taken by the Plan Attorney's Office by submitting an appeal, in writing, to the Board of Trustees within **sixty (60) days** after the action of the Plan to:

**Suffolk County Municipal Employees Benefit Fund**  
*Attn: Board of Trustees, for Appeal*  
**30 Orville Drive, Suite D**  
**Bohemia, New York 11716-2513**

*The Trustees shall act on the appeal within a reasonable period of time and render their conclusive decision in writing, which shall be final and binding on all persons.*

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**ELIGIBILITY****Covered Members**

Covered members include all employees of Suffolk County covered by the collective bargaining agreement between the County of Suffolk and the Association of Municipal Employees for whom contributions are payable to the Suffolk County Municipal Employees Benefit Fund (herein "**the Benefit Fund**"); any other employees of the County of Suffolk, including, but not limited to the SC Corrections Officers Association, the SC Deputy Sheriff's PBA, the administrative staff and exempt employees of Suffolk County, the administrative staff of the Suffolk County Community College, that may be deemed eligible by the Board of Trustees, for whom contributions are made payable to the Benefit Fund; certain judges and court administrative personnel of the County of Suffolk for whom contributions are made payable to the Benefit Fund; employees of other entities, such as the Vanderbilt Museum, the Industrial Development Agency, the SC Board of Elections, that may be deemed eligible by the Board of Trustees, for whom contributions are made payable to the Benefit Fund; employees of the Association of Municipal Employees and the Suffolk County Municipal Employees Benefit Fund for whom contributions are payable to the Benefit Fund.

**Dependents**

Spouses, eligible domestic partners, as determined by the Fund, and dependents of covered members are covered for certain benefits as specifically described. Dependents, as defined by the Fund, are your spouse, unmarried dependent children who have not reached their 19th birthday and unmarried dependent children who are full-time students at a college or university who have not reached their 25th birthday; an unmarried child, regardless of age, who is incapable of self-sustaining employment by reason of mental retardation or physical handicap who became so prior to the age of nineteen (19) and resides with and wholly depends upon the covered member for support. Dependent children include legally adopted children, step-children and foster children who depend on, and reside with, the covered member for support.

11. Services, fees or expenses in connection with any business venture or other matters in which, for Federal Income Tax purposes, the cost of the legal services would normally constitute a business expense or capital investment.
12. Court costs and/or filing fees nor will the Plan pay fines or penalties in any amount.
13. Any controversy, action, proceeding or dispute for which legal services are available through insurance or through any governmental agency or attorney (Federal, State or Local).
14. Any controversy, dispute or proceeding in which the member retained an attorney or represented himself/herself prior to contacting the Legal Plan.
15. Any controversy, dispute, proceeding or matter that cannot be litigated or otherwise handled in a New York State court, unless otherwise set forth herein.
16. Matters where an eligible participant or his/her dependent is an adverse party in an action involving another employee or his/her dependent.
17. Any matter that in the opinion of the attorney is lacking sufficient merit to warrant pursuit.
18. Any matter not specifically provided herein is excluded from coverage.

2. However, in order to guide the member in his/her utilization of the Legal Services Plan Benefit package, this section lists specifically, but without limitation, particular exclusions of the Plan.

**The Legal Services Plan will NOT pay for:**

3. Any controversy, dispute or proceeding with or against the employer or the employer's agent or officers including but not limited to claims for workers compensation, disability insurance or unemployment compensation.

4. Any controversy, dispute or proceeding directed against any AME local or Suffolk County or any of their affiliated bodies, e.g. the benefit plans, or any of the officers, agents or attorneys of AME or its affiliated bodies or any corporations, organizations or entities with which AME or the Benefit Plans have contractual relationships.

5. Any controversy, action or proceeding in which the Legal Services Plan would be prohibited from defraying the cost of legal services by any provision of law.

6. Any controversy, action or proceeding 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, unless otherwise stated.

7. Class action or interventions or amicus curiae activities. Two or more parties may not pool or combine their benefits for the purpose of making a claim in which they have a mutual interest.

8. Any matter concerning the payment of income tax including, but not limited to, preparation or filing of income tax returns.

**The Legal Services Plan will NOT pay for:**

9. Claims for services or advice when such activity involves application of the same service or advice previously obtained in connection with the same problem and previously claimed for under the Plan.

10. Claims for services or advice when such activity involves Appellate matters.

**CONTINUATION OF COVERAGE**

If you become ineligible for Benefit Fund benefits, specific representation in progress on your behalf shall be continued by the Legal Services Plan to the conclusion of that specific matter already in progress, at the legal fees stipulated in this Booklet for any case, item, matter or service then being performed. For all other matters not yet commenced, **eligibility terminates on the last day of the month** during which a member's employment is terminated for the Legal Services Plan only.

**HOW TO USE YOUR LEGAL SERVICES PLAN**

If you wish to consult a lawyer for benefits provided by the Legal Services Plan, call the Plan Attorney at the number provided. An appointment will be scheduled for you, or you will receive a telephonic consultation regarding your legal problem immediately. Your Legal Services Plan covers legal problems which arise anywhere in the Continental United States.

You will be provided with legal services by attorneys employed or retained by the Legal Services Plan. 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 Legal Services Plan. In most instances, legal services are provided by a Plan employed or retained attorney. However, in special situations, (Member vs. Member dispute, for example) you will be provided with legal services by an attorney provided from a standby panel. Your relationship with the attorney will be that of attorney and client. No member of the Legal Services Plan, or any Trustees of the SCME Benefit Fund/Legal Services Plan can interfere in this relationship. All protections of confidentiality between you and your attorney will be preserved.

As a covered member, you are not required to use the benefits provided by the Legal Services Plan. You are free, at all times, to hire your own attorneys, but neither the Benefit Fund nor the Legal Services Plan attorneys will pay your fees to a privately retained attorney. The Legal Services Plan will not absorb or be responsible for any part of the fees or charges of attorneys other than the Plan designated attorney, except as set forth herein.

***LET'S GET STARTED!*****INSTRUCTIONS ON DOWNLOADING LEGAL FORMS FROM ATTORNEY WEBSITE**

With several legal benefits, the **Legal Services Plan Benefit Reference Guide** will ask you to: “**Complete Your Confidential Will Questionnaire**” and/or other document questionnaires prior to your appointment with your attorney. Just follow these simple instructions:

- 1) Go to **FKMLAW.com**
- 2) The Legal Services homepage is a box labeled “**Plan Member Login**”. Click on it.
- 3) Select your group from the drop down list and click “**SCME Benefit Fund**”.
- 4) Download the questionnaires for the applicable legal matter.
- 5) Complete questionnaire and:
- 6) Mail or Fax to:

**Feldman, Kramer & Monaco, P.C.**  
**330 Vanderbilt Motor Parkway**  
**Suite 400**  
**Hauppauge, NY 11788**  
**Fax # (631) 231-4732**

If you have any questions regarding the documents or cannot download the forms, please call the **Legal Services Plan** at 1 (800) 832-5182. You will be helped in completing the questionnaire.

**Attorney's Code of Professional Responsibility and Ethics**

At all times the Attorney's Code of Professional Responsibility and Ethics will fully apply to your relationship with your attorney. Neither your employer, your union, nor the Benefit Fund will receive any confidential information regarding your legal issues from the attorneys unless you specifically, in writing, authorize the attorney to release your information. Your relationship with your attorney will be traditional in every way except that you will not be paying the attorney legal fees in most cases.

**2. UNCONTESTED ESTATE & PROBATE BENEFIT (Reduced Fee)**

Who is Eligible....Any covered member or dependent.

What is the Benefit...*Representation in Probate court re the probate of a Will or administration of an Estate at a 20% reduction from the standard attorney fee.* The fee must be less than the allowable amount for Executor's/ Administrator's commission.

How to obtain the Benefit...to obtain the **Estate and Probate Benefit**.... Contact the **Legal Services Plan Attorney** office to request an appointment at 1 (800) 832-5182.

**3. STOCK BROKER FRAUD BENEFIT (Reduced Fee)**

Who is Eligible...Any covered member and dependent.

What is the Benefit...If you or a family member have been defrauded by a stock broker maybe we can help you recover some of your losses. If a broker has violated his fiduciary duty to you by selling you stock that has a high level of risk, he may be liable for your losses. As an investor, you have a stated “risk tolerance” profile. If the broker sells you stock that is outside that risk tolerance, he may have violated his fiduciary duty to you and may be liable for losses.

We will evaluate your situation and in the event, that we determine that you are the victim of stock broker fraud we will accept retainer on the case on a contingency fee basis. *Your Legal Services Plan attorney will reduce his contingent fee by 10%. If there is no recovery, you don't owe the attorney anything for legal services.*

How to Obtain the Benefit...to obtain the **Stock Broker Fraud Benefit**, contact the office to speak to a **Legal Services Plan Attorney** and request an appointment for the at 1 (800) 832-5182.

**GENERAL EXCLUSIONS**

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



## 12. REDUCED FEE BENEFIT

Who is Eligible...Any covered member and eligible dependent.

What is the Benefit....Representation is available from the Plan attorneys at \$250.00 per hour for matters that are specifically covered by the Legal Services Plan but require payment for contested matters or additional hours of representation under the terms of the plan.

How to Obtain the Benefit...To obtain the **Reduced Fee Benefit**, contact the **Legal Services Plan Attorney** office to request an appointment at **1 (800) 832-5182**.

## D. CONTINGENT FEE MATTERS

### 1. PERSONAL INJURY BENEFIT

Who is Eligible...Any covered member or dependent.

Personal Injury cases are handled on a contingency fee basis. That means that the attorney works for a percentage of the recovery rather than an hourly rate. ***If there is no recovery you don't pay any legal fees.*** The law sets the percentage of the contingent fees and the plan has offered a reduction of that fee.

What is the Benefit....In the event that any covered member or dependent is injured in a car accident, slip and fall accident, dog-bite, product liability, premises accident, etc., your Plan attorney will **reduce the contingent fee by 10%**. *This reduction can save an injured victim many thousands of dollars. Services are available for medical or other professional malpractice matters, however, a reduction in the fees for those matters is not provided under this benefit.*

How to Obtain the Benefit...To obtain the **Personal Injury Benefit**, contact the **Legal Services Plan Attorney** office to request an appointment at **1 (800) 832-5182**.

## A. PREVENTIVE LEGAL SERVICES

This section describes the Plan's General Matters Benefits, which covers any general questions a member may have regarding his/her legal rights.

### 1. FREE CONSULTATION BENEFIT (three (3) 1 hr. sessions per calendar year)

Who is Eligible...Any covered member and dependent.

What is the Benefit...A covered member or dependent may get advice on the telephone or in-office consultations. This benefit provides a covered member and dependent with the opportunity to consult an attorney for three one hour sessions in-office each calendar year concerning any new legal matter. In addition, a covered individual may consult with the Legal Services Plan attorneys an unlimited number of times over the telephone. The in-office consultations cannot be used as a credit toward any other service.

How to Obtain the Benefit...For an appointment to discuss **Consultation Benefit** on any question relating to your legal rights, or to conduct a telephone consultation, contact the **Legal Services Plan Attorney** at **1 (800) 832-5182**.

### 2. 24-HOUR EMERGENCY HOTLINE BENEFIT

Who is Eligible...Any covered member and dependent.

What is the Benefit...If a covered member or dependent is confronted with a situation that requires immediate legal advice, he or she may call the emergency hotline to talk to an attorney after regular business hours. This emergency service may only be used in situations that cannot wait until the next business day.

How to Obtain the Benefit...Call the **Legal Services Plan Emergency Hotline Number** at **(800) 832-5182**.

### 3. FREE DOCUMENT REVIEW BENEFIT

Who is Eligible...Any covered member and dependent.

What is the Benefit...This benefit provides review and interpretation by an attorney of all legal documents which directly involve the member or a covered dependent, such as guarantees, warranties, installment purchase agreements, loans, leases and court papers.

#### ***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 your Document Review appointment.*
- C. *Documents exceeding 10 pages in length.*

The Document Review Benefit provides review and interpretation of documents: it does not involve representation by counsel, unless such representation involves legal services covered by the Plan. If a covered matter is involved, the Legal Services Plan will provide representation by an attorney in accordance with the benefit's description under the Plan.

How to Obtain the Benefit...For an appointment for the **Document Review Benefit**, contact the **Legal Services Plan Attorney at 1 (800) 832-5182.**

### 4. FREE LEGAL LETTERS BENEFIT

Who is Eligible...Any covered member and dependent.

What is the Benefit...Your Plan attorney will write free legal letters on your behalf to resolve legal disputes before they become lawsuits. These letters are available regarding any covered legal matter. However, letters cannot be written in response to a pending lawsuit or regarding any personal injury claims.

How to Obtain the Benefit...Contact the office to speak to a **Legal Services Plan Attorney at 1 (800) 832-5182.**

How to Obtain the Benefit... To obtain the **Debt Consolidation Benefit**, contact the **Legal Services Plan Attorney** office to request an appointment at **1 (800) 832-5182.**

### 10. TRAFFIC MATTER BENEFIT (once in a twelve (12) month period from first initial matter.)

Who is Eligible...Any covered member or eligible dependent.

What is the Benefit... This benefit provides a covered member and eligible dependent with consultation in matters concerning any traffic violation and representation in court in all instances where, in connection with the operation of a motor vehicle, a traffic ticket has been issued, and, due to the accumulation of points or the severity of violation, a license may be revoked or suspended upon conviction. ***Representation in court under this benefit is available once in a twelve (12) month period beginning the day you first consult with the Plan attorneys concerning a traffic-related matter.*** This benefit includes trial if necessary.

How to Obtain the Benefit... To obtain the **Traffic Matter Benefit**, contact the **Legal Services Plan Attorney** office to request an appointment at **1 (800) 832-5182.**

### 11. CRIMINAL DEFENSE BENEFIT

Who is Eligible...Any covered member.

What is the Benefit... This benefit provides a covered member with consultation in matters concerning any misdemeanor or felony charge against the member. *This benefit does not include any federal charges.*

This benefit includes free consultation and the availability of representation at trial or in court at the reduced hourly rate of \$250 or a 30% reduction from flat fee. Federal jurisdiction matters are not covered.

How to Obtain the Benefit... To obtain the **Criminal Defense Benefit**, contact the **Legal Services Plan Attorney** office to request an appointment at **1 (800) 832-5182.**

How to Obtain the Benefit... To obtain the **Foreclosure Defense Benefit**, contact the **Legal Services Plan Attorney** office to request an appointment at **1 (800) 832-5182**.

### **8. FREE SIMPLE CHAPTER 7 BANKRUPTCY PROCEEDING (Uncontested)**

Who is Eligible...Any covered member and his/her eligible spouse.

What is the Benefit...This benefit provides a covered member and spouse with legal representation for all necessary legal services which the preparation of a joint (or individual petition, if only the member is filing for bankruptcy protection) U.S. Bankruptcy petition under Chapter 7 may require including court appearances at Section 341 meeting of creditors. Also included is assistance in completing all credit counseling requirements regarding both filing of a petition and discharge of debts. This benefit does not include any motions, or reaffirmation agreements. *The member and/or spouse must pay all Bankruptcy Court filing fees in advance of representation under this benefit.* **This benefit includes free representation as long as proceeding is uncontested.** *If additional services are required representation is available at the reduced hourly rate of \$250 or a 30% reduction from flat fee.*

How to Obtain the Benefit... To obtain the **Chapter 7 Bankruptcy Benefit**, contact the **Legal Services Plan Attorney** office to request an appointment at **1 (800) 832-5182**.

### **9. DEBT CONSOLIDATION (5 hrs. FREE)**

Who is Eligible...Any covered member or eligible dependent.

What is the Benefit...This benefit provides a covered member or his/her eligible dependent with consultation and negotiation in matters involving problems with creditors. Attorneys will advise members or their eligible dependent regarding their rights under the Federal Fair Debt Collector Practices Act which governs collector practices and will provide assistance in negotiating with a credit card company to suspend or lower obligation and offer a restructure of the debt. **This benefit includes free consultation and five (5) hours of representation.**

## **B. RETAINED LEGAL SERVICES**

### **1. FREE LAST WILL AND TESTAMENT BENEFIT**

Who is Eligible...Any covered member, his/her spouse or eligible domestic partner **(as determined by the Fund)**.

What is the Benefit...This benefit provides a covered member and his/her spouse or eligible domestic partner with the opportunity to have a Last Will and Testament, including a Simple Trust, if needed, or Codicil prepared and executed under the supervision of a legal benefits attorney.

How to Obtain the Benefit...To obtain the **Last Will and Testament Benefit**, you should **complete the Confidential Will Questionnaire (see page 8 for website access)** or **contact the Legal Services Plan Attorney office to request an appointment at 1 (800) 832-5182**. If both spouses or both domestic partners, desire a Will, it is recommended that they make appointments together.

### **2. FREE HEALTH CARE PROXY BENEFIT**

Who is Eligible...Any covered member and his/her spouse or eligible domestic partner.

What is the Benefit...This benefit provides a covered member and his/her spouse or eligible domestic partner with the opportunity to have a Health Care Proxy prepared and executed under the supervision of a legal benefits attorney.

How to Obtain the Benefit...To obtain the **Health Care Proxy Benefit**, you should **complete the Confidential Will Questionnaire (see page 8 for website access)** or **contact the Legal Services Plan Attorney office to request an appointment at 1 (800) 832-5182**. If both spouses or domestic partners desire a Health Care Proxy, it is recommended that they make appointments together.

### 3. FREE LIVING WILL BENEFIT

Who is Eligible...Any covered member and his/her spouse or eligible domestic partner.

What is the Benefit...This benefit provides a covered member and his/her spouse or domestic partner with the opportunity to have a Living Will prepared and executed under the supervision of a legal benefits attorney.

How to Obtain the Benefit...To obtain the **Living Will Benefit**, you should **complete the Confidential Will Questionnaire (see page 8 for website access) or contact the Legal Services Plan Attorney office to request an appointment at 1 (800) 832-5182**. If both spouses or domestic partners desire a Living Will, it is recommended that they make appointments together.

### 4. FREE DURABLE POWER OF ATTORNEY BENEFIT

Who is Eligible....Any covered member and his/her spouse or eligible domestic partner.

What is the Benefit...This benefit provides a covered member and his/her spouse or domestic partner with the opportunity to have a Durable Power of Attorney prepared and executed under the supervision of a legal benefits attorney.

How to Obtain the Benefit...To obtain the **Durable Power of Attorney Benefit**, you should **complete the Confidential Will Questionnaire (see page 8 for website access) or contact the Legal Services Plan Attorney office to request an appointment at 1 (800) 832-5182**. If both spouses or domestic partners desire a Durable Power of Attorney, it is recommended that they make appointments together.

### 5. ELDER LAW BENEFIT (1 hr. FREE and 20% discounted fee)

Who is Eligible...Exclusively in connection with the Elder Law section of the Legal Plan coverage only, this Elder Law Benefit is available to the member, eligible dependents and is extended to the members' parents, grandparents, parents-in-law and grandparents-in-law who resides in New York State.

What is the Benefit...This benefit provides a covered member with consultation in matters involving problems with immigration. The attorney will offer assistance and guidance in how to handle a particular matter. This benefit *does not include legal services requiring the formal appearance of the Legal Services Plan attorneys before any tribunal or Immigration and Naturalization Service of the U.S.*

How to Obtain the Benefit... To obtain the **Immigration Benefit**, contact the **Legal Services Plan Attorney** office to request an appointment at **1 (800) 832-5182**.

### 6. EVICTION DEFENSE BENEFIT (5 hrs. FREE, once per any 12 months commencing with initial defense)

Who is Eligible...Any covered member.

What is the Benefit...A covered member is entitled to up to five (5) hours of free legal services regarding the defense of Summary Proceedings in connection with the covered members' primary residence and regarding a petition which specifically names the covered member as a respondent in an eviction proceeding. *This coverage is available once in any 12 month period commencing with initial defense.*

How to Obtain the Benefit... To obtain the **Eviction Defense Benefit**, contact the **Legal Services Plan Attorney** office to request an appointment at **1 (800) 832-5182**.

### 7. FORECLOSURE DEFENSE BENEFIT (max. 10 hrs. FREE)

Who is Eligible...Any covered member.

What is the Benefit...This benefit provides a covered member with representation in matters involving problems with a foreclosure in connection with the covered member's primary residence and regarding a petition which specifically names the covered member as a respondent. *This benefit includes free representation (maximum 10 hours) and thereafter at the reduced hourly rate of \$250.*

where there are no children. A property settlement agreement is included in this benefit.

How to Obtain the Benefit...To obtain the **Separation/Divorce/Annulment Benefit**, contact the **Legal Services Plan Attorney** office to request an appointment at **1 (800) 832-5182**. If there is a conflict of interest for the law firm whereby both spouses/domestic partners are members of the Legal Plan (whether both are covered by the Fund or by this Fund and another entity that has retained the Panel Law Firm's Legal Plan), or if it would be ethically improper to represent either member, or if a State other than New York has jurisdiction, then separate arrangements will be made for retention of outside counsel to represent the members. If outside counsel is necessary, the Law Firm will be liable up to a maximum of One Thousand Dollars (\$1,000) per member for outside counsel.

*If the matter becomes contested, the member may continue with the Legal Services attorney, but will be billed at the reduced hourly rate (\$250).* A matter will be deemed "contested" when the situation requires extensive negotiation of terms and/or adversarial representation as determined by the retained attorney in order to maintain, defend, advance or assert the member's interests.

#### 4. FREE UNCONTESTED CHANGE OF NAME BENEFIT

Who is Eligible...Any covered member or eligible dependent.

What is the Benefit...This benefit provides legal advice and representation in the change of name procedure. The attorney will file all appropriate papers and represent the member in the change of name process. All publication costs and other related expenses will be paid by member.

How to Obtain the Benefit...To obtain the **Change of Name Benefit**, contact the **Legal Services Plan Attorney** office to request an appointment at **1 (800) 832-5182**.

#### 5. IMMIGRATION CONSULTATION BENEFIT

Who is Eligible...Any covered member or eligible dependent.

What is the Benefit...Our Elder Law attorneys will consult with a covered individual to discuss asset preservation strategies. *The first hour is free and all subsequent time will be billed at a 20% reduction from the Elder Law attorneys' usual billing rate.* Client will be advised of attorney's usual billing rate prior to referral.

Elder Law attorneys can advise on State law and assist in putting a health and estate plan in effect, which can maximize eligibility for coverage of Medicaid to pay for nursing home and home care costs while preserving one's estate and assets.

The attorneys who will provide the listed services specialize in the subject of Elder Law, estate planning, wills, trusts, pre-nursing home planning, probate and conservatorship.

As of 1/1/2021 the Trustees have negotiated an expansion of the Legal Services plan to provide additional benefits. This includes:

- Free Estate Planning consultation and certain documents for parents and parents-in-law who reside in New York State.
- Will and Testament, Durable Power of Attorney, Health Care Proxy and Living Will (Maximum of 4 sets per year).
- Free Elder consultation in New York State - up to 2 hours.
- Capped fees for Elder Law Services not covered.

An Elder Law consultation generally includes the following:

- a. Financial review and analysis, including review of all assets, real and personal; how the assets are held; examination of all sources of income in addition to income produced by assets, including pension benefits, Social Security benefits, payments from annuities, and other instruments such as trusts, contracts of sale, mortgage notes, and other secured or non-secured obligations; and review of all life insurance held, including the face value and cash surrender values thereof.
- b. Health Care insurance review, including an analysis of existing Medicare and Medicare Supplements benefits as well as long-term care insurance benefits.
- c. Health Care analysis, including review of existing conditions, inquiry into competency, review of discharge planning, and available options, where appropriate.

d. Review of current documentation, including existing wills, trusts, powers of attorney, health care proxies, and health care declarations.

How to Obtain the Benefit... To obtain the **Elder Law Benefit**, contact the **Legal Services Plan Attorney** office to request an appointment at **1 (800) 832-5182**.

### **C. COMPREHENSIVE LEGAL SERVICES (3 services per calendar year)**

This section describes the specific benefits in the Comprehensive Legal Services category. All covered members are entitled to **three (3) Comprehensive Legal Services each calendar year**. In *most* cases there will be **no cost** to the client for legal fees. There may be collateral expenses and disbursements, however, which client must pay.

#### **1. FREE REAL ESTATE TRANSACTION BENEFIT (2 transactions/3 years)**

Who is Eligible...Any covered member who owns a primary private residence, a condominium or a co-operative or is in the process of purchasing such a residence where he/she will reside primarily in the United States of America.

What is the Benefit.....The sale, purchase or refinance of a primary private dwelling, condominium or co-operative apartment in the United States of America where residence is or will be in effect at time of settlement (i.e., "closing"). In the event that a covered member retains one of the **Legal Services Plan Attorneys** there will be no charge for legal fees related to the real estate transaction as described in this booklet. **A maximum of two (2) transactions per three (3) years will be covered, commencing with the date of the initial transaction.**

This benefit **does not cover** expenses for *Title searches or Title insurance, appraisal costs, bank fees or any related fees (i.e., "closing costs")*. **This benefit only covers the sale, purchase or refinance of a single family home.** There is no coverage for multiple dwelling units. This benefit **does not include**

representation regarding contract disputes, specific performance of contracts, landlord/tenant disputes or any litigation related to the buy, sell or refinance of business property. *One (1) hour of post-closing service will be provided to conclude any post-closing issues, exclusive of the preparation of the appropriate closing statement. All time spent beyond that point will be billed to the member at the reduced hourly rate of \$250.*

How to Obtain the Benefit...To obtain the **Real Estate Benefit**, contact the **Legal Services Plan Attorney** office to request an appointment at **1 (800) 832-5182**.

#### **2. FREE FAMILY COURT BENEFIT (up to 5 hrs. FREE)**

Who is Eligible...Any covered member who is a defendant (respondent) or a plaintiff (petitioner) in a contested or uncontested Family Court proceeding within Suffolk or Nassau Counties.

What is the Benefit...The benefit provides up to **five (5) hours of legal representation** per matter without cost by a Plan attorney either in court or out of court for all necessary legal services in cases involving support, child custody, visitation rights, or paternity matters. *After five (5) hours per matter have been exhausted, the member will be responsible for all legal fees. All time spent beyond that point will be billed to the member by the Plan attorney at the reduced hourly rate of \$250.*

How to Obtain the Benefit...To obtain the **Family Court Benefit**, contact the **Legal Services Plan Attorney** office to request an appointment at **1 (800) 832-5182**.

#### **3. FREE UNCONTESTED SEPARATION/DIVORCE/ANNULMENT BENEFIT**

Who is Eligible...Any covered member.

What is the Benefit...The Legal Service Plan will provide coverage to Members only in actions for divorce/separation and/or civil annulment. This benefit includes free representation at all uncontested stages of the matter