

**WESTCHESTER
PUTNAM
TEACHERS**

Comprehensive Legal Program
Plan of Benefits

**LEGAL
SERVICES FUND**

May 1, 2004

**Westchester Putnam Teachers
Legal Services Fund**
22 West First Street, Suite 303
Mount Vernon, New York 10550

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WESTCHESTER PUTNAM TEACHERS LEGAL SERVICES FUND

22 West First Street, Suite 303
Mount Vernon, New York 10550

May 1, 2004

Dear Member:

The Trustees are very pleased to present this new and revised booklet of the Westchester Putnam Teachers Legal Services Fund, which explains the **new expanded benefits program**. In addition to the previously provided benefits, the **expanded program includes coverage for the parents and/or parents-in-law** of covered members for the following benefits:

- Will Benefit;
- Health Care Proxy;
- Living Will; and
- Planning for the Elderly.

The program has also expanded its Homeowners Rights Benefit to include transactions in Orange County, New York, **as well as transactions involving the purchase of a primary residence outside of the current geographic boundaries of the plan.**

The program has also **added an Identity Theft Protection Benefit**, available to any member who wishes to have a legal consultation in connection with an identity theft or personal information theft issue.

We are also pleased to announce the **expansion of the membership base** of our Legal Services Fund **with the addition of the Byram Hills Teachers Association Benefit Fund**. We welcome these new members to our Legal Services Fund and encourage them to participate fully in its benefits. With the Trustees' decision to continue the "in district" meeting with our attorneys, our members have continued to use these services in unprecedented numbers, confirming our belief that there was, and is, a strong and persistent need among our membership for highly qualified legal representation in a wide variety of legal matters.

This booklet contains important information on the securing of legal representation and we, therefore, urge you to retain it in a readily accessible place.

We look forward to your continued participation in the Legal Services Fund and your utilization of its benefits.

Fraternally,

Florence Laicher, Chairperson
Board of Trustees

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**“(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**

ELIGIBILITY

Covered members include all employees of participating school districts for whom contributions are paid to the Westchester Putnam Teachers Legal Services Fund by an appropriate organization.*

In general, subject to the requirements pertaining to the definition of a covered member, members are eligible for benefits as long as they are in active status.

Active status here means the period for which contributions are paid to the Westchester Putnam Teachers Legal Services Fund by an appropriate organization.

Your eligibility for benefits is terminated as of the effective date your employment is terminated, except as noted below. Should a legal procedure be in progress at the time of the termination, any costs incurred after that date would be your responsibility.

A member who takes a leave of absence or leaves service due to retirement may continue to remain eligible for benefits provided contributions are made to the Westchester Putnam Teachers Legal Services Fund, on his/her behalf and in such amounts as the Trustees may determine by an appropriate organization. Such election to remain eligible must be made by the member within 30 days from the commencement of the leave or retirement and will be effective starting with the date of such leave. A member who has left service will regain active status upon re-employment provided contributions are made on their behalf to the Legal Services Fund by an appropriate organization.

****Please note the Legal Services Fund must, at the present time, confine the plan benefits to covered members/employees only, except in the case of the Will Benefit, Living Will/Health Care Proxy Benefit, Planning for the Elderly Benefit, Arraignment Assistance-Telephone Consultation Benefit, Personal Injury/Negligence Benefit and Estate Probate and Administration Benefit which cover member, spouse and/or family members.***

GENERAL RULES REGARDING COVERAGE

Enrollment

In order to receive benefits you must have completed a Welfare Fund Enrollment Card with your local organization. The enrollment card provides your local organization 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 Legal Services Fund must contain the name and address of the member and the local organization's name and address. Please notify your local organization, in writing, of any changes of name, address, etc. The maintenance of current records assures the efficient processing of your claim and the prompt receipt of your benefits.

If you have any questions about whether you are covered, please contact your local organization, or:

**Westchester Putnam Teachers Legal Services Fund
22 West First Street, Suite 303
Mount Vernon, New York 10550**

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 Legal Services Fund and governs its actions.

A covered member may request a review of action taken by the Legal Services 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, Westchester Putnam Teachers Legal Services Fund, 22 West First Street, Suite 303, Mount Vernon, New York 10550.

HOW TO USE THE LEGAL SERVICES FUND

If you wish to make an appointment to consult a lawyer for benefits provided by the Westchester Putnam Teachers Legal Services Fund, call or go to the Administrative Offices of your local organization, or follow the procedures established by your Local Fund.

Brewster Teachers Association Welfare Fund **845-279-5051 ext. 200**
Brewster High School
50 Foggintown Road
Brewster, New York 10509

Byram Hills Teachers Association Welfare Fund **914-997-1576**
H.C. Crittenden School
10 McDonald Avenue
Byram Hills, New York 10504

Dobbs Ferry United Teachers Welfare Fund **914-693-4826 or**
P. O. Box 261 **914-693-7645**
Dobbs Ferry, NY 10522

Elmsford Teachers Association Benefit Fund **914-592-8440**
Alexander Hamilton High School
South Goodwin Avenue
Elmsford, NY 10523

Mahopac Teachers Association Benefit Fund **914-997-1576**
P. O. Box 656
Baldwin Place, NY 10505

Mt. Vernon Federation of Teachers Welfare Fund **914-664-3189**
22 West First Street, Suite 303
Mt. Vernon, NY 10550

United School Workers of Mahopac Benefit Fund **845-628-6435**
Myrtle Avenue
Mahopac, NY 10541

United Staff Association Welfare Fund **914-997-1576**
P. O. Box 616
Amawalk, NY 10501

Yorktown Congress of Teachers Welfare Fund **914-962-7442**
2051 Baldwin Road
Yorktown Heights, NY 10598

The initial appointment with the attorney will be made through your local organization. Necessary forms and instructions for their use will be given to you by the attorney. You will be provided with an attorney from the panel law firm selected by the Legal Services Fund. This firm will provide the covered member with the benefits of the Legal Services 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 Legal Services Fund, or any Trustee of the Legal Services Fund can interfere in this relationship.

The Legal Services Fund is designed to help pay for covered legal services. This Fund cannot pay for all legal costs incurred, but 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.

As a covered member you are not compelled to use the plan provided by the Legal Services Fund. You are free at all times to select an attorney of your own choosing and make payment to such an attorney for services, but the Legal Services 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 Legal Services 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 Legal Services 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 obligated 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 Legal Services 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 Legal Services 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 Legal Services Fund, as determined by the Board of Trustees.

The benefits of the Legal Services Fund are divided into two major benefit categories: **Representation in Civil Matters and Representation in General Legal Matters.**

REPRESENTATION IN CIVIL MATTERS

This section describes the Civil Matters of the Legal Services Fund. These benefits are provided to all members. The following describes the benefits included within the Civil Matters 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, is covered by this benefit.*

What is the Benefit?

The Legal Services 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 Legal Services 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 Court of Nassau County; and 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. A covered employee's problem may be successfully resolved after consultation with a panel attorney or it may necessitate the steps leading to and including defense in litigation or before an administrative agency.

**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.

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

STEPS IN THE LEGAL PROCESS PROVIDED BY THE FUND THROUGH THE PANEL LAW FIRM	AMOUNT PAID BY FUND MEMBER
A. Consultation	\$0
B. Pre-litigation: for example, negotiation of settlement including the drafting of any necessary papers.....	\$15.00
C. Litigation: for example, third party complaint, demand for Bill of Particulars, preparation of Jury Demand and Court Appearance, if necessary	\$35.00

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 stage, the cost to the member is \$15.00; if the benefit must enter the litigation stage, the cost to the member is an additional \$35.00. Hence, the total cost to the member for a Legal Defense Benefit that reaches litigation is \$50.00 (\$15.00 + \$35.00).

How is the Legal Defense Benefit Obtained?

To obtain the Legal Defense benefit, simply contact your Local Organization to request an appointment. At the time of your appointment, you and your 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 or any relief through the court by instituting an action for an uncontested legal separation is covered by this benefit.

What is the Benefit?

The Legal Services Fund provides coverage through the 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 negotiations 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:

STEPS IN THE LEGAL PROCESS PROVIDED BY THE FUND THROUGH THE PANEL LAW FIRM	AMOUNT PAID BY FUND MEMBER
A. Consultation.....	\$0
B. Uncontested or cooperatively agreed separation with minimal negotiation	\$45.00
C. Settlement after extensive negotiation.....	\$75.00

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 the member in each circumstance:

STEPS IN THE LEGAL PROCESS PROVIDED BY THE FUND THROUGH THE PANEL LAW FIRM	AMOUNT PAID BY FUND MEMBER
A. Consultation	\$0
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.....	\$180.00

How is the Legal Separation Benefit Obtained?

To obtain the Uncontested Legal Separation Benefit, simply contact the panel law firm 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 Legal Services 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	AMOUNT PAID BY FUND MEMBER
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A. The member is entitled to ten hours of legal representation, at no cost to the member, 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 (equitable distribution, child support, custody, visitation and maintenance, e.g.) 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.....\$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 law firm has agreed to provide said representation with a 25% reduction in its hourly rate, which hourly rate has been established as \$300.00 for calendar year 2004.

How is the Uncontested Divorce Benefit Obtained?

To obtain the Uncontested Divorce Benefit, simply contact your Local Organization to request an appointment. At the time of appointment, you and the 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 annulment: uncontested and contested. The Legal Services Fund provides coverage for all steps in 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:

STEPS IN THE LEGAL PROCESS

PROVIDED BY THE FUND THROUGH THE PANEL LAW FIRM AMOUNT PAID BY FUND MEMBER

A. Consultation	\$0
B. Uncontested Annulment - Coverage includes, Summons, Complaint, Note of Issue, preparation of Findings of Fact, Conclusion of Law, Entry of Judgment	\$60.00

How is the Annulment Benefit Obtained?

To obtain the Uncontested Annulment Benefit, simply contact your Local Organization panel law firm 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 is covered by this benefit.

What is the Benefit?

The Legal Services 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:

**STEPS IN THE LEGAL PROCESS
PROVIDED BY THE FUND THROUGH THE PANEL LAW FIRM AMOUNT PAID
BY FUND MEMBER**

Consultation	\$0
Preparation of Documents and Court Appearance for adoption of child	\$65.00

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 your attorney from the panel law firm will complete the appropriate forms.

PERSONAL BANKRUPTCY BENEFIT

Who is Eligible?

Any covered member who seeks representation in a person bankruptcy proceeding is covered by this benefit?

What is the Benefit?

The Legal Services 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:

**STEPS IN THE LEGAL PROCESS
PROVIDED BY THE FUND THROUGH THE PANEL LAW FIRM AMOUNT PAID
BY FUND MEMBER**

- A. Consultation \$0
- B. Simple Personal Bankruptcy..... \$75.00
- C. Complex Personal Bankruptcy \$100.00

How is the Personal Bankruptcy Benefit Obtained?

To obtain the Personal Bankruptcy Benefit, simply contact your Local Organization 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 who wishes to legally change his/her name is covered by this benefit.

What is the Benefit?

The Legal Services Fund provides coverage through the panel law firm for 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 circumstance:

**STEPS IN THE LEGAL PROCESS
PROVIDED BY THE FUND THROUGH THE PANEL LAW FIRM AMOUNT PAID
BY FUND MEMBER**

- A. Consultation\$0
- B. Actual change of name procedure.....\$45.00

How is the Change of Name Benefit Obtained?

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

HOMEOWNERS RIGHTS BENEFIT

Who is Eligible?

Any covered member who owns a private dwelling, a condominium or cooperative or is in the process of purchasing or selling such a primary residence or refinancing of a mortgage on a primary residence located within the geographic area as defined on page 22. The Homeowners Rights Benefit is also available for covered real estate transactions where the primary residence is located in Orange County and where the primary residence is located outside of the plan's geographic limits. Real estate transactions outside of the plan's geographic limits that can be serviced by the panel law firm will be covered. For real estate transactions outside of the geographic area, contact the panel law firm at (914) 997-1576 for coverage information.

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; or the purchase of any unimproved property 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:

STEPS IN THE LEGAL PROCESS

PROVIDED BY THE FUND THROUGH THE PANEL LAW FIRM	AMOUNT PAID BY FUND MEMBER
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A. Consultation	\$0
B. Negotiation, Advice and Representation in the sale or purchase of a private dwelling	\$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 you own and in which you primarily 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.

STEPS IN THE LEGAL PROCESS
PROVIDED BY THE FUND THROUGH THE PANEL LAW FIRM **AMOUNT PAID BY FUND MEMBER**

- A. Consultation \$0
- B. Pre-litigation: including, for example negotiation of settlement as well as the drafting of any necessary papers \$15.00
- C. Litigation: including, for example, demand for Bill of Particulars, preparation of Jury Demand, Motions and Court Appearances \$125.00

How is the Homeowner’s Rights Benefit Obtained?

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

REPRESENTATION IN GENERAL LEGAL MATTERS

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

This section describes the General Legal Matters of the Legal Services Fund. These benefits are provided by 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*

Who is Eligible?

Any member who wishes legal consultation is covered by this benefit.

What is the Benefit?

The Legal Services Fund provides coverage through the panel law firm for a member to consult with an attorney concerning any legal questions whatsoever.

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

How is the General Consultation Benefit Obtained?

To obtain the General Consultation Benefit, simply contact your Local Organization to request an appointment. At the time of the appointment, you and an 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 Legal Services 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?

Any member who wishes to have a document reviewed by an attorney is covered by this benefit.

What is the Benefit?

The Legal Services Fund provides coverage through the panel law firm for professional review and interpretation of all legal documents, such as: guarantees, warranties, installment purchase agreements, loans, leases, insurance policies and court papers.

A covered member may use the Document Review Benefit as many times during the year as proves necessary.

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

The following are not included in the Document Review Benefit: Tax Returns and 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 your Local Organization 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 who wishes to execute a Will or have one reviewed or updated is covered by this benefit. In addition, the parent or parents, 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 (a will with no trust provisions) for you, your spouse (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 every three (3) consecutive year period.

The Legal Services 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 your Local Organization to request an appointment. If both member and spouse desire a Will, mother and father, or mother-and father-in-law, it is recommended that they make an 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).

LIVING WILL/HEALTH CARE PROXY BENEFIT

Who is Covered?

You are eligible if you are a covered member, a covered member's spouse, 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, your parent(s) and/or your parent(s)-in-law with the opportunity to have a living will, health care proxy and/or 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.

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 Benefit Obtained?

To obtain the Living Will/Health Care Proxy Benefit, either you or your spouse should contact your Local Organization 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 ELDERLY BENEFIT

Who is Eligible?

You are eligible if you are a covered member, a covered member's spouse, 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, 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.

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

How Is the Planning for the Elderly Benefit Obtained?

To obtain the Planning for the Elderly Benefit, either you or your spouse should contact your Local Organization 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.

PROBATE AND ESTATE ADMINISTRATION BENEFIT

Who is Eligible?

Any member, member's eligible dependent who is named Executor in a Will; an Executor in a Will by a covered member where the Executor is not an eligible dependent; 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 Legal Services Fund, through the panel law firm, 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.

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

**STEPS IN THE LEGAL PROCESS
PROVIDED BY THE FUND THROUGH THE PANEL LAW FIRM AMOUNT PAID BY FUND MEMBER**

A. Consultation	\$0
B. Small Estates Proceedings	\$150.00
C. Estates other than Small Estates Proceedings	\$250.00

plus

Either 1.3% of the gross estate for estate tax purposes in excess of \$20,000 and up to \$500,000 and 2.5% of the gross estate for estate tax purposes in excess of \$500,000.

OR

2. The panel law firm has agreed to provide legal representation in these matters with a 25% reduction in its hourly rate, which, for 2004 is \$300.00. (This is \$225.00 per hour for 2004.)

The retainer for these legal services is between the estate representative and the law firm. It should be discussed and executed at the initial appointment.

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

How is the Probate and Estate Administration Benefit Obtained?

To obtain the Probate and Estate Administration Benefit, simply contact your Local Organization 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 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 is 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?*

The Legal Services Fund has arranged for the Personal Injury (Negligence) Benefit to be provided on a twenty-four (24) hour, seven (7) days a week basis, via our

**HOTLINE TELEPHONE NUMBER
CALL: 914-997-1576**

ARRAIGNMENT ASSISTANCE – TELEPHONE CONSULTATION BENEFIT

Who is Eligible?

Any covered member or eligible dependent who is a defendant in a criminal proceeding in Westchester, Putnam, Dutchess, Rockland, Nassau and Suffolk Counties or the boroughs of New York City, is covered by this benefit.

What is the Benefit?

The Legal Services Fund provides coverage through the panel law firm for necessary legal assistance by telephone consultation 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 and/or 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 telephone consultation stage. Thus, if the member and/or 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 in each circumstance:

STEPS IN THE LEGAL PROCESS

PROVIDED BY THE FUND THROUGH THE PANEL LAW FIRM	AMOUNT PAID BY FUND MEMBER
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A. Consultation\$0

How is the Arraignment Assistance – Telephone Consultation Benefit Obtained?

The Legal Services Fund has arranged for the Arraignment Assistance – Telephone Consultation Benefit to be provided on an emergency twenty-four (24) hour basis via our

**ARRAIGNMENT HOTLINE TELEPHONE NUMBER
CALL: 914-997-1576**

CONSUMER PROTECTION BENEFIT

Who is Eligible?

Any member who seeks representation in a consumer protection issue is covered by this benefit.

What is the Benefit?

The Legal Services Fund provides 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.*

**NOTE: Some legal services not provided under this benefit include, but are not limited to, suits for Punitive Damages, Class Actions and Commercial Enterprises.*

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

STEPS IN THE LEGAL PROCESS

PROVIDED BY THE FUND THROUGH THE PANEL LAW FIRM	AMOUNT PAID BY FUND MEMBER
--	---------------------------------------

- | | |
|--|------------|
| A. Consultation | \$0 |
| B. Representation by Written Communication..... | \$0 |
| C. Litigation in Small Claims Court..... | \$50.00 |
| D. Litigation in Courts other than Small
Claims Court | \$100.00** |
| E. Representation with Appropriate
Federal Agencies (e.g. F.T.C., etc.) | \$100.00** |

***If a lawsuit involves a consumer purchase of \$5,000 or more, e.g., a "Lemon car": then the cost to the member for litigation or representation shall be \$250.*

How is the Consumer Protection Benefit Obtained?

To obtain the Consumer Protection Benefit, simply contact your Local Organization 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 Legal Services 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 Legal Services 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 your Local Organization 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.***

GENERAL EXCLUSIONS FROM ALL LEGAL SERVICES BENEFITS OF THE FUND

All legal services provided by the Westchester Putnam Teachers 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 of Benefits:

- Any controversy, dispute or proceeding with or against the employer or the employer's agents or officers;
- Any controversy, dispute or proceeding directed against any participating Union or any of its affiliated bodies, e.g., the participating Welfare or Benefit Fund, or any of the officers, agents or attorneys of said 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 of filing of income tax returns, or the 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 the member was previously represented by a lawyer;
- Any controversy, dispute, proceeding or matter which involves a member's business, commercial or investment interest;
- 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, matter or transaction that cannot be litigated or otherwise handled within Nassau, Suffolk, Westchester, Putnam, Rockland and Dutchess Counties, New York City and its metropolitan areas as described in the Legal Defense Benefit section;
- 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 or member's eligible dependent may be cast in judgment.

**IF YOU HAVE ANY QUESTIONS ABOUT
COVERAGE, BENEFITS OR EXCLUSIONS,
PLEASE CONTACT YOUR LOCAL FUND OFFICE.
THEIR ADDRESSES AND TELEPHONE NUMBERS
ARE LISTED IN THIS BOOKLET ON PAGE 3.**