

NASSAU COUNTY
POLICE
BENEVOLENT
ASSOCIATION

LEGAL SERVICES
PLAN



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ELIGIBILITY

Eligibility

You and your eligible dependents become eligible when you work in a job covered by a collective bargaining agreement which requires your employer to contribute to the Legal Services Plan, on your behalf. The active employee is frequently referred to as “covered member” and your eligible dependents will be referred to as “dependents” in this booklet.

Your “eligible dependents” are:

- * Your legal spouse who resides with you.
- * Your registered domestic partner.
- * Your unmarried dependent children from birth to their nineteenth birthday. This includes any child who (1) normally resides in your household in a parent-child relationship and (2) is legally dependent upon you for support and maintenance. Eligibility is extended to age 25 if your unmarried children are dependents upon you for support and enrolled as full-time students in an institution of higher education.

CONTINUATION OF COVERAGE

If you become ineligible specific representation in progress on your behalf shall be continued by the Legal Plan for a period not to exceed ninety (90) days from the date of such termination; and by a Participating Referral Attorney to the conclusion of a specific matter already in progress, at the legal fees stipulated in this Certificate (ie. \$195.00 per hour or other plan terms whichever may apply) for any case, item, matter or service then being performed. Eligibility terminates on March 31st of the

year during which a member's employment is terminated. Member will become ineligible upon expiration of the contract between Legal Plan and PBA following his date of retirement/termination.

HOW TO USE YOUR LEGAL PLAN

If you wish to consult a lawyer for benefits provided by the Legal Services Plan, call the Plan Attorney (Feldman, Kramer & Monaco, P.C., 330 Motor Parkway, Hauppauge, New York 11788, (800) 292-8063). An appointment will be scheduled for you, or you will receive a telephonic consultation regarding your legal problem immediately. Your 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 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 in accordance with plan terms. Your relationship with the attorney will be that of attorney and client. No member of the Legal Services Plan, or any Trustees of the 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 the Plan will not pay your fees to a privately retained

attorney, except if a voucher is available for the specific service. 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.

At all times the Attorney's Code of Professional Responsibility and ethics will fully apply to your relationship with your attorney. Neither your employer nor your union will receive any confidential information regarding your identity or 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 as explained herein.

CERTIFICATE OF COVERAGE

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

A. PREVENTIVE LEGAL SERVICES

1. FREE CONSULTATION BENEFIT

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

What is the Benefit... A covered member or dependent may get telephonic advice 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 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... The member may opt for an appointment with an attorney to discuss any question relating to your legal rights, or to conduct a telephone consultation, contact the Legal Services Plan Attorney, (800) 292-8063.

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, such as arrest, accident or assault.

How to Obtain the Benefit... Call the legal plan emergency hotline number at (800) 292-8063.

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 but not limited to 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 by an attorney; it does not involve representation by counsel, unless such representation involves legal services covered by the Plan. If a covered matter is involved, the Plan will provide representation by an attorney in accordance with this Benefit Plan.

How to Obtain the Benefit... For an appointment with an attorney to review a legal document, contact the Legal Services Attorney, (800) 292-8063.

4. FREE LEGAL LETTERS BENEFIT

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

What is this 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 Attorney, (800) 292-8063.

B. RETAINED LEGAL SERVICES

1. FREE LAST WILL AND TESTAMENT BENEFIT

Who is eligible... Any covered member, his/her spouse or registered domestic partner.

What is the Benefit... This benefit provides a covered member and his/her spouse or registered 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 or contact the Legal Services attorney office to request an appointment at (800) 292-8063. If both husband and wife 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 registered domestic partner.

What is the Benefit... This benefit provides a covered member and his/her spouse or registered 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 or contact the Legal Services attorney office to request an appointment at (800) 292-8063. If both husband and wife 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 registered domestic partner.

What is the Benefit... This benefit provides a covered member and his/her spouse or registered 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, you should complete the Confidential Will Questionnaire or contact the Legal Services attorney office to request an appointment at (800) 292-8063. If both husband and wife 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 registered domestic partner.

What is the Benefit... This benefit provides a covered member and his/her spouse or registered 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 or contact the Legal Services attorney office to request an appointment contact the Legal Services Plan Attorney at (800) 292-8063. If both husband and wife desire a Durable Power of Attorney, it is recommended that they make appointments together.

5. ELDER LAW BENEFIT – IRREVOCABLE TRUST FOR MEMBERS' PARENTS

Who is eligible... Exclusively in connection with the Elder Law section of the Legal

Plan coverage is extended to the members' parents and parents-in-law who are seeking a consultation in New York State in addition to member and dependents.

What is the Benefit... Our Elder Law attorneys will consult with an eligible dependent to discuss asset preservation strategies. The consultation is free and in the event that an Irrevocable Living Trust is an advisable strategy, one will be created for each parent without cost for legal fees. Other services are available at a 20% reduction from the Elder Law attorneys usual fees. Each Elder Law specialist has filed his fee schedule with the Legal Plan Office. Prior to a referral the member will be advised regarding the specific discounted fee for that attorney's services.

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 nursing home and home care costs while preserving one's estate and assets. Elder Law attorneys could also be of assistance if net worth exceeds \$2 million and you reside in New York State.

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

How to Obtain the Benefit... To obtain the Elder Law Benefit, contact the Legal Services attorney office to request an appointment, (800) 292-8063.

C. COMPREHENSIVE LEGAL SERVICES

This section describes the specific benefits in the Comprehensive Legal Services

category. All covered members are entitled to three Comprehensive Legal Services each year. Under paragraph 1A a purchase and sale will be considered only one of the 3 available services set forth in this paragraph. 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.

**1A. FREE REAL ESTATE
TRANSACTION OR FREE
VOUCHERS**

Who is covered... Any covered member who owns a New York State 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.

What is the Benefit...

1. The sale, purchase or refinance of a primary private dwelling, condominium or co-operative apartment in New York State where residence is or will be in effect at time of settlement. In the event that a covered member retains one of the Legal Plan Attorneys there will be no charge for legal fees related to the real estate transaction as described in this booklet.

2. In the event that the covered member retains a New York attorney who is not affiliated with the Legal Plan then the Plan will compensate the non-legal plan attorney up to a maximum of \$500.00 for a real estate sale or \$500.00 for a purchase up to maximum total of \$1,000.00 per plan year. The covered member must obtain a claim form and authorization code from the Legal Plan office. Upon submission an invoice and copy of the H.U.D. closing statement, payment will be made directly to the retained attorney. Reimbursement is limited to a

maximum of \$1,000.00 per member in any five (5) year period.

This benefit does not cover expenses for Title searches or Title insurance, appraisal costs, bank fees or any related fees. This benefit only covers the sale, purchase or refinance of a two family home if the member resides primarily in the two family residence. There is no coverage for multiple dwelling units other than a two family residence. 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. Two hours of post-closing service will be provided to conclude any post-closing issues. All time spent beyond that point will be billed to the member at the reduced hourly rate set forth herein.

How to Obtain the Benefit... To obtain the Real Estate Benefit, contact the Legal Services attorney office to request an appointment, (800) 292-8063.

1B. PURCHASE OR SALE OF SECONDARY RESIDENCE

Who is covered... Any covered member who owns or is purchasing a secondary private residence, a condominium or a co-operative in any of the continental United States where he/she will reside.

What is the Benefit...

1. The sale, purchase or refinance of a secondary private dwelling, condominium or co-operative apartment in the Continental United States where residence is or will be in effect at time of settlement. In the event that a covered member retains one of the Legal Plan Attorneys there will be no charge for legal fees related to the real estate transaction as described in this booklet.

2. No vouchers are available for secondary house real estate transactions. The coverage is limited to use of an affiliated Legal Plan Panel Attorney in the continental United States

3. Coverage is available for one sale or one purchase during the lifetime of a covered member. Coverage is not available for business investment property.

This benefit does not cover expenses for Title searches or Title insurance, appraisal costs, bank fees or any related fees. 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. Two hours of post-closing service will be provided to conclude post-closing issues. All time spent beyond two hours will be billed to the member at the reduced hourly rate set forth herein.

How to Obtain the Benefit... To obtain the Secondary Residence Benefit, contact the Legal Services attorney office to request an appointment, (800) 292-8063.

2. FREE FAMILY COURT BENEFIT

Who is eligible... Any covered member who is a defendant (respondent) or a plaintiff (petitioner) in a contested or uncontested Family Court proceeding within New York State.

What is the Benefit... The benefit provides up to ten (10) 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 ten 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 set forth herein.

How to Obtain the Benefit... To obtain the Family Court Benefit, contact the Legal Services attorney office to request an appointment, (800) 292-8063.

3. UNCONTESTED OR CONTESTED SEPARATION/DIVORCE BENEFIT

Who is eligible... Any covered member.

What is the Benefit... The Legal Service Plan will provide coverage only to members in actions for divorce, separation and annulment within New York State. Free review of a marriage mediation dissolution proposal is available. This benefit includes free consultation and the availability of representation at the reduced hourly rate of \$195.00.

How to Obtain the Benefit... To obtain the Separation/Divorce Benefit, contact the Legal Services attorney office to request an appointment, (800) 292-8063.

4. FREE UNCONTESTED ADOPTION BENEFIT

Who is eligible... Any covered member or eligible dependent who seeks representation in an Adoption Proceeding within New York State.

What is the Benefit... The Legal Services Plan will provide a covered member with an attorney to represent the member and partner in adoption proceedings. This benefit does not include payment of any fees or expenses to adoption agencies or any other agencies and is limited to those services normally rendered by an attorney to formalize an uncontested adoption. After all arrangements have been agreed upon, the attorney will prepare all petitions and related papers and will appear

in court with the parties in support of the adoption, if required. International adoptions are covered however, Phase I proceedings are not covered and will be billed separately at \$195.00 per hour.

How to Obtain the Benefit... To obtain the Adoption Benefit, contact the Legal Services attorney office to request an appointment, (800) 292-8063.

5. 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 initiated within New York State. 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 attorney office to request an appointment, (800) 292-8063.

6. REDUCED FEE BENEFIT

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

What is the Benefit.... Representation is available from the Plan attorneys at \$195.00 per hour for matters that are specifically covered by the Legal Plan but require payment for contested matters under the terms of the plan.

How to Obtain the Benefit...To obtain the Reduced Fee Benefit, contact the Legal Services attorney office to request an appointment, (800) 292-8063.

D. PERSONAL INJURY AND
PROBATE 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 your plan has offered a reduction of that fee. Fees and expenses are paid by member or eligible dependent at conclusion of the matter.

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, etc., your Plan attorney will reduce the statutory contingent fee by 10%. This reduction can save an injured victim many thousands of dollars. Services are available for medical or other professional malpractice however, it is not possible to reduce the fees for those matters.

How to Obtain the Benefit... To obtain the Personal Injury Benefit, contact the Legal Services attorney office to request an appointment, (800) 292-8063.

2. UNCONTESTED ESTATE AND PROBATE BENEFIT

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

What is the Benefit... Any member who dies while employed as a law enforcement officer will be covered for the first ten (10) hours of New York State probate/

Administration services at no cost for legal fees to the surviving family. All other probate services if necessary will be provided by Legal Plan attorneys at a 30% reduction from the statutory Executors fee percentages as computed for estate tax purposes.

In addition to legal fees there may be filing fees, court fees, expenses and disbursements that are chargeable to the client.

How to Obtain the Benefit... To obtain the Estate and Probate Benefit, contact the Legal Services attorney office to request an appointment, (800) 292-8063.

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.
2. However, in order to guide the member in his utilization of the Legal Services Plan Benefit package, this section lists specifically, but without limitation, particular exclusions of the Plan.
3. Any controversy, dispute or proceeding with or against the employer or the employer's agent or officers including claims for workers compensation, disability insurance or unemployment compensation.
4. Any controversy, dispute or proceeding directed against the Nassau County or P.B.A. or Nassau County P.B.A. or any of their affiliated bodies, e.g. the Benefit Plans, or any of the officers, agents or attorneys of P.B.A. or its affiliated bodies or any corporations, organizations or entities with which P.B.A. 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,

9. The Plan will not pay the 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. Appellate matters.

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. The Plan will not pay court costs and/or filing fees nor will the Plan pay fines or penalties in any amount.

13. Any controversy, action, proceeding or dispute 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 the contacting the Legal Plan. However, if

the Plan Attorneys determine that the pre-existing representation or non-representation did not adversely affect the case or matter then, in their exclusive judgment, the benefits of the Plan will be applied.

15. Any controversy, dispute, proceeding or matter that cannot be litigated or otherwise handled within the Continental United States.

16. Matters where an eligible participant or his dependent is an adverse party in an action involving another employee or his 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.

GRIEVANCE AND ARBITRATION

In the event any controversy or complaint arises in connection with the terms and procedures contained in this Certificate involving Feldman, Kramer & Monaco, P.C., Legal Plan, Participating Referral Attorney, Covered Member and Dependent, or any combination thereof, the following procedures should 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 of Feldman, Kramer & Monaco, P.C., 330 Vanderbilt Motor Parkway, Hauppauge, New York 11788, in writing, as to the nature of the dispute and all of the relevant particulars. 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 office of the

Special Arbitrator for its help toward resolving the complaint or controversy by writing to Special Arbitrator, c/o Feldman, Kramer & Monaco, P.C., 330 Motor Parkway, Hauppauge, New York 11788. The arbitrator shall have the power to decide any dispute among the parties and individuals involved concerning the application or interpretation of the terms of this Certificate and the performance thereunder. A list of arbitrators shall be provided by the American Arbitration Association.

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 Plan and governs its actions.

A covered employee may request a review of action taken by the Plan Office by submitting an appeal, in writing, to the Board of Trustees within 60 days after the action of the Plan. If the Board determines that coverage should be extended to member, the Plan terms shall apply.

IF YOU HAVE ANY QUESTIONS WITH REGARD TO COVERAGE, BENEFITS OR EXCLUSIONS, PLEASE CONTACT (631) 231-1450.

NOTE

All the information and comments printed in this booklet are for your information and guidance only. The Group Prepaid Legal Services Plan's benefits may be changed, amended or modified from time to time at the discretion of the Trustees. Nothing contained in this booklet may be used as a basis for any claim whatsoever against your employer or your union.