

EFFECTIVE OCTOBER 26, 2011, THE FOLLOWING DESCRIPTIONS OF THE “REPRESENTATION IN CIVIL MATTERS” AND “LEGAL DEFENSE BENEFIT” SUPERSEDE AND REPLACE THE DESCRIPTIONS OF THE “CIVIL MATTERS” AND “LEGAL DEFENSE BENEFIT” ON PAGES 6 THROUGH 8 OF THE CURRENTLY PUBLISHED BENEFITS BOOKLET DATED MAY 1, 2004

REPRESENTATION IN CIVIL MATTERS

This section describes the Civil Matters of the Legal Services Fund. These benefits are provided to all members. You are entitled to representation in no more than one (1) Civil Matter every two calendar years. Should you require representation in additional Civil Matters in a calendar year, you may submit written request for consideration to the Fund’s Board of Trustees, which must include information supporting your need. Upon consideration of your request, the Trustees will render a written decision within a reasonable period of time. 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.*

As indicated above, you are entitled to representation in no more than one legal defense matter every two calendar years. Should you require representation in additional legal defense matters in a calendar year, you may submit a written request for consideration to the Fund’s Board of Trustees, which must include information supporting your need. Upon consideration of your request, the Trustees will render a written decision within a reasonable period of time.

If a covered member is sued jointly with another defendant, including a spouse/domestic partner, the matter will not be covered by the Fund unless special circumstances are presented to the Trustees and approved. You may submit a written request for consideration to the Fund’s Board of Trustees outlining your special circumstances to which the Trustees will render a written decision within a reasonable period of time.

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

*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.

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.

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.

The acceptance of representation in all cases will be conditioned upon a determination by the panel law firm that the defense of the case is not frivolous. Such a determination will be made by the panel law firm and reported to the Trustees for a final determination.

Exclusions

- The legal defense benefit will not cover any controversy, action, dispute, proceeding or matter, which involves a member's or their spouse's/domestic partner's business, commercial or investment interest.
- The legal defense benefit will not cover any controversy, action, dispute, proceeding or matter, which results from actions taken by a member or the member's spouse/domestic partner acting on his/her own behalf as a general contractor for the construction of a new home or renovation of an existing home.