

# Legal Service Plan



MEMBER  
BENEFITS

**mysu**

Working to Benefit You

**A**t one time or another, you're likely to require some form of legal advice or assistance. Whether it's preparing a Will, creating a Trust, refinancing a mortgage, or even changing your name, you'll need the services of a legal professional.

That's why it makes such good sense to enroll in the Legal Service Plan. By doing so, you'll have access to the legal help you need, when you need it – and at significant savings, too.

## Office consultations

Each year that you are enrolled in the Plan, you will receive two, free, hour-long consultations with a National Legal Office attorney or local referral attorney.



You can use the free one-hour consultation to meet and interview an attorney who may be representing you prior to any commitments. Consultations are often used to determine compatibility, examine qualifications or discuss strategy. Others use them as an opportunity to see the environment and staffing of the attorney's office.

*Please note that the free consultations cannot be used for the preparation of Legal Security Package documents, estate planning, services listed under “Guaranteed Maximum Fees,” or any services provided under the optional Elder Law and Business Protection Riders.*

## Legal Security Package

If you should die without a Will, the state can decide who raises your children and who receives your money and possessions. However, as a Plan member you'll never have to worry, because we'll provide you with a **Simple Will** – or an update of your existing Simple Will – every year that you are enrolled in the Plan.

That way, you'll be able to select a guardian for your children and decide who will share in your estate. A Will also speeds up the probate process and makes settling your estate much easier.

Another important legal document is the Power of Attorney, in which you give another person the right to sign your name and transact your financial affairs. This document may be broad in its power or limited to certain transactions.

Through the Plan, you can receive a **Power of Attorney**, which means the power will continue to function even if you become disabled or lose your mental capacity.

A **Living Will** enables you to express your wishes regarding end-of-life treatment options. With a **Health Care Proxy**, you appoint someone to make medical decisions on your behalf if you are unable to make them yourself. It also contains direction regarding organ donation.

These four documents make up your Legal Security Package, which is provided to you each year that you are enrolled in the Plan at no extra charge. See the “Guaranteed Maximum Fees” page for the charges to obtain any of the Legal Security Package documents for a spouse or domestic partner.

## Unlimited legal advice... as near as your phone

Anytime you wish to talk with an attorney – whether for advice or consultation – simply call our National Legal Office toll-free. Our experienced attorneys are available to assist you weekdays from 9 a.m. to 5 p.m. (EST). And if you need emergency legal assistance beyond these hours, just call our toll-free hotline.



### A nationwide network of referral attorneys

If a problem can't be resolved by letter or phone, you will be referred to a Plan attorney in your area. Referral attorneys are located throughout the continental United States. All are licensed and will provide legal representation at reasonable costs – either the Plan rate of \$250 per hour or 30 percent less than their standard hourly rate, whichever is lower. Hourly rate increase to \$265 effective 9/1/17.

### *Preventive Law Guide*

As a Plan enrollee, you'll receive the *Preventive Law Guide* newsletter. Every issue of this informative, easy-to-read publication features articles dealing with subjects of current interest and concern to consumers.

### Legal communications

Our National Legal Office will review -- at no cost to you -- legal documents up to six pages in length, including purchase agreements, loan

agreements, real estate documents, etc.

When it concerns legal matters, our National Legal Office attorneys will be happy to write letters and make phone calls for you. You'll find this service especially helpful with any problem involving consumer protection and credit resolution.

## **Identity theft advice and assistance**

Millions of people fall victim to identity theft each year. For these victims, problems range from loss of credit to medical record problems, and may even result in a wrongful arrest for a crime the victim didn't commit.

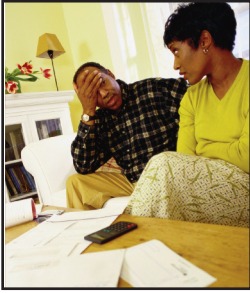


Plan attorneys are familiar with common practices used by identity thieves and can assist you in avoiding these. If you become a victim, the Plan attorney can offer advice and guidance on how to rescue your good name.

## **Debt consolidation**

Uncertainties in the economy, rising costs of daily necessities and predatory high-interest practices of many credit card companies have overwhelmed many people and placed them in a position where they cannot pay their mounting debt.

Plan attorneys can offer advice on alternatives such as creditor "workout," and discuss suspension of interest, budget review, and, in extreme circumstances, Chapter 7 and Chapter 13 Bankruptcy alternatives.



## Mortgage foreclosure

For most people, the single most valuable asset they own is their home. Most people have significant monetary and emotional investment in their home, and the prospect of losing it can be the most stressful event in one's life.

A combination of factors has placed many people in the position of being behind on their mortgage payments. These mortgage arrears all too often result in bank foreclosure, placing families at risk of being displaced from their own home. Plan attorneys can review your loan documents and discuss options, including lender payment workouts, short sale options and Chapter 13 Bankruptcy payment plan alternatives.

## The Plan covers:

In addition to the NYSUT member or agency fee payer, the Legal Service Plan also covers his or her spouse (or domestic partner) who is living with the member. **The only exception is family law situations such as divorce, separation or child custody, in which case the service is limited to the NYSUT member or agency fee payer.**

The Plan also covers unmarried, dependent children (including stepchildren and legally adopted children) under the age of 19, or under the age of 25 if the child is wholly dependent upon the member for support and maintenance and is enrolled as a full-time student in an educational institution.

Coverage is also provided for parents who are wholly dependent on the Plan member for their own support and maintenance.

## **GUARANTEED discounts on major legal services**

**Probate fees:** Thirty percent (30%) off fixed fee schedule on an uncontested Estate of a covered individual.

**Personal injury cases:** For contingency fee cases arising out of negligence, breach of warranty, product liability, etc.:

- Twenty percent (20%) reduction if case is settled prior to Examination Before Trial.
- Ten percent (10%) reduction if case is settled after Examination Before Trial or if tried to conclusion.

*As in all contingency fee cases, if no money is awarded, only actual disbursements are due; legal fees are waived.*

The following page contains more Guaranteed Maximum Fees. Participating Plan attorneys can charge no more than the maximum fees stated.

# Guaranteed Maximum Fees



*Many personal legal matters have fees that are capped; they will not exceed the maximum fees listed. However, additional fees may be charged for court costs, trial, trial fees, process service, etc.*

## Personal Legal Matter Maximum Fee

Divorce (uncontested, without marital agreement)*	\$900
Divorce (uncontested, with marital agreement)*	\$1,700
Separation (uncontested)*	\$900
Real Estate (sale or purchase, primary residence only)	
Up to \$250,000	\$850
\$250,000 - \$500,000	\$1,025
More than \$500,000	\$1,325
Refinance of Mortgage (primary residence only)	\$425
Traffic Violation (first offense, three points or less, up to two court appearances)	\$700
Misdemeanor (first offense, up to two court appearances)	\$1,050
Personal Bankruptcy (Chapter 7)	\$1,425
Name Change (uncontested)	\$550
Driving While Intoxicated (first offense, up to two court appearances)	\$1,050
Commencement of Proceedings for Modification of Child Support (preparation of pleadings only)*	\$550
Office Consultation re: Simple Will	\$110
Simple Promissory Note	\$40
Simple Trust	\$55
Simple Reciprocal Will with Simple Trust	\$110
Minor's Testamentary Trust	\$55
Power of Attorney (POA)	\$75
Legal Security Package without (POA)	\$50
Legal Security Package with (POA)	\$100

*\*These benefits cover representation of the NYSUT member. Spouses or domestic partners are not covered under these benefits.*



*You may wish to purchase one or both of these vital optional riders that add value to your Legal Plan membership.*



## **Elder Law Rider**

This Rider is available to help you in your health and estate planning, but it is also available to assist you with health and estate issues for your parents and grandparents.

### ***What benefits it offers***

For just \$55 more per year, you can have access to Elder Law attorneys – all of whom have agreed to reduce their legal fees by 20 percent.

### ***Why it's important to have***

Since Elder Law attorneys specialize in the financial and health care needs of the elderly, they are more qualified to deal with such issues as trusts, guardianships, conservatorships, applying for Medicaid and other government assistance, and nursing home placement.

They can also assist with all of your long-term care needs, including Will preparation and estate planning. General practitioners, on the other hand, may not be as well informed about the constant changes that affect both the tax code and Medicaid law.

### ***Who it covers***

Under the terms of the Elder Law Rider only, coverage is extended to your spouse (or domestic partner), parents, parents-in-law, grandparents, and grandparents-in-law.

## Business Protection Rider

If you have a business of your own (a rental income property, for example), you should consider this important optional benefit.

The Business Protection Rider is available to Plan members for an additional \$60 per year. Attorneys will provide this service at the Plan hourly rate as set forth under the base Legal Plan.

\*Limited free phone consultations, letter writing and document review are included. *Note: Free office consultations are not included.*

The chart on the next page represents fees associated with the optional Business Protection Rider only.

**Please note:** *The Elder Law Rider and Business Protection Rider are extensions of the Legal Service Plan. They can be added at any time during your plan year; however, they will expire with the expiration date of your base plan.*

<b>Business Legal Matter</b>	<b>Fee</b>
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Incorporation . . . . .	\$385
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Purchase or sale of business, excluding realty	
Sale price up to \$60,000 . . . . .	\$660
Sale price	
above \$60,000 . . . . .	1% of sale price

Preparation of shareholder's agreement	
3 Shareholders or less, excludes	
negotiation . . . . .	\$745

Preparation of partnership agreement	
3 Partners or less, excludes	
negotiation . . . . .	\$745

Review and legal analysis of	
covered business employment	
contract with employees . . . . .	\$165

**Matters listed below will be charge at the Plan's guaranteed maximum hourly rate:**

Per diem trial – For court proceedings  
 pertaining to business and/or  
 professional matters

**Collection Matters**

- 25% of the first \$300 recovered  
 (\$25 minimum)
- 23% of the next \$1,700 recovered
- 18% of the balance recovered

Bankruptcy and Chapter 11 protection

## **30-Day Free Look**

**This program has a 30-day free look period for new enrollees. If you're not completely satisfied after reviewing your Legal Service Plan Certificate of Legal Services Coverage, simply return the certificate along with your Legal Plan ID card within 30 days. We'll refund your annual fee in full. There's absolutely no risk. If any of the Legal Plan's services are used within the 30-day period, the opportunity for a refund will be waived.**

### **Exclusions**

Matters related to the pursuit of business are excluded unless the optional Business Protection Rider is purchased (refer to Business Protection Rider section). Matters relating to Federal Court, patent, copyright, trademark, tax matters, immigration, and pensions are excluded. Fines, court costs, penalties, filing fees, disbursements, and other expenses relating to legal services and litigation are not covered under this Plan. Nor are certain exceptions, such as employer/employee-related situations, legal matters between people or groups associated with the Legal Service Plan, appeals, matters arising outside the continental United States, class actions, and repetitious matters where circumstances have not substantially changed. Please refer to your Certificate of Coverage for specific exclusions; this brochure is for illustrative purposes only. This is not an insurance program.

## **Choose one of three convenient payment options**

As a NYSUT member, you can choose from three convenient payment options: payroll or pension deduction (if available to you), personal check or credit card. If you select payroll\* or pension\*\* deduction, you'll save \$5 on the enrollment fee. Simply complete and return the attached Payroll Deduction or Pension Deduction Authorization Form along with your Enrollment Form.

## If you choose Payroll or Pension Deduction as your payment option:

- Complete the appropriate Deduction Authorization Form along with the Enrollment Form.
- Do **not** enclose any payment with your Enrollment Form.
- Any optional riders you wish to add to your Legal Plan coverage must also be paid through payroll or pension deduction.
- The Plan expiration date is Aug. 31 for members who use payroll/pension deduction. ***Plan renewal is automatic.*** Prior to Sept. 1 of each year, you will receive your renewal Legal Plan ID card and certificate of coverage. Your payroll or pension deduction for this Plan shall remain in effect until revoked by your written authorization submitted to the NYSUT Member Benefits Trust.
- If you cancel your Plan before the annual fee has been satisfied, you will be billed for the balance of the annual fee due.

*\*Payroll deduction is available in local associations that have made the necessary payroll deduction arrangements for NYSUT Member Benefits-endorsed programs.*

*\*\* Pension deduction is available to retirees who are collecting a monthly pension benefit from the NYSTRS, NYSEERS, NYCTRS, or NYCBERS, or who are receiving income from a monthly lifetime annuity from TIAA-CREF.*

# 3 convenient ways to join!

- By mail using the enclosed Enrollment Form.
- By enrolling online at ***memberbenefits.nysut.org***.
- By calling to enroll by phone with a credit card at **800-626-8101**, Monday through Friday, 9 A.M. - 5 P.M. (EST).

*If you need immediate use of the Plan, please enroll by phone.*

## By mail:

- 1.** Complete the attached Enrollment Form.
- 2.** Enclose payment (check, money order or credit card) if paying by direct bill.  
  
Enclose **NO** payment and the appropriate Payroll/Pension Deduction Authorization Form (if using payroll or pension deduction).
- 3.** Send to: NYSUT Member Benefits Trust  
Legal Service Plan  
800 Troy-Schenectady Road  
Latham, NY 12110-2455

The Legal Service Plan provided through Feldman, Kramer & Monaco, P.C. is a NYSUT Member Benefits Trust (Member Benefits)-endorsed program. Member Benefits has an endorsement arrangement of 33.33% of annual participation fees received for this program. All such payments to Member Benefits are used solely to defray the costs of administering its various programs and, where appropriate, to enhance them. Member Benefits acts as your advocate; please contact Member Benefits at 800-626-8101 if you experience a problem with any endorsed program. Agency fee payers to NYSUT are eligible to participate in NYSUT Member Benefits-endorsed programs.



## LEGAL SERVICE PLAN ENROLLMENT FORM



**Complete and mail this form today! Send to  
NYSUT Member Benefits Trust, Legal Service  
Plan, 800 Troy-Schenectady Rd., Latham, NY  
12110-2455.**

(Please print)

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NYSUT Member Name

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NYSUT ID No.

Birthdate

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Address

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City

State

Zip

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( )

Phone

By signing this Enrollment Form, I waive my attorney/client privilege only with respect to the processing of record-keeping information relating to the Plan, and not with respect to the substantive content of any legal matters covered by the Plan.

Signature

Date

You must complete the reverse side of this Enrollment Form to indicate your payment preference and Plan options. Also, you must complete the Payroll or Pension Deduction Authorization Form that follows the Enrollment Form if you wish to pay your fees through payroll or pension deduction.

# LEGAL SERVICE PLAN ENROLLMENT FORM

## PLAN AND PAYMENT OPTIONS

**OPTION 1 - PAYROLL DEDUCTION -- Do Not Send Cash! Please complete and return the accompanying Payroll Deduction Authorization Form. (Check one:)**

- ☐ Legal Plan paid through payroll deduction.  
Annual fee is reduced to \$80.
- ☐ Legal Plan with optional Business Protection Rider for \$140.
- ☐ Legal Plan with optional Elder Law Rider for \$135.
- ☐ Legal Plan with both riders for \$195.

**OPTION 2 - (RETIREE ONLY) PENSION DEDUCTION -- Do Not Send Cash! Please complete and return the accompanying Pension Deduction Authorization Form. (Check one:)**

- ☐ Legal Plan paid through pension deduction.  
Annual fee is reduced to \$50.
- ☐ Legal Plan with optional Business Protection Rider for \$110.
- ☐ Legal Plan with optional Elder Law Rider for \$105.
- ☐ Legal Plan with both riders for \$165.

**OPTION 3 - PAY DIRECT (Check one:)**

- ☐ Legal Plan for \$85.
- ☐ Retiree discounted price: \$55.
- ☐ Legal Plan with optional Business Protection Rider for \$145.
- ☐ Retiree discounted price: \$115.
- ☐ Legal Plan with optional Elder Law Rider for \$140.
- ☐ Retiree discounted price: \$110.
- ☐ Legal Plan with both riders for \$200.
- ☐ Retiree discounted price: \$170.

**(Check one payment option:)**

- ☐ Enclosed is payment for the fees indicated above,  
made payable to: **NYSUT Member Benefits Trust.**
- ☐ Please charge the fees indicated above to my
  - ☐ VISA
  - ☐ MasterCard

Account Number

Expiration Date

3-Digit Security Code

(On back of card)

The Legal Service Plan provided through Feldman, Kramer & Monaco, P.C. is a NYSUT Member Benefits Trust (Member Benefits)-endorsed program. Member Benefits has an endorsement arrangement of 33.33% of annual participation fees received for this program. All such payments to Member Benefits are used solely to defray the costs of administering its various programs and, where appropriate, to enhance them. Member Benefits acts as your advocate; please contact Member Benefits at 800-626-8101 if you experience a problem with any endorsed program.

Agency fee payers to NYSUT are eligible to participate in NYSUT Member Benefits-endorsed programs.



# NYSUT MEMBER BENEFITS PENSION DEDUCTION AUTHORIZATION

NYSUT Member Benefits Trust

NYSUT Member Benefits Corporation

NYSUT Member Benefits CMM Insurance Trust



(Please Print):

Last Name \_\_\_\_\_ First \_\_\_\_\_ Middle Initial \_\_\_\_\_

Address \_\_\_\_\_

Home Telephone No. (       ) \_\_\_\_\_ NYSUT ID # \_\_\_\_\_

**Please Note:** You must be retired for a minimum of six months to be eligible for pension deduction.

Soc. Sec. # \_\_\_\_\_ Authorization is for \_\_\_\_\_

(name of plan)

***Read statements on the reverse side. Signature and date are required.***

***Mail this completed form with your invoice to the address on the invoice. Please call 800-626-8101 with any questions.***

CHECK ONE BOX ONLY - SIGN AND DATE BELOW

- ☐ I belong to the Teachers' Retirement System of the **CITY of New York** (TRS) and I hereby request a monthly withholding of deductions from my monthly benefit for the purchase of union-sponsored benefits as permitted by Chapter 248, Laws of 1994. The TRS is authorized to continue taking such deductions until NYSUT Member Benefits receives written notice from me to the contrary.
- ☐ I belong to the New York City Board of Education Retirement System (BERS).
- ☐ I belong to the NYSUT Staff Pension Program.

- ☐ I belong to the New York **STATE** Teachers' Retirement System (NYSTRS), or
- ☐ I belong to the New York **STATE** Employees' Retirement System (NYSERS) and I hereby request monthly withholding of union deductions from my monthly benefit as permitted by Section 536 of the Education Law and Section 110-C of the Retirement Social Security Law. The NYSTRS or NYSERS is authorized to continue taking such deductions until NYSUT Member Benefits receives written notice from me to the contrary.

NYSERS #: \_\_\_\_\_

- ☐ I am a TIAA-CREF participant and hereby request a monthly withholding of deductions from my TIAA-CREF monthly lifetime annuity income for the purchase of coverages provided through NYSUT Member Benefits' Pension Advantage program. TIAA-CREF is authorized to continue taking such deductions until Member Benefits receives written notice to the contrary. If at any time the total deductions equal or exceed my combined monthly income payments from TIAA-CREF, all deductions I have authorized TIAA-CREF to take on my behalf will terminate immediately.

*I expressly acknowledge and understand that NYSUT Member Benefits will determine the exact deductions to be withheld monthly and that any questions regarding the amount will be directed by me to Member Benefits. Depending on the NYSUT Member Benefits program(s) which I am currently enrolled in and that deductions are taken for, monies will be forwarded to the appropriate NYSUT Member Benefits entity as referenced on the reverse side. For insurance plans, I understand that this authorization may be revoked at any time by written notice to the Plan Administrator. For plans with annual fees, I understand that I must provide written notice to the Plan Administrator to cancel automatic renewal and that I must satisfy the annual fee. I hereby certify to the NYCTRS, NYSTRS, NYSERS, or TIAA-CREF that I am a member of NYSUT, an employee organization entitled to receive union deduction payments as providers by law.*

Signature\_\_\_\_\_

Date\_\_\_\_\_

# NYSUT MEMBER BENEFITS PAYROLL DEDUCTION AUTHORIZATION

NYSUT Member Benefits Trust

NYSUT Member Benefits Corporation

NYSUT Member Benefits CMM Insurance Trust



**(Please Print):**

Last Name \_\_\_\_\_ First \_\_\_\_\_ Middle Initial \_\_\_\_\_

Address \_\_\_\_\_ NYSUT ID # \_\_\_\_\_

Home Phone # \_\_\_\_\_ Member's SS # \_\_\_\_\_

I hereby authorize my employer to deduct from each of my salary checks the deductions necessary for the purpose of NYSUT Member Benefits. Depending on the NYSUT Member Benefits program(s) which I am currently enrolled in and that deductions are taken for, monies will be forwarded to the appropriate NYSUT Member Benefits entity. For insurance plans, I understand that this authorization may be revoked at any time by written notice to the Plan Administrator. For plans with annual fees, I understand that I must provide written notice to the Plan Administrator to cancel automatic renewal and that I must satisfy the annual fee.

**Signature of Employee** \_\_\_\_\_ **Date** \_\_\_\_\_

*Mail this completed form with your invoice to the address on the invoice. Please call 800-626-8101 with any questions.*

**Please check your union membership affiliation:**

- ☐ *UFT*   ☐ *UUP*   ☐ *PSC/CUNY\**  
☐ *All other NYSUT Locals*

The amount of deductions will be determined by NYSUT Member Benefits based on the programs chosen, and may be adjusted to ensure that premiums are paid in full.

*\*This authorization card cannot be used to authorize deductions for PSC-CUNY Welfare Fund Benefits.*

