

# ***NPUT***

## ***NEW PALTZ UNITED TEACHERS BENEFIT TRUST FUND***

**SUMMARY PLAN DESCRIPTION  
NYSUT PRE-PAID LEGAL PLAN  
WITH ELDER LAW RIDER**

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July 1, 2013

## **The NYSUT Prepaid Group Legal Service Plan With Elder Law Rider**

### **Eligibility:**

Your Legal Plan benefits are available to you throughout the year whenever there is a need. Coverage is available to you, your spouse or domestic partner, and your dependent children up to the age of 19 or the age of 25 if they are a full-time student.

### **What The Benefit Is:**

A Group Prepaid Legal Service Plan provides participants with a stated benefit allowance for specific legal services. When services rendered fall within the parameters of the stated benefit allowance, the Plan participant will not incur out-of-pocket expenses for plan attorney fees. The Plan is designed to provide a healthy benefit allowance for some of the most common legal matters encountered today.

### **How To Use The Plan Most Effectively:**

1. Call the National Legal Office before you sign any document or make any decision that may affect your conduct and have any legal consequences.
2. Always obtain a copy of anything you sign.
3. Always keep copies of contracts, bills, receipts and other documents in a safe place so they are available if you need them.
4. If you receive legal papers in the mail, call the National Legal Office immediately for advice and an appointment.
5. If you have any doubts about the advice given to you by someone who sought to gain some benefit from you, call the law office first, before you enter into any commitment.
6. If you cannot keep your appointment with the Plan's attorney, please call the office to reschedule so that others may see the attorney at that time.

7. Before you leave your house to keep an appointment with the attorney, check to see if you have all the documents the Plan attorney will need to help you. If you are unsure about which documents will be necessary, call and ask before you leave.

8. Have patience ! The legal process sometimes moves slowly. Rest assured, although you may not receive results as quickly as you might desire, your attorney is doing all that is possible within the legal system and will keep you informed periodically of the status of the matter.

### **Confidentiality:**

An attorney must follow certain rules, which are called the "Code of Professional Responsibility." These rules require total dedication to the interest of the client, with zeal in maintenance and defense of the client's rights. Thus, you have the advantage of dedication, determination and the full defense of your rights, while at the same time only the attorneys and staff of the law office will know anything about your legal situation.

No matter what type of case you may have, your lawyer cannot serve your interest without having all the facts. To permit your lawyer to advise or represent you adequately, you should completely inform the attorney of all the aspects of your situation, unfavorable as well as favorable.

Your lawyer must see all documents, papers, contracts, leases, or receipts and bills that you have in your possession. These will be taken care of by your lawyer and will not be misplaced or destroyed.

### **Prepaid Group Legal Plan Benefits:**

*Adoption & Guardianship Proceedings* – Service to formalize an uncontested adoption or uncontested guardianship is covered.

*Bankruptcy & Foreclosure* -- Up to 20 hours of attorney time are covered.

*Change of Surname* – One per participant and one per each qualified dependent.

*Consumer Protection* – For consumer items costing less than \$500, coverage is provided for legal advice only. Up to 5 hours of attorney time are provided for consumer items costing \$500 to \$5,000; up to 10 hours for items costing \$5,000 to \$10,000; up to 15 hours for items costing \$10,000 to \$20,000; and up to 25 hours for items costing over \$20,000.

*Document Review* -- Up to 6 pages for each document.

*Family & Marital Relations – Contested and Uncontested* – Up to 75 hours of attorney time are provided but no more than 40 hours on any single matter.

*Legal Letters* – Plan attorneys will write legal letters or make phone calls on your behalf, effective in consumer protection and credit matters.

*Living Will & Health Care Proxy* – Document preparation for participant and qualified dependents.

*Office Consultations* – Six one-half hour office consultations per year.

*Personal Injury Matters* – Plan attorney representation is provided without cost to participant unless a recovery is made. Then, attorneys are entitled to 25% of the recovery. (Usual and customary fees are 33 1/3%.)

*Power of Attorney* – Document preparation for participant and qualified dependents.

*Probate & Administration of Estate* – Attorney's probate fees are a percentage of the estate's assets. Plan attorneys will reduce those fees by 35%.

*Real Estate* – Three transactions (sale, purchase or refinance) in any 5-year period. Participants represented outside the Plan are entitled to a reimbursement of up to \$300 per transaction for attorney fees incurred. Reimbursement is limited to no more than 3 transactions in a 5-year period.

*Telephone Advice & Consultation* – Unlimited.

*Traffic Matters & DWI – (24Hour Hotline)* – Up to 10 hours of attorney time are covered. Representation in court under this benefit is available once in a 12-month period beginning the day you first consult with the Plan's attorneys concerning a traffic-related matter.

*Wills & Estate Planning* – One Will per participant and qualified spouse (or domestic partner) per year. Revocable Living Trust or Simple Testamentary Trust is included if appropriate.

*24-Hour Hotline* – For all legal emergencies.

*Note* : Each element of coverage is subject to a specific benefit allowance; however, the maximum annual benefit for all services rendered to the participant or qualified dependents shall not exceed 100 hours. In the event a participant exhausts any benefit allowance, Plan attorneys will bill at a reduced rate for all time required to conclude the matter.

Additional information on these various topics may be found in your  
NYSUT Prepaid Legal Service Plan Summary Plan Description booklet.

## Elder Law Rider :

Added to the comprehensive services available through the Prepaid Legal Service Plan are legal services in the specialized field of Elder Law. Elder Lawyers 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 Lawyers could also be of assistance if net worth exceeds \$700,000 or asset structure is unusually complex. The legal plan has contracted with this sector of the bar in anticipation of specific needs in this area of law.

These attorneys specialize in the subject of elder and health law, estate planning, wills, trusts, pre-nursing home planning, probate and conservatorship. They have distinguished themselves in the eyes of other attorneys and are known experts in the field of Elder Law.

The Elder Law fee schedule is commensurate with the high level of experience that these attorneys have. The Provider Firm will be pleased to discuss all issues concerning estate planning in an effort to determine if the services of one of the specialized firms is advisable for a particular case. In many situations, the involvement of a specialist may be unnecessary; however, the attorney from the Provider Firm will recommend the services of an Elder Law attorney when he/she believes it is advisable. Alternatively, one is free to ask for a referral.

## Who To Contact:

To speak with an attorney or for a referral please call The National Legal Office:

Feldman, Kramer & Monaco, P.C.  
Attorneys at Law  
330 Vanderbilt Motor Parkway  
Hauppauge, NY 11788

800-832-5182 (In New York State)

800-292-8063 (Outside New York)

For general questions on Prepaid Group Legal or additional materials, please call or write:

NYSUT Group Legal Service Plan  
159 Wolf Road, Box 15008  
Albany, NY 12212-5008

800-626-8101

e-mail: [benefits@nysutmail.org](mailto:benefits@nysutmail.org)

For information on other NPUT Trust-sponsored benefits, please call or write:

Ron Noelle, Administrator  
12 Durmo Road New Paltz, NY 12561  
845-255-5770 Fax 845-255-3654

