LEGAL SERVICES BENEFIT

WHO IS ELIGIBLE?

If you are eligible for Faculty Association of Suffolk Community College Benefit Fund benefits, either as a full-time member of the Faculty Association or the Guild of Administrative Officers, or you are a retiree who has enrolled and paid for the Enhanced Plus Plan, you are eligible for legal services benefits.

Your dependents are not eligible for legal services benefits unless specifically included in the benefit description.

GENERAL RULES REGARDING COVERAGE

Enrollment

To receive benefits, you must have completed a FA Benefit Fund Enrollment Card. The Enrollment Card provides the Fund 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 Fund must contain the member’s name and address. Please notify the Fund Office, in writing, of any changes of name, address, etc. Maintenance of current records assures efficient processing of your claim and prompt receipt of your benefits.

Appeals to the Board of Trustees

The Board of Trustees of the FA Benefit Fund 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 Fund and governs its actions.

A covered member may request a review of action taken by the Fund Office by submitting an appeal, in writing, to the Board of Trustees of Faculty Association of Suffolk Community College Benefit Fund, 533 College Road, Southampton Building, Room 224D, Selden, New York 11784.
HOW TO USE THE LEGAL SERVICES PLAN

If you wish to make an appointment to consult a lawyer for benefits provided, call 631-732-6500.

You will be provided with an attorney from a panel law firm selected by the Fund. This firm will provide you with the benefits of the 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 employee of the Fund or any Trustee of the Fund can interfere in this relationship.

The Fund is designed to help pay for covered legal services. While the Fund cannot pay for all legal costs you have, 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. 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 required to make the appropriate payment as indicated in the plan of benefits.

You are not compelled to use the plan provided by the Fund. You are free at all times to select an attorney of your own choosing and to make payment to such attorney for services. However, the Fund will not absorb nor be responsible for any part of the fees or charges of attorneys other than those representing law firms on the panel for the legal services program. You are also free at any time to discontinue the services of the panel law firm, and if you desire, to secure the services of a non-panel attorney. However, in such an event the Fund will neither be responsible for nor absorb any part of the fees or charges of non-panel attorneys. In addition, you continue to be obligated to the panel law firm for any cost 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, you are free to secure your own counsel. However, the Fund will neither absorb nor be responsible for any of the fees or charges of a non-panel attorney.
REPRESENTATION IN CIVIL MATTERS

The benefits of the Fund are divided into two major benefit categories: Representation in Civil Matters and General Legal Matters. All covered members are entitled to 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 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. The following section concerns itself with the specific benefits within this 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*.

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.

*Please note that special service benefits such as those involving divorce proceedings, separation proceedings, annulment proceedings and homeowner proceedings are covered by the schedules and contained under those specific headings in this booklet.

What is the Benefit? The Fund provides coverage through the panel law firm for all necessary legal services arising from the defense of a lawsuit or proceeding commenced against you in courts and administrative agencies. The following are only examples of some of the courts and agencies in which the 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 Rockland, Orange, Putnam, Dutchess, New York, Brooklyn, Queens, Richmond, Bronx,
Nassau and Suffolk Counties; Civil Courts of New York, Brooklyn, Queens, Richmond and Bronx Counties; District Courts of Nassau and Suffolk Counties; 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 member’s problem may be successfully resolved after consultation with a panel attorney or it may necessitate the steps leading to and including your 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 stage:

<table>
<thead>
<tr>
<th>Steps in the Legal Process Provided by The Fund through the Panel Law Firm</th>
<th>Amount Paid by Fund Member</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Consultation</td>
<td>No Charge</td>
</tr>
<tr>
<td>B. Pre litigation: including, for example, negotiation of settlement including the drafting of any necessary papers</td>
<td>$15</td>
</tr>
<tr>
<td>C. Litigation: including, for example, third party complaint, Demand for Bill of Particulars, preparation of Jury Demand and court appearance, if necessary</td>
<td>$35</td>
</tr>
</tbody>
</table>

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; if the Legal Defense Benefit must enter the litigation stage, the cost to the member is an additional $35. Hence, the total cost to the member for a Legal Defense Benefit that reaches litigation is $50 ($15 + $35).

**How to Obtain the Benefit?** To obtain this benefit, simply contact the Fund 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 acceptance of representation in all cases will be conditioned upon a determination by the panel law firm that the defense of the case in 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 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.

UNCONTESTED LEGAL SEPARATION BENEFIT

Who is Eligible? Any covered member who seeks a separation from his/her spouse by means of a separation agreement mutually agreed upon by the parties or any relief though the court by an action for an uncontested legal separation.

What is the Benefit? The Fund provides coverage through a 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 negotiation 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:

<table>
<thead>
<tr>
<th>Steps in the Legal Process Provided by The Fund through the Panel Law Firm</th>
<th>Amount Paid by Fund Member</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Consultation</td>
<td>None</td>
</tr>
<tr>
<td>B. Uncontested or cooperatively agreed Separation with minimal negotiation</td>
<td>$45</td>
</tr>
<tr>
<td>C. Settlement after extensive negotiation</td>
<td>$75</td>
</tr>
</tbody>
</table>

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 you in each circumstance:
How to Obtain the Benefit? To obtain the Uncontested Legal Separation Benefit, simply contact the Fund to request an appointment. At the time of the appointment, you and an 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 Fund provides coverage for all steps of the legal process in the category of uncontested divorce proceedings.

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

<table>
<thead>
<tr>
<th>Steps in the Legal Process Provided by The Fund through the Panel Law Firm</th>
<th>Amount Paid by Fund Member</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Consultation</td>
<td>None</td>
</tr>
<tr>
<td>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.</td>
<td>$180</td>
</tr>
</tbody>
</table>

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 (e.g., equitable distribution, child support, custody, visitation and maintenance) and the spouse has retained an attorney. A stipulation of settlement is then 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. HOURLY

The panel law firm has agreed to provide said representation under B. with a 25% reduction in its hourly rate, which hourly rate has been established as $350.00 for calendar year 2011.

How to Obtain the Benefit? To obtain the Uncontested Divorce Proceedings Benefit, simply contact the Fund to request an appointment. At the time of the appointment, you and an attorney from the panel law firm will complete the appropriate forms.

UNCONTESTED ANNULMENT PROCEEDING BENEFIT

Who is Eligible? Any covered member is entitled to this benefit.

What is the Benefit? Annulment proceedings may be categorized as uncontested or contested. The Fund provides coverage for all steps of 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

<table>
<thead>
<tr>
<th></th>
<th>Amount Paid by Fund Member</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Consultation</td>
<td>None</td>
</tr>
<tr>
<td>B. Uncontested Annulment - Coverage includes, for example, Summons and Complaint, Note of Issue, preparation of Findings of Fact, Conclusions of Law, entry of Judgment</td>
<td>$60</td>
</tr>
</tbody>
</table>

**How to Obtain the Benefit?** To obtain the Uncontested Annulment Proceeding Benefit, simply contact the Fund to request an appointment. At the time of the appointment, you and an 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.

**What is the Benefit?** The Fund will provide a covered member with an attorney from a panel law firm to represent the member 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 the member in each circumstance:

Steps in the Legal Process Provided by The Fund through the Panel Law Firm

<table>
<thead>
<tr>
<th></th>
<th>Amount Paid by Fund Member</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Consultation</td>
<td>None</td>
</tr>
<tr>
<td>B. Preparation of Documents and Court Appearance for adoption of child</td>
<td>$65</td>
</tr>
</tbody>
</table>
How to Obtain the Benefit? To obtain the Adoption Benefit, simply contact the Fund 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 BANKRUPTCY BENEFIT

Who is Eligible? Any covered member is entitled to this benefit.

What is the Benefit? The 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 the member in each circumstance:

<table>
<thead>
<tr>
<th>Steps in the Legal Process Provided by The Fund through the Panel Law Firm</th>
<th>Amount Paid by Fund Member</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Consultation</td>
<td>None</td>
</tr>
<tr>
<td>B. Simple Personal Bankruptcy</td>
<td>$75</td>
</tr>
<tr>
<td>C. Complex Personal Bankruptcy</td>
<td>$100</td>
</tr>
</tbody>
</table>

How to Obtain the Benefit? To obtain the Personal Bankruptcy Benefit, simply contact the Fund to request an appointment. At the time of the appointment, you and an attorney from the panel law firm will complete the appropriate forms.

CHANGE OF NAME BENEFIT

Who is Eligible? Any covered member is entitled to this benefit.

What is the Benefit? This benefit provides 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 stage:
### Steps in the Legal Process Provided by The Fund through the Panel Law Firm

<table>
<thead>
<tr>
<th>Steps in the Legal Process</th>
<th>Amount Paid by Fund Member</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Consultation</td>
<td>None</td>
</tr>
<tr>
<td>B. Actual change of name procedure</td>
<td>$45</td>
</tr>
</tbody>
</table>

**How to Obtain the Benefit?**
To obtain the Personal Bankruptcy Benefit, simply contact the Fund to request an appointment. At the time of the appointment, you and an attorney from the panel law firm will complete the appropriate forms.

### Homeowner’s Rights Benefit

**Who is Eligible?** Any covered member who owns a private dwelling, a condominium or cooperative apartment as a primary residence or is in the process of purchasing or selling such a primary residence or refinancing of a mortgage on a primary residence.

**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 apartment in which the member primarily resides or plans to reside; or the purchase of unimproved property with the intention of building a home in which the member expects to primarily reside or the refinancing of a mortgage on a primary residence. The legal services plan does not provide representation in any phrase of the construction of the home, or in any controversy, dispute, proceeding or matter arising from the construction of any home, including one in which the member expects to primarily reside unless special circumstances are demonstrated and approved by the Trustees.

2. Legal advice or representation in the defense of a mortgage foreclosure proceeding 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

<table>
<thead>
<tr>
<th>Steps in the Legal Process</th>
<th>Amount Paid by Fund Member</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Consultation</td>
<td>None</td>
</tr>
<tr>
<td>B. Negotiation, advice and representation in the sale, purchase or refinance of a primary residence</td>
<td>$60.00</td>
</tr>
</tbody>
</table>
It should be noted that this benefit does not include any aspects of residential problems that involve Title searches or Title insurance or the costs of same.

The second component of the Homeowner Rights Benefits is legal representation through the panel law firm attorney in defense of a proceeding to foreclose a mortgage on a dwelling which the member owns and in which the member primarily resides. 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

<table>
<thead>
<tr>
<th>Steps in the Legal Process Provided by The Fund through the Panel Law Firm</th>
<th>Amount Paid by Fund Member</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Consultation</td>
<td>None</td>
</tr>
<tr>
<td>B. Pre-litigation: including for example, negotiation of settlement as well as the drafting of any necessary papers</td>
<td>$15</td>
</tr>
<tr>
<td>C. Litigation: including, for example, Demand for Bill of Particulars, preparation of Jury Demand, Motions and court appearances</td>
<td>$125</td>
</tr>
</tbody>
</table>

**How to Obtain the Benefit?** To obtain the Homeowner's Rights Benefit, simply contact the Fund to request an appointment. At the time of the appointment, you and an attorney from the panel law firm will complete the appropriate forms.
GENERAL LEGAL MATTERS

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

This section describes the General Legal Matters of the program. These benefits are provided to the 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 CONSULATION BENEFIT (Three Each Year)

Who is Eligible? All covered members are entitled to this benefit.

What is the Benefit? This benefit provides covered members with an opportunity to consult with an attorney from the panel law firm for three one-half hour sessions each calendar year concerning any legal questions whatsoever*. This benefit is made available by the Fund at no charge to a covered member.

How to Obtain the Benefit? To obtain the General Consultation Benefit, simply contact the Fund to request a consultation appointment. At the time of the consultation, 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 member, the 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 covered member is entitled to this benefit.

What is the Benefit? This benefit provides professional review and interpretation of all legal documents, such as: guarantees, warranties, installment purchase agreements, loans, leases, insurance policies and court papers, by an attorney from the panel law firm. There is no frequency limitation placed upon the utilization of this benefit which is provided at no cost to the member.
Exclusions and Limitations:

The following documents are not included in the Document Review Benefit:

A. Tax Return
B. Work that is being prepared by other attorneys at the time of the Document Review Benefit

How to Obtain the Benefit? To obtain the Document Review Benefit, simply contact the Fund 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 member, the 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

WILL BENEFIT

Who is Eligible? Any covered member and his/her spouse, if agreeable to the member, are entitled to this benefit. In addition, the parent(s) and/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 will, with a simple children’s trust if appropriate, for the member, his/her spouse (if agreeable to the member), the member’s parent(s) and/or parent(s)-in-law under the supervision of an attorney from the panel law firm. The benefit is provided without charge, not more than once in every consecutive year period

How to Obtain the Benefit? To obtain the Will Benefit, simply contact the Fund to request an appointment. At the time of the appointment, the appropriate forms will be completed. A second appointment will be scheduled for the execution (signing) of the completed will(s).

PERSONAL INJURY (NEGLECTIGENCE) 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 Program 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 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? To obtain the benefit, simply contact the Fund to request an appointment. At the time of the appointment, you and an attorney from the panel law firm will complete the appropriate forms.

ARRAIGNMENT ASSISTANCE - TELEPHONE CONSULTATION BENEFIT

Who is Eligible? Any covered member or dependent who is a defendant in a criminal proceeding in Nassau, Suffolk, Westchester, Putnam, Dutchess, Rockland or Orange Counties, or the five boroughs of New York City.

What is the Benefit? The benefit 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 telephone assistance by an attorney, where the member/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/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:

<table>
<thead>
<tr>
<th>Steps in the Legal Process Provided by The Fund through the Panel Law Firm</th>
<th>Amount Paid Fund Member</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Consultation</td>
<td>None</td>
</tr>
</tbody>
</table>

How to Obtain the Benefit? To obtain the Arraignment Assistance - Telephone Consultation Benefit, the Fund must be contacted so that the appropriate arrangements may be made by the Fund with the panel law firm.
This service is available at any hour of the day or night by calling the special Fund number assigned to the program. 516-466-6030

**CONSUMER PROTECTION BENEFIT**

**Who is Eligible?** Any covered member is entitled to this benefit.

**What is the Benefit?** This benefit provides members with 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.

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

<table>
<thead>
<tr>
<th>Steps in the Legal Process Provided by the Fund through the Panel Law Firm</th>
<th>Amount Paid by Fund Member</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Consultation</td>
<td>None</td>
</tr>
<tr>
<td>B. Representation by Written Communication</td>
<td>None</td>
</tr>
<tr>
<td>C. Litigation in Small Claims Court</td>
<td>$50</td>
</tr>
<tr>
<td>D. Litigation in Courts other than Small Claims Court</td>
<td>$100*</td>
</tr>
<tr>
<td>E. Representation with Appropriate Federal Agencies (e.g. F.T.C. etc.)</td>
<td>$100*</td>
</tr>
</tbody>
</table>

*If a lawsuit involves a consumer purchase of $5,000 or more – e.g., “Lemon car- then the cost to the member for Litigation or representation shall be $250.00.

**NOTE** – Some legal services not provided under this benefit include, but are not limited to, suits for punitive damages, class actions and commercial enterprises.
How to Obtain the Benefit? To obtain the Consumer Protection Benefit, simply contact the Fund 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 with an identity or personal information theft issue is covered by this benefit.

What is the benefit? The Benefit 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 of personal information theft including but not limited to the following examples:

- using or opening of a credit 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 department of the appropriate creditors or financial institutions, the police and the Federal Trade Commission.

The Benefit 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 the Benefit Fund 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.

DON'T BE A VICTIM: STOP IDENTITY THIEVES COLD

THE PROBLEM:

Identity thieves steal information, such as credit card, Social Security and driver’s license numbers, then open accounts and run up charges in the consumer’s name. Or, they fraudulently charge goods and services to a consumer's existing accounts. In other cases, they may work or be arrested while using a victim’s name. The harm to a consumer's credit and daily life can be devastating. Victims often have trouble obtaining credit due to damaged credit ratings.
If you think you have become a victim of an identity or personal information theft, here are three steps you can immediately take:

1. Contact the fraud departments of each of the three major credit bureaus and report that your identity has been stolen. Ask that a “fraud alert” be placed on your file and that no new credit be granted without your approval.
   • Equifax: 1-800-525-6285
   • Experian: 1-888-397-3742
   • Trans Union: 1-800-680-7289

2. For any accounts that have been fraudulently accessed or opened, contact the security department of the appropriate creditors or financial institutions. Close these accounts and put passwords (not your mother’s maiden name) on any new accounts you open.

3. File a police report in the jurisdiction where the identity theft took place. Get a copy of the report in case you are requested to provide proof of the crime later.

The Federal Trade Commission ("FTC") assists victims of identity theft by providing them with information to help them resolve the financial and other problems that can result from identity theft. The FTC Identity Theft Hotline is 1-877-ID-THEFT (438-4338).

**PREVENTION**

The following 14 steps will help you reduce your risk of identity theft.

1. Guard your Social Security number. It is the key to your credit report and banking accounts and is the prime target of criminals.

2. Monitor your credit report. It contains your Social Security number, present and prior employers, a listing of all account numbers, including those that have been closed and your overall credit score. After applying for a loan, credit card, rental or anything else that requires a credit report, request that your Social Security number on the application be truncated or completely obliterated and your original credit report be shredded before your eyes or returned to you once a decision has been made. A lender or rental manager needs to retain only your name and credit score to justify a decision.

3. Shred all old bank and credit statements, as well as “junk mail” credit-card offers, before trashing them. Use a crosscut shredder. Crosscut shredders cost more than regular shredders but are superior.
4. Remove your name from the marketing lists of three credit-reporting bureaus. This reduces the number of pre-approved credit offers you receive.

5. Add your name to the name-deletion lists of the Direct Marketing Association’s Mail Preference Service and Telephone Preference Service used by banks and other marketers.

6. Do not carry extra credit cards or other important identity documents except when needed.

7. Place the contents of your wallet on a photocopy machine. Copy both sides of your license and credit cards so you have all the account numbers, expiration dates and phone numbers if your wallet or purse is stolen.

8. Do not mail bill payments and checks from home. They can be stolen from your mailbox and washed clean in chemicals. Take them to the post office.

9. Do not print your Social Security number on your checks.

10. Order your Social Security Earnings and Benefits statement once a year to check for fraud.

11. Examine the charges on your credit-card statements before paying them.

12. Cancel unused credit-card accounts.

13. Never give your credit-card number or personal information over the phone unless you have initiated the call and trust that business.

14. Subscribe to a credit-report monitoring service that will notify you whenever someone applies for credit in your name.

Although it’s impossible to guarantee that your personal information will not get stolen, by following the above listed tips you can greatly reduce the risk.

**LEGAL PLAN ASSISTANCE**

Of course, please feel free to utilize the Faculty Association of Suffolk Community College Benefit Fund Legal Services Plan of benefits which provides the following, all applicable to “identity theft” issues:

**General Consultation Benefit** – provides coverage through the panel law firm for a member to consult with an attorney concerning any legal questions whatsoever.
**Document Review Benefit** - 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.

**Consumer Protection Benefit** - 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 fraudulent practices by merchants, department stores, home repair contractors, public utilities, automobile dealers, appliance dealers, etc.

**LIVING WILL/HEALTH CARE PROXY BENEFIT**

**Who is Eligible?** You are eligible if you are a covered member, a covered member's spouse (if agreeable to the member) or domestic partner or a covered member's parent(s) and/or parents-in-law.

**What is the Benefit?** This benefit provides you, your spouse or domestic partner, your parent(s) and/or parent(s)-in-law with the opportunity to have a living will/health care proxy prepared and executed under the supervision of an attorney from the panel law firm. This benefit is provided once every two plan years at no cost to you.

A living will and/or health care proxy serves as 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 to Obtain the Benefit?** To obtain the Living Will/Health Care Proxy Benefit, either you or your spouse or domestic partner should contact the Fund to request an appointment. If both husband and wife desire a living will/health care proxy, it is recommended that they make an appointment together. At the time of the appointment, you and an attorney from the panel law firm will complete the appropriate forms.

**ESTATE PLANNING/TRUST BENEFIT**

**Who is Eligible?** You are eligible if you are a covered member, a covered member's spouse or domestic partner (if agreeable to the member) or a covered member's parent(s) and/or parent(s)-in-law.

**What is the Benefit?** The benefit provides covered members and their spouses/domestic partners, parent(s) and/or parent(s)-in-law with the opportunity to have estate planning trusts prepared and executed under the supervision of an attorney from the panel law firm.

The following schedule indicates the legal services available and the amount to be paid by the member:
Steps in the Legal Process Provided by The Fund through the Panel Law Firm

<table>
<thead>
<tr>
<th>Steps in the Legal Process Provided by The Fund through the Panel Law Firm</th>
<th>Amount Paid by Fund Member</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Consultation</td>
<td>$150.00 *</td>
</tr>
<tr>
<td>B. Preparation and execution of certain estate planning trusts, as follows:</td>
<td></td>
</tr>
<tr>
<td>• <strong>Irrevocable Life Insurance Trust (&quot;ILIT&quot;)</strong> - Designed to remove life insurance proceeds from the insured’s and the surviving spouse’s taxable estate.</td>
<td></td>
</tr>
<tr>
<td>• <strong>Revocable Grantor Trust (Living Trust)</strong> - Created during a person’s lifetime and can be amended or revoked by the grantor at any time.</td>
<td></td>
</tr>
<tr>
<td>• <strong>Supplemental Needs Trust (Escher Type Trust)</strong> - Allows a person receiving governmental assistance (Medicaid) to receive prescribed amounts of income and principal from trust without jeopardizing governmental assistance.</td>
<td></td>
</tr>
<tr>
<td>• <strong>Marital Trust</strong> – A trust, which if containing specific statutory provisions will qualify for the marital deduction, and therefore not be included in the decedent’s taxable estate.</td>
<td></td>
</tr>
<tr>
<td>• <strong>Qualified Personal Residence Trust (’QPRT’)</strong> – Allows a person to place his or her personal residence in a trust and continue to have full use of the trust for a number of years, providing such term is less than the grantor’s life expectancy.</td>
<td></td>
</tr>
</tbody>
</table>

20% OFF The Usual and Customary Fee**

* To be credited to fee for preparation of trust.

** Usual and customary fee charged by the law firm for 2006 is $2,500 per trust for all trust except QRPT trusts, which is $3,000 per trust. Fees may change year to year.

**PLANNING FOR THE ELDERLY BENEFIT**

**Who is Eligible?** You are eligible if you are a covered member, a covered member’s spouse (if agreeable to the member) or domestic partner or a covered member’s parent(s) and/or parent(s)-in-law.

**What is the Benefit?** This benefit provides you, your spouse or domestic partner, your parent(s) and/or parent(s)-in-law with an opportunity to consult with an attorney from the panel law firm on matters involving, e.g. the placement of elderly parent(s) in nursing homes, available Medicare entitlement and health planning for the elderly. This benefit includes the preparation of powers of attorney and is offered at no cost to you.
**How to Obtain the Benefit?** To obtain the Planning for the Elderly Benefit, either you, your spouse or your domestic partner should contact the Fund to request an appointment. At the time of the appointment, you an attorney from the panel law firm will complete the appropriate forms.

**ESTATES AND ADMINISTRATION BENEFIT**

**Who is Eligible?** You are eligible if you are a covered member or a covered member’s eligible dependent who is named as Executor in a Will. You are also eligible if you are named as executor in a will by a covered member. If there is no Will, you or an eligible dependent who would qualify under intestacy laws to serve as Administrator of the estate will be eligible.

**What is the Benefit?** This benefit 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 domestic partner or eligible dependent children in those instances where the spouse or domestic partner or eligible dependent children would be entitled to be appointed Executor or Administrator.

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

**Steps in the Legal Process Provided by The Fund through the Panel Law Firm**

<table>
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</tr>
</thead>
<tbody>
<tr>
<td>A. Consultation</td>
<td>None</td>
</tr>
<tr>
<td>B. Small Estate Proceedings</td>
<td>$150</td>
</tr>
<tr>
<td>C. Estates other than Small Estate Proceedings</td>
<td>$250 plus*</td>
</tr>
</tbody>
</table>

*The panel law firm has agreed to provide legal representation in these matters with a 25% reduction in its hourly rate, which, for 2011 is $350.00.*

**How to Obtain the Benefit?** To obtain the Estates and Administration Benefit, simply contact the Fund to request an appointment. At the time of the appointment, you and an attorney from the panel law firm will complete the appropriate forms.
COUNSELING OF EMANCIPATED* CHILDREN BENEFIT

What is the benefit? The Fund provides coverage through the panel law firm for consultation and document review services to your unemancipated child on matters involving the following:

- Legal responsibilities that affect your child when they turn age 18, whether or not they are emancipated;
- Contract review;
- Lease review and real estate issues;
- Agreements and documents associated with educational institutions (i.e. universities and colleges);
- Loan agreements and other credit matters; and
- Identity theft matters.

How is the Counseling of Unemancipated Children Benefit obtained? To obtain the Counseling of Unemancipated Children Benefit, simply contact the Fund to request an appointment for your child. At the time of the appointment, your child and an attorney from the panel law firm will complete the appropriate forms.

Exclusions? Excluded from the Counseling of Unemancipated Children Benefit is advice or consultation in any controversy, dispute or proceeding with the covered member/parent.

*An unemancipated child is any dependent child (as defined by the rules of the Fund) who is over 18 years of age and fully dependent on you/the member for support.
GENERAL EXCLUSIONS FROM ALL BENEFITS
OF THE LEGAL SERVICES PLAN

All legal services provided by the Fund have been specifically stated and described. Any legal service that has not been so described can be considered excluded from the Plan of Benefits.

However, in order to guide the member in his/her utilization of the Legal Services Program benefit package, this section lists specifically, but without limitation, particular exclusions from the Plan.

- Any controversy, dispute or proceeding with or against the employer or the employer's agents or officers;

- Any controversy, dispute or proceeding directed against the Union or any of its affiliated bodies, e.g., the Fund, or any of the officers, agents or attorneys of the Union and its affiliated bodies;

- Any controversy, dispute or proceeding in which the 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 or filing of income tax returns or payment of income tax;

- 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 an attorney;

- 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 or matter that cannot be litigated or otherwise handled within Rockland, Dutchess, Orange, Putnam, Nassau, Suffolk or Westchester Counties, or the five boroughs of New York City as described in the Legal Defense Benefit section;
- Any controversy, dispute, proceeding or matter which involves a member’s business, commercial interest or investment matters;

THE FUND WILL NOT PAY:

- For services or advice when such activity involves a duplication of the same service or advice previously obtained in connection with the same problem previously claimed for under the Plan;

- Court costs and/or filing fees, nor in any event will the Fund pay fines, penalties or any amounts in which a member may be cast in judgment.

IF YOU HAVE ANY QUESTIONS WITH REGARD TO COVERAGE, BENEFITS OR EXCLUSIONS, PLEASE CONTACT THE FUND OFFICE.