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Group Access Legal Services Plan

Certificate of Coverage

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Certificate of Legal Services Coverage

This certificate is issued as evidence that the Covered Individual is entitled to receive benefits in accordance with and subject to all the terms and conditions of this Certificate and the National Legal Office Agreement. Coverage extends to Covered Participant and Covered Dependent(s) as defined in this Certificate.

National Legal Office Hours and Telephone Numbers

The National Legal Office is Feldman, Kramer & Monaco, P.C., 330 Vanderbilt Motor Parkway, Hauppauge, NY 11788. The law office can be reached by telephone Monday through Friday from 9 a.m. to 5 p.m. (EST). The office is closed on Saturdays, Sundays and holidays. Telephone numbers for the National Legal Office are: 631-231-1450 (from area code 631), 800-832-5182 (toll-free within New York State) or 800-292-8063 (toll-free nationwide). The legal plan emergency hotline is 800-292-8063. Please note that our legal services are available locally from the national network of referral attorneys who are under contract to the National Legal Office.

Outline of Plan Benefits

The following is a brief outline of Plan benefits. Please consult the appropriate section of this Certificate for limitations and detailed explanation.

- Telephone advice and consultation with an attorney
- Legal letters written and telephone calls made on your behalf
- Guaranteed maximum fees for specific legal matters
- Discounts for uncontested Estates – Probate
- Nationwide Referral Attorney Network
- Simple will, health care proxy, living will and power of attorney
- Guaranteed hourly rates
- Advice on identity theft prevention and for identity theft victims
- Assistance with debt consolidation
- Assistance with mortgage foreclosure
- Discounts for personal injury cases
- Document preparation at fixed rate
- Office consultation with an attorney
- Elder Law services
- Business related matters

How to Use the Plan Most Effectively

1. All requests for Legal Services in connection with each new legal matter must be directed to the National Legal Office.
2. Contact the National Legal Office before you sign any document or make any decision that may affect your conduct and have any legal consequences.
3. Always obtain a copy of anything you sign.
4. Always keep copies of contracts, bills, receipts, and other documents in a safe place so they are available if you need them.
5. If you receive litigation or legal papers in the mail, contact the National Legal Office immediately for advice and an appointment.
6. If you have any doubts about the advice given to you by someone who sought to gain some benefit from you, contact the National Legal Office first, before you enter into any commitment.
7. If you cannot keep your appointment with the Plan's attorney, please contact the office to reschedule so that others may see the attorney at that time.
8. Before you leave your house to keep an appointment with the attorney, check to see if you have all the documents that the Plan attorney will need to help you. If you are unsure about which ones will be necessary, call and ask before you leave.
9. Have patience! The legal process sometimes moves slowly. Rest assured that although you may not receive results as quickly as you might expect, 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 the documents, papers, contracts, leases, or receipts and bills that you have in your possession. These documents will be taken care of by your lawyer and will not be misplaced or destroyed, however, it is advisable to maintain copies of any information which you give to your attorney.

An Attorney’s Professional Responsibility

The attorney’s services shall be provided in accordance with the professional and ethical standards expected of attorneys. In providing such legal services, the attorneys shall adhere to the rules of the Plan as established herein, but shall receive no further instructions, direction or interference from any contributing employers or the trustees of the union or their officers or agents. Their obligations and relations as attorneys shall be exclusively with their clients. They shall maintain the confidentiality of the lawyer-client relationship in accordance with applicable canons of ethics. They shall refuse to provide services in any matter that they believe to be clearly without merit, repetitious or frivolous, or in which representation would be unethical, improper or inadequate.

Definition of Terms

Administrator - NYSUT Member Benefits Trust, 800 Troy-Schenectady Road, Latham, New York 12110-2455, 800-626-8101.

Agreement – The actual contract between NYSUT Member Benefits Trust and the National Legal Office, including all endorsements or amendments thereto, entitled National Legal Office Agreement.

Contract Holder – NYSUT Member Benefits Trust, 800 Troy-Schenectady Road, Latham, New York 12110-2455.

Covered Dependent(s) – The Covered Participant’s spouse or domestic partner, the Covered Participant’s unmarried dependent children or the Covered Participant’s domestic partner’s unmarried dependent children (including stepchildren and legally adopted children) under the age of nineteen (19) years or under the age of twenty-five (25) years if they are wholly dependent upon the Covered Participant for support and maintenance and are enrolled as full-time students in educational institutions; and the Covered Participant’s parents, provided such parents are wholly dependent upon the Covered Participant for their own support and maintenance. For purposes of the Elder Law Services, the Participant’s spouse, domestic partner, parents, grandparents, parents-in-law, and grandparents-in-law are covered participants.

Covered Individual – Either the “Covered Participant” and/or “Covered Dependent(s)” as defined herein.

Health Care Proxy – This document enables an individual to appoint an agent to carry out their wishes regarding medical treatment options. Additionally, a health care proxy contains direction regarding organ donation. A health care proxy eliminates the need for a court-appointed guardian for health issues should one become incapacitated.

Legal Plan Agreement – The actual contract between the NYSUT Member Benefits Trust and the National Legal Office, including all endorsements, riders or amendments thereto, as well as the Agreement of Trust entitled “Legal Service Plan.”

Legal Terminology – All legal terminology in this Certificate is utilized by New York state courts and statutes. Comparative terms will be applied and substituted as necessary in other states.

Living Will – This document enables an individual to express his or her wishes regarding end-of-life treatment options such as artificial hydration, tube feeding or other life-sustaining measures.

Participant – The term “Participant” is an individual who is provided a Group Access Legal Plan.

Participating Referral Attorney(s) – Independent lawyers or law firms, partnerships or corporations who have executed a Referral Legal Benefit Agreement with the National Legal Office to provide certain legal services to Covered Individuals at stipulated rates and/or specified maximum fees.

Power of Attorney – A power of attorney enables a grantor to appoint an agent(s) to manage one’s financial affairs. It is effective immediately after signing regardless of the health of the grantor. It can be revoked by the grantor at any time. This document gives the agent(s) full control over the grantor’s assets and holdings. Possession of this document eliminates the need for a court-appointed guardian in the event of the subsequent incapacity of the grantor.

Real Estate (Sale or Purchase) – Includes attorney fees from contract through closing in connection with the purchase or sale of your one-family primary residence. Does not include other closing costs, such as the cost of title searches, title insurance, survey, filing fees, etc. One hour of post-closing service is also provided. All time beyond that is billable at the hourly rate. Any post-possession or prepossession agreements or other tangential agreement preparation may be billable at the plan rates. The plan maximum legal fee for real estate does not include any additional legal services specifically related to new construction problems.

Reciprocal Documents – Documents (e.g., simple will, health care proxy) made by spouses or domestic partners in which they make identical provisions in favor of each other (i.e., husband to wife, wife to husband).

Refinance of Mortgage – Includes all legal services in connection with the refinance of your mortgage for your primary residence. However, there may be an additional charge if the lending institution is not represented by counsel. Any additional fees will be billed at the plan hourly rate.

Simple Will – Will providing for the proceeds of the estate to be distributed to specifically named beneficiary(ies) outright and, not in trust, with an alternate disposition in the event that the primary beneficiary(ies) predeceases the Testator(trix).

Staff Attorney – An attorney who provides telephone advice, consultation and other legal services from the National Legal Office.

Legal Benefits

There are no legal benefits or services provided by this Plan that are not stated in this Certificate.

1. Unlimited Telephone Advice and Consultation with a National Legal Office Attorney – Legal Letters Written* and Telephone Calls made on behalf of a Covered Individual. If, in the opinion of the National Legal Office the subject of the legal matter is of such scope and sufficient simplicity to lend itself to a clear understanding between an attorney and Covered Individual and, in the opinion of the National Legal Office, the best interest of the Covered Individual is served, the Staff Attorney in their sole discretion may dispense counsel and advise the Covered Individual through telephone consultation and/or initiate telephonic or written communication to third parties. National Legal Office will require written authorization from Covered Individual prior to contacting a third party.

Please Note: This benefit only applies to the National Legal Office. It does not apply to any Participating Referral Attorneys.

** Letters regarding Negligence Matters are excluded. Refer to Legal Benefits Item #8.*

All contact between a Covered Individual and the National Legal Office must originate by way of a telephone call from the Covered Individual to the National Legal Office. The National Legal Office can be reached from any location within the continental United States by dialing the telephone numbers listed on the back of the Legal Service Plan Identification Card or in this certificate.

2. Personal Consultation. Covered Individual is entitled to two (2) free, hour-long initial office consultations with the National Legal Office or Participating Referral Attorney. The consultation(s) shall be valid through the date indicated on the Participant's Plan identification card. Please note: The consultation(s) cannot be used to reduce "Plan Maximum Fees," or for the preparation of a will, health care proxy, living will, or power of attorney or for estate planning. (Free consultations may not be combined for any one particular matter).

3. Referral to Participating attorneys – Guaranteed Hourly legal fees – limited Document Review. If, in the opinion of the National Legal Office, the subject of the legal matter is unclear, complex or telephone consultation would not be in the best interest of the Covered Individual, the National Legal Office may:

(a) refer Covered Individual to a Participating Referral Attorney who will have agreed by contract with the National Legal Office to charge or bill the Covered Individual no more than

- Two hundred and eighty-five dollars (\$285) per hour, or a twenty-five percent (25%) reduction from the attorney's usual hourly rate, whichever is lower, for legal work related to covered matters, except for Probate matters and Personal Injury cases, which have fee schedules stated in this section under Items #7 and #8, respectively, and except for Elder Law services, for which fees are stated in the Elder Law Attorney Fees section, and also except for all other contingent fee matters and all matters for which attorney fees are established by the court, and all other exclusions set forth herein, or

(b) act in the capacity of a Participating Referral Attorney, if the Covered Individual is in the general geographical area in which the National Legal Office is located, or

(c) in response to specific limited questions regarding simple documents, ten (10) pages or less (e.g., purchase agreements, loan agreements, lease agreements, real estate documents, and written warranties), direct the Covered Individual to forward a document to the National Legal Office for free review.

4. Legal Security Package - The Covered Participant or their spouse or domestic partner is entitled to one (1) Legal Security Package per Plan year. The Legal Security Package contains forms required to prepare a health care proxy, living will, power of attorney and simple will. All documents included in the Legal Security Package must be prepared for the same Covered Individual. You can obtain your Legal Security Package by printing it from the Administrator’s website at memberbenefits.nysut.org, click on Legal & Financial in the menu at the top of the page. If you do not have internet access, contact the Administrator at 800-626-8101 and a Legal Security Package will be sent to you.

If you wish to prepare two (2) sets of documents at the same time in your first Plan year, there will be an extra charge for a second set unless your Group Plan provider has chosen to participate with a two-year agreement. Additional fees are payable to the National Legal Office. If your Group Plan provider has elected to enroll in the coverage with a two-year commitment, you are entitled to two (2) additional LSP packages to be used anytime during the two-year agreement.

5. Plan Maximum Legal Fees - The legal service performed by Referral Attorney(s) in connection with the legal matters listed below shall be subject to the hourly rates set forth in Legal Benefits Item #3 but shall not exceed the maximum fees indicated. Additional fees may be charged for court costs, trial, trial fees, process service, etc.

| Legal Matter | Maximum Fee |
|---|--------------------|
| Divorce (Uncontested, without marital agreement)* | \$1,000 |
| Divorce (Uncontested, with marital agreement)* | \$1,850 |
| Separation (Uncontested)* | \$900 |

| Legal Matter | Maximum Fee |
|--|--------------------|
| Real Estate (Sale or purchase of primary residence only): | |
| • Up to \$250,000..... | \$850 |
| • \$250,000 - \$500,000..... | \$1,025 |
| • \$500,000 - \$1,000,000..... | \$1,325 |
| Refinance of mortgage (Primary residence only)..... | \$425 |
| Traffic Violation..... | \$600 |
| (First offense, 3 points or less – up to 2 court appearances) | |
| Misdemeanor..... | \$1,200 |
| (First offense – up to 2 court appearances) | |
| Personal Bankruptcy (Chapter 7)..... | \$1,525 |
| Name Change (Uncontested)..... | \$600 |
| Driving While Intoxicated..... | \$1,200 |
| (First offense – up to 2 court appearances) | |
| Commencement of Proceedings for Modification of Child Support (Preparation of pleadings only)*..... | \$550 |
| Simple Trust..... | \$50 |
| Additional Legal Security Package..... | \$100 |

Legal Matter

Maximum Fee

Business Related Matters:

Incorporation – Preparation and filing of Certificate of Incorporation and preparation of initial corporate minutes.

Maximum Fee.....\$385
(Corporate kit and seal ordered at additional fee)

Sale or purchase of business (preparation of contract and closing of title) Maximum Fees:

- Sale price up to \$75,000.....\$750
- Sale price over \$75,000.....1% of purchase/sale price

Preparation of Shareholder, Partnership, or Operating agreement (3 Shareholders/Members/Partners or less).....\$750

All other business related matters subject to applicable hourly rates in provision #3.

**These benefits only cover representation of the Covered Participant, Covered Dependents are not covered under these benefits.*

6. Family and Marital Relations (Contested and Uncontested) - The Plan provides coverage only to the Covered Participant at the discounted hourly rate in all stages of both contested and uncontested actions for divorce, separation and annulment. This benefit also includes negotiation and preparation of separation agreements and property settlements. Moreover, the Plan covers actions and proceedings to enforce agreements and judgments that provide for alimony, child support, property rights, protective orders, custody, and visitation.

The Plan's attorneys will also represent you in connection with preparations of premarital contracts.

The Plan also covers representation of the Covered Participant in support, family offense, custody, and paternity proceedings in Family Court.

These benefits only cover representation of the Covered Participant. Covered Dependents are not covered under these benefits.

7. Uncontested Estates. Probate. - In the event of the death of a Covered Individual, a Referral Attorney(s) shall extend a thirty percent (30%) reduction of fee to the estate of the Covered Individual. The thirty percent (30%) reduction shall apply to the percentile contingencies (as applied to all assets that are included in the estate for estate tax purposes) set forth, for example, in the New York State Surrogates Court Procedure Act, Section 2307, for New York estates; or New Jersey Surrogates Act, Section 54:34-5C, for New Jersey estates; or the usual and customary fee of the Referral Attorney(s), whichever is less.

8. Personal Injury Cases - Contingency fee cases* arising out of negligence, breach of warranty or duct liability, and accepted on a contingent fee basis by a Participating Referral Attorney, shall not be subject to the fee limitations set forth in Legal Benefits Item #5 but instead, a Participating Referral Attorney(s) agrees to accept as their fee in those cases the following reductions from the standard contingency fees approved by the Court of the applicable state. This coverage shall extend to the Covered Individual and all family members.

- 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.

**Except professional malpractice.*

9. Identity Theft - The National Legal Office will provide advice to Covered Individuals on the Federal laws governing identity theft and will offer Covered Individuals comprehensive advice on how best to avoid having their identity stolen.

Covered Individuals who are victims of identity theft will be offered comprehensive advice and guidance on how best to proceed to reclaim their identity. This advice will include how to file a police report, what credit agencies to contact to place a fraud alert, and guidance on how to construct an appropriate dispute letter to any creditor or agency involved. This benefit shall be limited to advice only, and in appropriate limited circumstances may, in the professional discretion of the National Legal Office attorney, include the writing of up to three (3) letters per plan year.

10. Debt Consolidation. Where appropriate, the National Legal Office will assist a Covered Individual with debtor/creditor issues. Attorneys will advise Covered Individuals regarding their rights under the Federal Fair Debt Collector Practices Act, which governs collector practices. Attorneys will advise Covered Individuals on issues related to Chapter 7 and Chapter 13 bankruptcy alternatives. Where appropriate attorneys will review a Covered Individual's financial situation and relevant documents, and may contact the Covered Individual's creditor to discuss options available to suspend interest, work out a payment plan and avoid a collection lawsuit. The above services may only be rendered prior to commencement of lawsuit by lender/creditor and shall not include representation in any manner in which a suit has been commenced.

The aforementioned legal assistance may require a Covered Individual to first provide the lender/creditor with written authorization as required by that lender/creditor.

11. Mortgage Foreclosure - Where appropriate, the National Legal Office will assist a Covered Individual with mortgage foreclosure issues. Attorneys will advise a Covered Individual regarding their rights under the Federal Fair Debt Collector Practices Act, which governs collector practices. Attorneys will advise a Covered Individual on alternatives to foreclosure, including negotiation of loan where available, short-sale possibilities and Chapter 13 bankruptcy options. Where appropriate and available, attorneys will assist a Covered Individual by reviewing relevant documentation and contacting their lender or creditor to discuss options available to avoid foreclosure or collection lawsuit.

The above services may only be rendered prior to commencement of lawsuit and will not include presentation in any matter in which a suit has been commenced. The aforementioned legal assistance may require the Covered Individual to first provide the lender/creditor with written authorization as required by that lender/creditor.

12. 24-Hour Emergency Hotline - If a Covered Individual is confronted with a situation that requires immediate legal advice, they may call the emergency hotline to talk with 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. The Legal Plan emergency hotline number is 800-292-8063.

13. Small Claims Protection - The National Legal Office will provide advice regarding procedure and evidence preparation for Small Claims Court matters.

14. Regulatory Agency Referral - In matters where a Staff Attorney deems it appropriate, referrals will be made to the appropriate Federal, State or Municipal Agencies.

Elder Law Services

In addition to the comprehensive services available, the plan includes coverage for legal services in the specialized field of Elder Law for the Covered Individual and their parents and grandparents. Elder Law attorneys can advise on State and Federal 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. The National Legal Office has established one of the largest Elder Law departments in New York State and in addition, has contracted with this sector of the bar in anticipation of specific needs in this area of law in other jurisdictions.

Many states do not permit attorneys to state that they are specialists in a particular legal subject because, in most states, there are not specific certification procedures. Contrary to the custom of the medical profession, attorneys usually are not designated as “Board Certified Specialists” by the State. In many states, it is therefore improper to advertise that one has a “specialty”; however, a national panel of highly respected attorneys who substantially limit their practice to Elder Law issues is available under this Legal Plan.

Elder Law Attorney Fees

Through the Legal Plan, Elder Law attorneys’ usual fees are reduced by twenty percent (20%) by virtue of their contract with the National Legal Office. When you are referred to a specific firm, the National Legal Office will advise you regarding that firm’s discounted billing rate.

Please Note: The guaranteed hourly legal fees and free office consultation described in the Legal Benefits section of this Certificate do not apply to Elder Law representation.

Customary Elder Law Services

1. Elder Law Consultation - An Elder Law consultation is the heart of the relationship with the client and the source of legal strategies.

An Elder Law consultation generally includes the following:

(a) Financial review and analysis, including review of all assets, real and personal; how the assets are held; examination of all sources of income in addition to income produced by assets, including pension benefits, Social Security benefits, payments from annuities, and other instruments such as trusts, contracts of sale, mortgage notes, and other secured or non-secured obligations; and review of all life insurance held, including the face value and cash surrender values thereof.

(b) Health Care insurance review.

(c) Review of current documentation, including existing wills, trusts, powers of attorney, health care proxies, and health care declarations.

(d) Summary of consultation and recommendations in letter format to client.

Average Fee with discount.....\$400

2. Complex Last Will & Testament/Testamentary Trusts – Complex Wills containing the following provisions commonly utilized in the Elder Law context are available as necessary:

- Federal Credit Shelter Trust: To preserve the unified credit of each spouse while providing for the financial care of the surviving spouse.
- Special/Supplemental Needs Trust: To provide for the supplemental care of the surviving spouse or children. This is offered to take advantage of the federal provisions under the Omnibus Budget Reconciliation Act (OBRA), which permits discretion in testamentary trusts (something that is clearly not available in lifetime trusts). This form of trust permits the trustees to utilize the trust funds in a manner that supplements the care provided by existing governmental programs rather than substituting for such care.

Average range of fees with discount:

Federal Credit Shelter.....\$1,750-\$2,000

Special/Supplemental Needs.....\$750-\$1,000

3. Living Trusts - These lifetime trusts can be utilized for ordinary estate planning reasons (such as avoiding probate) or for more complex trusts for health care planning.

Revocable Living Trusts are used for ordinary estate planning purposes. Average fee with discount.....\$2,500

Irrevocable Living Trusts are used primarily for asset protection and Medicaid planning. Average fee with discount.....\$3,500

4. Fair Hearing - In the event that a Medicaid application is rejected, one is entitled to a “Fair Hearing.” This representation includes appearances at hearings as required; preparation of memorandum of law and/or brief, if necessary; affidavits; and meetings and correspondence.

Average fee with discount.....\$5,000

5. Preparation of Application for Medical Assistance - Preparation, review or clarification of applications for Medical Assistance, and assistance with the filing of the application. Applications of this nature vary greatly in terms of complexity and are handled at a 20% reduction from the Elder Law Attorney’s usual fee.

6. Deeds - For estate planning purposes, it may be advisable for an Elder Law Attorney to prepare a deed that transfers property or retains a life estate and/or special power of appointment. These features are incorporated to avoid or reduce estate or gift tax and capital gains tax as well as protecting assets from Medicaid.

Average fee with discount.....\$600-\$850 (Plus recording fees)

7. Probate or Administration of Estate - When a Covered Individual is deceased, a probate or administration proceeding may be necessary. The fees charged vary a great deal from state to state; therefore, a twenty percent (20%) discount from the attorney’s standard billing amount has been established.

8. Medicaid Appeal for Nursing Homes and Hospitals - Medicaid Appeals are handled at a 20% reduction from the Elder Law Attorney’s usual fee. All other services typically handled by Elder Law Attorneys will be billed at a 20% reduction from the Elder Law Attorney’s usual and customary fee for such service. *Please note: All additional correspondence, telephone communications, negotiations, and coordination with geriatric care managers or social workers are billed at hourly rates, appropriately discounted. In addition, disbursements made on behalf of the client, such as long-distance telephone charges, facsimiles, overnight delivery, photocopies, overweight postage, etc., are billed to the client at cost.*

National Legal Office Declination and/or Referral Attorney Declination

The National Legal Office or Referral Attorney may decline to accept any matter for a Covered Individual if it determines the matter:

1. is lacking sufficient merit to warrant pursuit.
2. has been previously handled by retained legal counsel or matters where the individual represented themselves.
3. has been raised to a Plan Attorney an inordinate or unreasonable number of times without substantial change of circumstances.
4. is in conflict with any third-party interest or other client interest.
5. is out of the area of Referral Attorney's usual and customary practice.
6. is in the Covered Individual's best interest to retain other legal counsel.

Continuation of Coverage

Any Covered Individual shall be entitled to the availability of legal services for the effective term of coverage. Upon termination of coverage, specific representation in progress shall be continued by the National Legal Office 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, in accordance with the legal fees stipulated in this Certificate for any case, item, matter, or service then being performed.

Termination of Benefits

A Covered Individual's eligibility will be considered terminated; if:

1. On the day following the expiration date noted on a Covered Participant's legal plan identification card, if (a) the renewal contribution required for continued enrollment in the Plan has not been received, or (b) the Covered Participant ceased to continue to qualify for participation in the Plan.
2. If the Covered Participant's payroll/pension deductions required for continued enrollment cease and alternate arrangements for payment have not been received, termination is immediate.
3. National Legal Office may terminate coverage in the event that Covered Individual is abusive to any staff members at National Legal Office or referral attorney's office.

Terms and Conditions

Benefits are provided under the following conditions:

1. All requests for legal services in connection with each new legal matter must first be directed to the National Legal Office.
2. All legal services must be for personal benefit of the covered individual or, in the case of a business matter, covered individual must be a shareholder or member of the business entity.
3. The Contract Holder and National Legal Office shall have absolutely no responsibility, liability or obligation whatsoever in relation to the quality or quantity of legal work performed by a Participating Referral Attorney(s) nor in relation to any communication whatsoever between a Participating Referral Attorney and Covered Individual.

- 4.A Participating Referral Attorney's fees for legal services together with any costs, disbursements and expenses paid or advanced by a Participating Referral Attorney on behalf of a Covered Individual shall be paid in full by the Covered Individual directly to the Referral Attorney.
5. Hourly fees may be imposed for all time that an attorney incurs while representing a Covered Individual, including: court time, office time, telephone time, travel time, etc. An attorney(s) may require a retainer fee prior to delivering services.
6. Matters wherein a Participating Referral Attorney(s) may bill at their usual and customary rates subject to agreement with a Covered Individual(s).

(a) Any appeal, class action, intervention, and amicus curiae filings, or where the fee is provided by statute from any fund subjudice, or where the Covered Individual's attorney's fees are paid or payable by a party other than the Covered Individual.

(b) Except as otherwise set forth in the Legal Benefits Section of this Certificate, any legal matter which, in the opinion of a Participating Referral Attorney, is subject to such attorney's usual and customary client-attorney contingency fee arrangement.

Exclusions

All Covered Participants should know that if the Plan's attorneys have represented your spouse in any other matter during which any of the Plan's attorneys have received significant information about your spouse's financial interests, that may cause a conflict of interest to exist. The following items are specifically excluded and shall not be interpreted as included benefits, and no covered Individual shall be entitled to receive an excluded benefit or service:

1. Any legal matter arising outside the continental USA.
2. Exclusions applicable to the National Legal Office – Any case, item, matter, or service that, in the opinion of the National Legal Office and Staff Attorney, cannot be adequately or properly handled by such Staff Attorney exclusively by use of the telephone or United States mail.
3. Exclusions applicable to both the National Legal Office and Participating Referral Attorneys –
 - (a) Any case, item, matter, or service involving an adversary relationship between parties or implied parties to the Legal Service Plan Agreement, including, but not limited to: Covered Individual, Contract Holder, any organization affiliated with Contract Holder or any organization with which Contract Holder is affiliated, Staff Attorney, National Legal Office, Participating Referral Attorney(s), Administrator, Trustees of the Plan, Covered Individual's collective bargaining representative, or Covered Individual's employer, and any case, item, matter, or service arising out of an employer-employee relationship (except as specifically set forth herein).

(b) Any matters relating to proprietorship, partnership, corporations, or any business venture where the matter relates to the rights of liability of the business entity itself instead of Covered Individual. Matters relating to Federal Court, patent, copyright, trademark, Securities Exchange Commission, tax matters, immigration or naturalization, admiralty, pensions, foreign laws, or other specialized areas of law.

(c) Fines, court costs, penalties, expert witness fees, telephone, postage, photocopy costs, disbursements, and other related expenses are not covered by the Plan and shall be paid by the Covered Individual.

Grievance & Arbitration

In the event that any controversy or complaint arises in connection with the terms and procedures contained in this Certificate involving the National Legal Office, Administrator, Contract Holder, Participating Referral Attorney, Covered Individual or any combination thereof, the following procedure 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, a Covered Individual may then;

SECOND: Notify the Grievance Department of the National Legal Office, c/o Feldman, Kramer & Monaco, P.C., 330 Vanderbilt Motor Parkway, Hauppauge, NY 11788, in writing, as to the nature of the dispute and all of the relevant particulars. In the event that the Grievance Department of the National Legal Office is unable to effectuate a satisfactory resolution, the Covered Individual may then;

THIRD: Appeal to the office of the Administrator for its help toward resolving the complaint or controversy by writing to NYSUT Member Benefits Trust, 800 Troy-Schenectady Road, Latham, NY 12110-2455. In the event that the Administrator is unable to effectuate a satisfactory resolution, the Covered Individual may then;

FOURTH: Initiate the submission of the complaint or controversy to binding arbitration in accordance with the then current commercial arbitration rules of the American Arbitration Association. The arbitrator or arbitrators 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. Said decisions shall be final and binding upon all parties, but said arbitrator or arbitrators shall have no power to change or add to the provisions of this Certificate. Each disputing party shall pay an equally proportionate share of the cost of arbitration, including the fees of the arbitrator (except attorney's fees and costs).

In the event that the National Legal Office shall be a party included in any such arbitration, the venue for such arbitration shall be the office of the American Arbitration Association that is nearest to the National Legal Office.

In addition to the above mentioned grievance procedure, a Covered Individual has the option of presenting a dispute to a Bar Association or other lawyer disciplinary forum.

Additional Information - The name, business address and telephone number of the Plan Administrator:

NYSUT Member Benefits Trust
800 Troy-Schenectady Road
Latham, NY 12110-2455
800-626-8101

Statement of ERISA Rights

The Statement of ERISA Rights as set forth in Section 30.01 of Article 30 of the Summary Plan Description for the NYSUT Member Benefits Trust is hereby incorporated by reference.

Note

All the information and comments printed in this Certificate are for your information and guidance only. The Legal Service Plan's benefits may be changed, amended or modified from time to time at the direction of the trustees. Nothing contained in this Certificate may be used as a basis for any claim whatsoever against the Trustees of the NYSUT Member Benefits Trust.

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 27.5% 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, when 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.

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

