

*Y*OUR LEGAL BENEFITS FUND

Dear Member:

The legal benefits described in this section are provided through the CWA Local 1180 Legal Benefits Fund. This Fund is a trust, separate and distinct from the trust maintained for the Security Benefits Fund, the Retirees Benefits Fund, the Education Fund, and the Members' Annuity Fund.

Sincerely,

Board of Trustees
CWA Local 1180 Legal Benefits Funds

CWA Local 1180 Legal Benefits Fund

6 Harrison Street, 3rd Floor
New York, NY 10013
(212) 966-5353, Out-of-area (888) 966-5353
www.cwa1180.org

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Gould, Kobrick & Schlapp, PC

YOUR LEGAL BENEFITS FUND

Who's Eligible?

You are eligible to participate in the benefits provided by the Legal Benefits Fund if:

- You are in a job title represented by CWA Local 1180, AFL-CIO.
- Contributions are received by the Legal Benefits Fund on your behalf pursuant to a collective bargaining agreement between your employer and Local 1180.

In certain instances, your spouse, certified domestic partner and your eligible children (as defined by the Fund) are entitled to benefits provided by the Legal Benefits Fund. Please refer to each specific benefit for more information.

Your eligible dependents: A dependent, as defined by the Fund, is your spouse or domestic partner and each child 2 weeks or more of age who has not attained his or her 19th birthday, or his or her 26th birthday and for whom you have requested annually for Extended Coverage. “Child” includes a natural child, stepchild, legally adopted child (which would include those in the waiting period) or foster child, provided the child is dependent on you for support or maintenance. The Fund may request proof of dependent status through affidavit, income tax returns, court orders, and birth certificates or otherwise.

When Does Coverage Begin?

Coverage for you and your eligible dependents begins on the day you are placed on the payroll in a job title represented by CWA Local 1180, AFL-CIO and for which contributions are made.

When Does Coverage End?

Your coverage ends when you cease to be employed in a job title that is represented by CWA Local 1180, AFL-CIO and/or for which contributions are made. However, if you are on an approved leave of absence for illness, coverage may be extended for the period of time during which you are receiving disability benefits from the Security Benefits Fund. You should promptly contact the Fund Office if you are on such a leave to find out how to obtain such extended coverage.

What Happens When I Retire?

Retirees are eligible to continue the legal services benefits from this Fund. Please consult the separate Retirees Benefits Supplemental Plan Description for further details.

How Does The Plan Work?

If you need a lawyer for any of the services listed in this Summary Plan Description, follow this procedure. Call the CWA Local 1180 Legal Benefits Fund Office at 1-212-966-5353, or come to the office located at 6 Harrison Street, New York, New York 10013-2898, and tell the office that you want to see a panel attorney.

Once the Fund Office determines that you are eligible for benefits, an appointment will be scheduled for you. From that point on, all contact will be directly between you and the panel attorney. This assures you of a confidential relationship between you and your lawyer.

If you cannot be present for your scheduled appointment, you should notify the Fund Office and cancel the appointment as soon as possible. If you fail to appear for a scheduled appointment without having notified the Fund Office, the Fund will deduct a half-hour from your General Consultation Benefit of three one-half hour sessions for that calendar year.

During your first visit with the panel attorney, you and the attorney will complete a claim form for legal benefits.

You are not, of course, required to use the benefits provided by the Legal Benefits Fund. You are free at all times to hire your own attorney but the Plan will not cover the fees charged by anyone other than a panel attorney or an outside attorney designated by the Fund. **(See Member vs.**

Member Disputes below.)

Under exceptional circumstances, the Panel Attorney or Plan designated outside attorney may either refuse to represent or discontinue representing you or your eligible dependents. You may appeal such a decision, as explained in the section on “Request for Review of Denial of Claim.” You are not required to pay any subscription or enrollment fee in order to be entitled to benefits from the Fund. However, due to Internal Revenue Service regulations, the value of this benefit will be reported as income on your year-end W-2 statement of earnings.

Member vs. Member Disputes

In cases where two covered members are involved on opposite sides of the same controversy or proceeding, and both members are entitled to Fund benefits in the matter, each member will be

provided with an attorney. This will insure that each party to the dispute will receive the same high quality of legal service.

What Does The Plan Cover?

The legal services benefits of the Legal Benefits Fund are divided into three categories:

- General Matters
- Civil Matters
- Criminal Matters

There is also a Court Cost Disbursement Benefit, which covers court costs that may be charged to you if you receive certain covered legal services.

Is There A Time Limit On The Legal Services Provided To You?

There is no overall time limit on your legal services. However, certain benefits do have restrictions. Please read the descriptions of the benefits to determine these restrictions.

Are There Geographical Limitations?

Yes. No benefit will be provided by this Plan that cannot be resolved within New York, Bronx, Kings, Queens, Richmond, Nassau, Suffolk, Rockland, Putnam, Westchester, Dutchess, Orange and Ulster Counties in the State of New York and Bergen, Hudson, Essex, Union, Middlesex, Passaic, Morris, Somerset, Mercer and Monmouth Counties in New Jersey. For members residing outside this geographical area, the Legal Benefits Fund will provide reimbursement according to the Out-of-Area Reimbursement schedule of fees (see “Table of Contents”).

IMPORTANT NOTE:

You are entitled to legal services benefits from a Panel Attorney or, for members residing outside the geographical area referred to above, Out-of-Area legal services benefits in accordance with the Out-of-Area Reimbursement Schedule, but NOT BOTH. The determination of your benefit provider i.e., panel attorney or out-of-area legal services, depends on your address on file with the Fund Office.

What Are The General Matter Benefits?

➤ **General Consultation Benefit**

You are entitled to a maximum of three one-half hour consultations each calendar year with a panel attorney. These consultations may be about any legal matter.

➤ **Document Review Benefit**

You can consult with a panel attorney to review legal documents, such as warranties, guarantees, installment purchase agreements, loans, leases, insurance policies, and court papers, but not including tax returns or work being prepared by other attorneys at the time of your document review appointment. There is also coverage for consultations and document reviews for your unemancipated children.

You are entitled to use the Document Review Benefit as many times as you feel it is necessary during the calendar year.

➤ **Identity Theft Protection Benefit**

Who is Eligible?

Any member who wishes legal consultation in connection with an identity or personal information theft issue is covered by this benefit.

What is the Benefit?

The 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 or personal information theft including but not limited to the following examples:

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

The 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 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.*

What Are The Civil Matters Benefits?

You are to use no more than three Civil Matter Benefits each calendar year. The Last Will and Testament Benefit will not count towards reaching this annual maximum.

➤ **Last Will and Testament Benefit**

You and your spouse are entitled to have a Last Will and Testament prepared and executed under supervision of a panel attorney. This benefit is provided once every two years.

➤ **Living Will/Health Care Proxy**

You and your spouse are entitled to a Living Will and/or Health Care Proxy at no cost to you. A Living Will/Health Care Proxy serves as a clear, documented expression of an individual's carefully considered intention to have life-sustaining procedures withheld or withdrawn in the event he/she were to suffer from a catastrophic illness, disease or injury from which there is little likelihood that he/she would recover to enjoy a meaningful quality of life. Your adult children are also entitled to a Health Care Proxy, power of attorney and HIPAA authorization provided the adult child appoints you as his/her representative/proxy.

➤ **Designation of Person in Parental Relation**

You are entitled to have a Designation of Person in Parental Relation prepared for you.

➤ **Legal Defense Benefit**

You are entitled to the services of a panel attorney for the defense of a lawsuit or proceeding against you in a court or administrative agency.

➤ **Appeals Benefit**

You will be provided with the services of a panel attorney if you wish to appeal the decision of a court of law or administrative agency regarding a civil action. Because of the very high cost of initiating appeals, the panel attorney will provide services only when an appeal is appropriate and would have a likelihood of success. This benefit is available to you whether or not you used a panel attorney in the original action.

This benefit provides legal representation for appeals to the following courts:

- Appellate Term
- Appellate Division, First and Second Departments of the Supreme Court of the State of New York
- New York State Court of Appeals
- Appellate Division of the Superior Court of New Jersey
- United States Court of Appeals for the Second Circuit
- United States Supreme Court

When an appeal is filed on your behalf, the court will charge you for the costs of printing a Record of Appeal. You must pay 25% (to a maximum of \$150) of these costs. The Plan will pay the balance.

➤ **Legal Separation Benefit**

You are entitled to the services of a panel attorney if you are seeking a mutually agreed upon separation agreement between yourself and your spouse or if you are a plaintiff or a defendant in a legal separation action.

➤ **Pre-Nuptial Agreement Benefit**

You are entitled to the services of a panel attorney for the preparation of pre-nuptial agreements.

➤ **Divorce Proceeding Benefit**

A panel attorney will provide services if you are a defendant or a plaintiff in contested or uncontested divorce proceedings.

➤ **Annulment Proceeding Benefit**

You are entitled to the services of a panel attorney if you are a defendant or a plaintiff in contested or uncontested annulment proceedings.

➤ **Family Court Benefit**

You are entitled to the services of a panel attorney if you are a Petitioner or Respondent in a Family Court action. This benefit covers actions and proceedings involving maternity, paternity, and non-support cases.

➤ **Custody Benefit**

A panel attorney will provide services if you are a Respondent or a Petitioner in custody dispute, whether or not it goes to court.

➤ **Adoption Benefit**

A panel attorney will represent you in adoption proceedings. This benefit is limited to the services normally rendered by an attorney in formalizing an adoption; it does not cover fees or expenses to adoption agencies or any other agencies.

➤ **Personal Bankruptcy Benefit**

You are entitled to a panel attorney's services involving the preparation of a petition to file for personal bankruptcy.

➤ **Veteran and Service Affairs Benefit**

You are entitled to the services of a panel attorney if you feel that a military board or an agency of the United States Government has denied your rights as a veteran.

➤ **Estates and Administration Benefit**

If you, your spouse, certified domestic partner, or your eligible dependent is named an executor in a Will, or if there is no Will, to qualify under the laws of intestacy as an administrator of an estate (An "intestate" is a person who dies without leaving a valid will. The laws of intestacy sets forth the rules for administration of an intestate's estate, including who is qualified and must be granted "Letters of Administration" to see to the distribution of the assets of such an estate.), a Panel Attorney will provide services required in all phases in the handling of the estate. You pay nothing for a consultation with the attorney. As for the other phases in the handling of the estate, you pay nothing if the estate is classified as a "small estate" (valued at \$30,000 or less).

or

In the instances where the estate is not classified as a "small estate", the panel law firm has also agreed to provide legal representation with a 25% reduction in its current hourly rate, which for 2020 is \$450. This hourly rate is subject to change.

or

The panel attorney will also provide legal representation if you or your eligible dependent is, or claims a right to be, named a beneficiary, heir, or next of kin.

This benefit will also cover your eligible dependent if you die and the dependent qualifies to be appointed the executor or administrator of your estate.

➤ **Homeowner Rights Benefit**

A covered member who owns a house, a condominium or a cooperative or is in the process of buying such a residence will be provided with the services of a panel attorney for:

- The sale or purchase of the residence in which the member primarily resides.
- Problems relating to a Board of Management or a similar group that governs certain aspects of a private dwelling, condominium or cooperative in which the member primarily resides.
- Mortgage foreclosures of any of the above-stated primary residences.
- This benefit does not cover situations involving a title search, title insurance, appraisal value, or seller misrepresentation.

Plan participants must receive preauthorization from the Fund Trustees when requesting legal services for more than two house closings in a calendar year for their primary residence.

➤ **Tenant Rights Benefit**

If you are a residential tenant or you are in the process of entering into a residential lease, you will be provided with the services of a panel attorney for:

- Matters involving the lease or sublease of the residence where you primarily reside or intend to primarily reside.
- Problems with your landlord or management company.
- Proceedings involving your right to sublet your primary residence, your right to possession of the premises, or a suit against you for damages resulting from your possession of the premises.

This benefit does not cover your rights as a landlord or sublessor except for your right to sublet your residence.

What Are The Criminal Matter Benefits?

➤ **A “Public Officer’s Benefit” For Members**

This means that a panel attorney will defend you, the member, if you are sued as a result of actions arising out of your duties as a public employee by one other than your employer.

➤ **Criminal Arraignment Benefit**

If you are arrested for a criminal offense, whether it be a felony, misdemeanor or violation, a panel attorney will:

- Represent you if you have been arrested and you are being interrogated by law enforcement official.
- Counsel you before the arraignment on the application for bail and on possible negotiations of the charges against you.
- Appear in court to enter a plea on your behalf, issue an application for bail, and when possible, seek a disposition of the charges against you.

This benefit does not include any aspects of post-arraignment legal practice, such as investigation of the charges, pre-trial motions, or trial or appellate representation. It also does not cover appearances for Vehicle and Traffic Law violations, including driving while intoxicated or impaired.

➤ **Criminal “Hotline” Benefit**

If you are arrested, you or anyone on your behalf should call the Fund Office at 1-212-966-5353 to arrange an appointment with a panel attorney. If the office is closed, or if the arrest occurs after working hours, on a weekend, or on a holiday, call the Fund’s 24-Hour Answering Service at 1-212-484-9756, and a panel attorney will assist you as soon as possible.

➤ **Bail Bond Benefit**

If you are arrested in a non-work-related situation on a civil or criminal charge, the Fund affords you a bail bond of up to \$2,500. To obtain this benefit, you or someone on your behalf should call the Fund Office at 1-212-966-5353. If the office is closed, or if the arrest occurs after working hours, on a weekend, or on a holiday, call the Fund's 24-Hour Answering Service at 1-212-484-9756, and a panel attorney will assist you as soon as possible.

What Is The Court Cost Disbursement Benefit?

The Fund will pay court costs, to a maximum of \$100 per calendar year, in any legal matter in which you are using a panel attorney or an outside attorney designated by the Plan. Court costs include filing fees, deposition fees, and costs relating to investigations. **The Fund will not pay any fines, penalties or other amounts that you are required to pay as a result of a judgment against you.**

The panel attorney will prepare all forms, bills, and other papers relating to court costs. You are not required to file a claim form for this benefit.

What Is The Legal Benefits Program For Out-Of-Area Members?

The Legal Benefits Program provides for payment of a stipend for each covered service listed below. If you **live outside the geographical area** served by the Plan attorney, (please refer to the Geographical Limitations describe in "What Does the Plan Cover" section), you are entitled to a maximum reimbursement up to \$1,000 per year, per family in accordance with the schedule below. In order to receive benefits, you must pay the attorney and then submit a claim form together with a copy of the Attorney's bill marked "Paid" to the Fund office. All claims must be submitted to the Fund Office no later than ninety days following the date on which the service is provided. Claims submitted after the ninety-day limit will be denied.

Covered Out-of-Area Legal Services And Schedule of Reimbursable Allowances

- *SIMPLE WILL* – entitles you and your spouse, or certified domestic partner, to each have simple wills prepared and executed (once every two calendar years). (\$65)
- *GENERAL CONSULTATION BENEFIT* – entitles you to consult an attorney and seek professional advice concerning any legal problems whatsoever (three one-half hour consultations per calendar year). (\$35 per visit)

- *DOCUMENT REVIEW BENEFIT* – entitles you to have an attorney review and interpret legal documents such as guarantees, lease, loan and installment of sale, etc. (three times per calendar year). (\$35 per visit)
- *DIVORCE PROCEEDINGS BENEFIT* – entitles you to representation in an action for divorce whether you are the plaintiff or defendant. (\$500)
- *LEGAL SEPARATION BENEFIT* – entitles you to legal representation in seeking a separation from your spouse, by means of a separation agreement or relief through the court by an action for legal separation. (\$500)
- *ANNULMENT PROCEEDINGS BENEFIT* – entitles you to legal representation in an annulment proceeding. (\$500)
- *ADOPTION BENEFIT* - entitles you to legal representation in formal adoption proceedings (limited to those services normally rendered by an attorney to formalize an adoption). (\$500)
- *PERSONAL BANKRUPTCY BENEFIT* – entitles you to the legal services necessary to file a petition for personal bankruptcy. (\$350)
- *CHANGE OF NAME BENEFIT* – entitles you to the legal services necessary to file all appropriate papers and represent you in the change of name process. (\$350)
- *CUSTODY BENEFIT* – entitles you to legal representation when you are named a plaintiff or defendant in a custody dispute. (\$350)
- *APPEALS BENEFIT* – entitles you to legal representation in appealing the decision of a court or administrative agency, regarding a civil action (\$500)
- *FAMILY COURT BENEFIT* – entitles you to legal representation where you are a defendant or plaintiff in Family Court action involving maternity, paternity or non-support. (\$300)
- *VETERANS AND SERVICE AFFAIRS BENEFIT* – entitles you to legal representation in seeking remedial action in relation to a denial or the pursuit of your rights before a military board or agency of the U.S. Government. (\$500)
- *HOMEOWNER RIGHTS BENEFIT* – entitles you to legal representation in the purchase or sale of any home, condominium or co-operative you intend to live in as your primary residence, or the purchase of any unimproved property on which you intend to build your primary residence or co-operative, or the refinancing of a mortgage on a primary residence (one sale/purchase/refinance per calendar year). (Sale/purchase/refinance - \$600; Mortgage Foreclosure - \$500)
- *ARRAIGNMENT BENEFIT* – entitles you, when a defendant in a criminal proceeding outside the metropolitan area, to the appearance by an attorney before the court where you are charged as the defendant in a criminal matter. Excluded from this benefit is the cost of legal representation for Vehicle and Traffic Law infractions and representation beyond the arraignment state (one per calendar year). (\$250)
- *TENANT RIGHTS BENEFIT* – entitles you to legal representation for matters involving the lease or sublease of your primary residence. (Consultation regarding lease - \$35; consultation

- regarding problem with landlord or management company - \$35; legal proceedings against you - \$300)
- *PLANNING FOR THE ELDERLY* – entitles you and your spouse, or certified domestic partner, the opportunity to consult with an attorney on matters involving placement of elderly parent(s) in nursing homes, available Medicare entitlements and health planning for the elderly, including preparation of powers of attorney (three per calendar year). (\$35 per visit)
 - *ESTATES AND ADMINISTRATION BENEFIT* – entitles the covered member or eligible dependent to all legal services required in connection with the handling of an estate from its inception (probate of a Will or Petition for Letters of Administration). (\$350)
 - *COURT COST DISBURSEMENT BENEFIT* – entitles you to reimbursement of court costs for covered legal matters including filing fees, deposition fees and costs relating to investigations, but does NOT include fines, penalties or other amounts that you are required to pay as a result of a judgment against you (\$100 per calendar year).

What Is Not Covered By The Plan?

The CWA Local 1180 Legal Benefits Fund will not provide legal services for the following matters:

- Cases against your employer or your employer's agents or officers.
- Cases against any of the CWA Local 1180 Benefits Funds, their Trustees, agents or Attorneys or CWA Local 1180 or its officers or agents.
- Cases for which the Fund is prohibited by law to defray the cost of Legal Services.
- Any controversy, action or proceeding in which representation on a contingent fee basis is normally or 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 covered persons involved in the same legal matter may not combine their benefits from this Plan.
- Any matter concerning the payment of income tax, including preparation or filing of income tax returns.
- Cases for which legal services are available through insurance or through any government agency or government attorney.
- Cases in which you have already retained a private attorney.
- Cases that began before you became eligible for benefits from this Plan.
- Cases for which you retained legal counsel before you became eligible for benefits from this Plan.
- Proceedings under NYS Alcoholic Beverage and Control Law.
- Proceedings before the City Parking Violations Bureau or the State Department of Motor Vehicles.
- Any controversy, dispute, proceedings or matter which involves a member's business, commercial or investment interest.

If you have any questions about coverage and exclusions, contact the Fund Office at 1-212- 966-5353.

Request for Review of Denial of Claim

If your claim for Legal Services Benefits is denied and you disagree with the decision, you may request a review of your claim:

- All initial claims for benefits by a Member or Beneficiary (hereinafter for purposes of this Section, the “Claimant”) under the Plan must be in writing and sent to the Fund Office, to the attention of the Trustees within sixty (60) days of receiving notification of a denial or any other decision with which you disagree. A decision regarding the claim will be made by the Trustees, or their duly authorized designee, within sixty (60) days from the date the claim is received by the Fund Office, unless it is determined that special circumstances require an extension of time for processing the claim, not to exceed an additional ninety (90) days. If such an extension is required, written notice of the extension will be furnished to the Claimant prior to expiration of the initial ninety (90) day period. The notice of extension will indicate the special circumstances requiring the extension of time and the date by which the Trustees, or their duly authorized designee, expects to make a determination with respect to the claim. If the extension is required due to the Claimant’s failure to submit information necessary to decide the claim, the period for making the determination will be tolled from the date on which the extension notice is sent to the Claimant until the date on which the Claimant responds to the Fund Office’s request for information.
- A Claimant whose application for benefits under the Plan has been denied, in whole or in part, will be provided with written notice of the determination, setting forth: (I) the specific reason(s) for the adverse benefit determination, with reference to the specific Plan provisions on which the determination is based; (ii) a description of any additional material or information necessary for the claimant to perfect the claim (including an explanation as to why such material or information is necessary); and (iii) a description of the Fund’s review procedures and the applicable time limits, as well as a statement of the claimant’s right to bring a civil action following an adverse benefit determination on review.
- If an adverse benefit determination is made by the Trustees, or their duly authorized designee, the Claimant (or his/her authorized representative) may request a review of the determination. All requests for review must be sent in writing to the Trustees within sixty (60) days after receipt of the notice of denial or other adverse benefit determination. In connection with the request for review, the Claimant (or his duly authorized representative) may submit written comments, documents, records, and other information relating to the claim. In addition, the Claimant will be provided, upon written request and free of charge, with reasonable access to (and copies of) all documents, records, and other information relevant to the claim. The review by the Trustees will take into account all comments, documents, records, and other information submitted by the Claimant relating to the claim.

- A decision on review will be made by the Trustees (or a committee designated by the Board of Trustees) at their next regularly scheduled meeting following receipt of the request for review, unless the request is filed less than thirty (30) days prior to the next regularly scheduled meeting, in which case a decision will be made by no later than the date of the second regularly scheduled meeting following receipt of such request for review. If special circumstances require an extension of time for processing the request for review, the decision may be made at the third meeting following receipt of such request. The Claimant will be notified in advance of any such extension. The notice will describe the special circumstances requiring the extension and will inform the Claimant of the date as of which the determination will be made. If the extension is required due to the Claimant's failure to submit information necessary to decide the claim, the period for making the determination will be tolled from the date on which the extension notice is sent to the Claimant until the date on which the Claimant responds to the Fund Office's request for information.
- The Claimant will be noticed in writing of the determination on review within five (5) days after the determination is made. If an adverse benefit determination is made on review, the notice will include: (I) the specific reason(s) for the adverse benefit determination, with references to the specific Plan provisions on which the determination is based; (ii) a statement that the Claimant is entitled to receive, upon request and free of charge, reasonable access to (and copies of) all documents, records and other information relevant to the claim; and (iii) a statement of the Claimant's right to bring a civil action. The decision of the Trustees (or their designated committee) on review shall be final and binding on all parties.
- In the event the Trustees, or their duly authorized designee, fail to respond to an initial claim for benefits or an appeal thereof within the time frames applicable thereto, the claim or appeal shall be deemed denied for all purposes of this section as of the date on which the Trustees, or their duly authorized designee, would otherwise be required to respond to the claim or appeal.