



**ASSISTANT DEPUTY WARDENS
DEPUTY WARDENS ASSOCIATION**
Legal Services Program



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Dear Member:

Jan 2017

The Trustees are pleased to provide you with this Comprehensive Legal Benefits Booklet describing the benefits that are available to you as an Active Member of the Assistant Deputy Wardens/Deputy Wardens Legal Services Program. The program is designed to provide you with additional benefits that are not provided by your basic City legal coverage.

The Legal Services Program is funded entirely by the contributions, which are made by the City as a result of the collective bargaining agreements between the Assistant Deputy Wardens/Deputy Wardens Association (ADWDWA) and the City of New York. You are not required to make any payment toward the cost of the Legal Services Program. In a fiscally prudent manner, the Trustees of the Security Benefits Fund continually monitor what benefits can be improved and what new benefits can be provided.

We have tried to present all the information about your coverage in plain non-technical language. Periodically you will receive updated pages to the booklet to keep it current with benefit changes.

To the extent that this booklet describes a legal benefit the exact benefits provided and the language thereof govern in the event of inconsistency between it and the language of this booklet.

We suggest that you read this booklet carefully and keep it available so that you may refer to it in the future.

Fraternaly yours

Faisal Zouhbi

LEGAL SERVICES PROGRAM

ASSISTANT DEPUTY WARDENS/DEPUTY WARDENS ASSOCIATION SECURITY BENEFITS FUND

Comprehensive Legal Program

Plan of Benefits

December 1, 2015

"(The assistance of counsel) is one of the safeguards of the Sixth Amendment deemed necessary to ensure fundamental human rights of life and liberty. . . The Sixth Amendment stands as a constant admonition that if the constitutional safeguards it provides be lost, justice will not still be done."

United States Supreme Court Justice Hugo Black
Gideon v. Wainwright

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ELIGIBILITY

Covered Members include employees of the New York City Department of Correction, for whom contributions are paid by the Employer to the Assistant Deputy Wardens/Deputy Wardens Security Benefits Fund.

Your eligibility for legal benefits terminates as of the effective date your employment is terminated, except as noted below. Should a legal procedure be in progress at the time of the termination, any costs incurred after that date would be your responsibility.

The covered legal services, set forth in the following pages, will be provided by:

George Okada, Esq.

Okada Law, LLC

1979 Marcus Avenue, Suite 210

Lake Success, New York, 11042

You may call the law firm directly, at:

Office: (347) 480-4200

Mobile: (917) 453-0405

Fax: (516) 441-1013

Or you may call the Union's Vice President, at (718) 614-7440.

IF YOU REQUIRE LEGAL SERVICES FOR A CRIMINAL MATTER, you must call:

Certilman, Balin, Adler & Hyman, LLP

90 Merrick Avenue

East Meadow, New York 11554

You may call the law firm directly, at:

Office: (516) 296-7000;

Or you may call the Union's Vice President, at (917) 509-9819.

GENERAL RULES REGARDING COVERAGE

Enrollment

In order to receive benefits, you must complete an ADWDWA SECURITY BENEFITS FUND Enrollment Card. The enrollment card provides 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.

- * Please note the Security Benefits Fund must, at this present time, confine the plan benefits to covered Members/employees only, except in the case of the Will Benefit, Living Will/Health Care Proxy Benefit, Arraignment Assistance-Telephone Consultation Benefit, Personal Injury/Negligence Benefit and Estate Probate and Administration Benefit which cover Member, spouse and/or family Members. See each benefit description for specific coverages.

HOW TO USE THE LEGAL SERVICES PLAN

If you wish to make an appointment to consult a lawyer for benefits, call the appropriate panel law firm, as explained under the heading “Eligibility” on the previous page.

The initial appointment with the attorney may be made through the Vice President, or directly with the panel law firm. Necessary forms and instructions for their use will be given to you by the attorney. You will be provided with an attorney from the appropriate panel law firm selected by the ADWDWA SECURITY BENEFITS FUND (hereinafter referred to as the “Fund”). This firm will provide the covered Member with the benefits of the legal services program. 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 Member of the Fund, or any Trustee of the Fund can interfere in this relationship.

The legal services program is designed to help pay for covered legal services. The Fund cannot pay for all legal costs incurred, but 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 yourself. 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 requested to make initial appropriate payment as indicated in the plan of benefits.

As a covered Member 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 make payment to such an attorney for services, **but the Fund will not absorb or be responsible for any part of the fees or charges of attorneys other than those representing law firms on the panel.**

A covered Member is also free at any time to discontinue the services of the panel law firm and, if he/she so desires, 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 such other attorneys. In addition, the covered Member continues to be obligated to the panel law firm for any cost already incurred above the level of coverage.

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, the covered Member is free to secure his/her own counsel; however, **the Fund will neither absorb nor be responsible for any of the fees or charges of a non-panel attorney.**

There is no subscription or registration fee to be paid by any covered Member in active payroll status in order to entitle him/her to the benefits of the legal services program.

In instances where two covered Members are involved in the same controversy or proceedings as adversaries, (and both Members would have the right to the benefit under the rules of the Fund) each Member will be provided access to an attorney or provided with a stipend by the Fund.

REPRESENTATION IN CIVIL MATTERS

The benefits of the legal services program are divided into three major benefit categories: **Representation in Civil Matters; Representation in General Legal Matters;** and **Representation in Criminal Matters.**

This section describes the Civil Matters of the legal services program. These benefits are provided to all Members. The following describes the benefits included within the Civil Matters category.

LEGAL DEFENSE BENEFIT

Who is Covered?

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*, is covered by this benefit.

***Please note that special service benefits such as those involving uncontested matrimonial proceedings, adoption proceedings, and homeowner proceedings are covered 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 a covered Member 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 New York, Brooklyn, Queens, Richmond, Bronx, Nassau, Rockland, Putnam, Dutchess and Suffolk Counties; Civil Courts of New York, Brooklyn, Queens, Richmond and Bronx Counties; District Court of Nassau County; and 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 employee's problem may be successfully resolved after consultation with a panel attorney or it may necessitate the steps leading to and including defense in litigation or before an administrative agency.

How is the Legal Defense Benefit Obtained?

To obtain the Legal Defense benefit, simply contact George Okada directly or the ADWDWA Benefits Fund Office to request an appointment. At the time of your appointment, you and our attorney will complete the appropriate forms.

UNCONTESTED MATRIMONIAL PROCEEDING BENEFIT

Who is Eligible?

Any covered Member is entitled to this benefit.

What is the Benefit?

Matrimonial proceedings include legal separation, annulment and divorces and may be categorized as uncontested or contested. The Legal Services Plan provides coverage for all steps of the legal process in uncontested matrimonial proceedings.

STEPS IN THE LEGAL PROCESS PROVIDED BY THE ADWDWA BENEFIT FUND'S ATTORNEY

- A. The Member is entitled to legal representation, at no cost to the Member, in negotiating a legal separation or divorce settlement until litigation must commence in instances where the ADWDWA BENEFIT FUND'S ATTORNEY determines that litigation is necessary in order to maintain, defend, advance or assert the Member's interest. (See "B" below).

A divorce action will be initiated when:

1. The Member and spouse have agreed upon an uncontested legal separation or 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 legal separation or stipulation of settlement (equitable distribution, child support, custody, visitation and maintenance, e.g.) and the spouse has retained an attorney. A separation agreement or stipulation of settlement is negotiated and executed, grounds are agreed upon and the spouse signs an affidavit agreeing upon the grounds for legal separation or divorce.

- B. The Member may (in addition to "A" above) retain the services of the panel law firm once litigation is necessary to commence, subject to a written agreement of retention. The panel law firm has agreed to provide said representation with a 25% reduction in its hourly rate, which hourly rate has been established as \$375.00 for calendar year 2016.

How is the Uncontested Matrimonial Proceedings Benefit Obtained?

To obtain the Uncontested Matrimonial Proceedings Benefit, simply contact the panel law firm directly or the Fund Office 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 is covered by this benefit.

What is the Benefit?

The Fund will provide you with an attorney from a panel law firm to represent you 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.

How is the Adoption Benefit Obtained?

To obtain the Adoption Benefit, simply contact the panel law firm or the Fund Office 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 Covered?

You are eligible if you are a covered Member.

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.

How is the Personal Bankruptcy Benefit Obtained?

To obtain the Personal Bankruptcy Benefit, simply contact the panel law firm directly or the Fund Office 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 Covered?

You are eligible if you are a covered Member.

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 you in the change of name process.

How is the Change of Name Benefit Obtained?

To obtain the Change of Name Benefit, simply contact the panel law firm directly or the Fund Office 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 Covered?

You are eligible if you are a 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?

The benefit has two components:

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 any unimproved property on which the Member intends to build his or her primary residence or the refinancing of a mortgage on his or her primary residence;

Legal advice or representation in the defense of a mortgage foreclosure for procedures involving any of the above stated primary residences.

It should be noted that this benefit does not include any aspects of residential problems that involve title searches or title insurance nor the costs of same.

The second component of the Homeowner's Rights Benefit is legal representation through the panel law firm attorney in defense of a proceeding to foreclose a mortgage on a dwelling, which you own and in which you primarily reside. 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.

How is the Homeowner's Rights Benefit Obtained?

To obtain the Homeowner's Rights Benefit, simply contact the panel law firm directly or the Fund Office to request an appointment. At the time of the appointment, you and an attorney from the panel law firm will complete the appropriate forms.

As indicated before, the benefits of the legal services program are divided into three categories: Representation in Civil Matters; General Legal Matters; and Representation in Criminal Matters.

GENERAL LEGAL MATTERS

This section describes the General Legal Matters of the program. These benefits are provided to you in those instances where your 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 CONSULTATION BENEFIT

Who is Covered?

All covered Members are entitled to this benefit.

What is the Benefit?

This benefit provides you with an opportunity to consult with an attorney from the panel law firm concerning any legal questions whatsoever. This benefit is made available by the Fund at no charge to you.

The General Consultation Benefit does not include representation. If such representation involves a covered matter, 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 you.

How is the General Consultation Benefit Obtained?

To obtain the General Consultation Benefit, simply contact the panel law firm directly or the Fund Office 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.

DOCUMENT REVIEW BENEFIT

Who is Covered?

All covered Members are 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 limitation placed upon the utilization of this benefit, which is provided at no cost to you.

The Document Review Benefit provides review and interpretation of documents only. The Document Review Benefit does not include representation. If such representation involves a covered matter, the Fund will pay the cost of representation in accordance with its Benefit Schedule. Of course, if the matter is not covered, then any further legal costs must be borne directly by you.

How is the Document Review Benefit Obtained?

To obtain the Document Review Benefit, simply contact the panel law firm directly or the Fund Office 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.

WILL BENEFIT

Who is Eligible?

Any Member and/or his/her spouse/domestic partner who wishes to execute a Will or have one reviewed or updated is covered by this benefit.

What is the Benefit?

The Fund provides coverage through the panel law firm for the preparation and execution of a Will, with a simple children's trust, for the Member and spouse/domestic partner under the supervision of an attorney.

The Fund makes this benefit available at **no charge to the Member and/or spouse/domestic partner.**

How is the Will Benefit Obtained?

To obtain the Will Benefit, simply contact the panel law firm directly or the Fund Office to request an appointment. If both Member and spouse/domestic partner desire a Will, it is recommended that they make the appointment together. At the time of the appointment, you and an attorney from the panel law firm will complete the appropriate forms. A second appointment will be necessary for the execution (signing) of the completed will(s).

PERSONAL INJURY (NEGLIGENCE) 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 Fund 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 office to request an appointment. At the time of the appointment, you and an attorney from the panel law firm will complete the appropriate forms.

PROBATE AND ESTATE ADMINISTRATION BENEFIT

Who is Covered?

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 eligible dependent children in those instances where the spouse 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.

The following schedule indicates the possible legal services and the amount to be paid by you:

STEPS IN THE LEGAL PROCESS PROVIDED BY THE FUND THROUGH THE PANEL LAW FIRM	AMOUNT PAID BY YOU
Consultation	None
Small Estates Proceedings	None
Estates other than Small Estates	\$250. plus either

3% of the gross estate for estate tax purposes in excess of \$10,000 up to \$500,000 and 2 1/2% of the gross estate for estate tax purposes in excess of \$500,000.

or

- (a) For receiving and paying out all sums of money not exceeding \$100,000 at the rate of 5%.
- (b) For receiving and paying out any additional sums not exceeding \$200,000 at the rate of 4%.
- (c) For receiving and paying out any additional sums not exceeding \$700,000 at the rate of 3%.
- (d) For receiving and paying out any additional sums not exceeding \$4,000,000 at the rate of 2 1/2%.
- (e) For receiving and paying out all sums above \$5,000,000 at the rate of 2 %.

or

The panel law firm has agreed to provide legal representation in these matters with a 25% reduction in its hourly rate, which, for 2016 is \$375.00.

How is the Probate and Estate Administration Benefit Obtained?

To obtain the Probate and Estate Administration Benefit, simply contact the panel law firm directly or the Fund Office to request an appointment. At the time of the appointment, you and an attorney from a panel law firm will complete the appropriate forms.

ARRAIGNMENT ASSISTANCE – TELEPHONE CONSULTATION BENEFIT

Who is Covered?

You are eligible if you are a covered Member or dependent who is a defendant in a criminal proceeding in Nassau, Suffolk, Westchester, Putnam, Dutchess or Rockland Counties, or the boroughs of New York City.

What is the Benefit?

This 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 you or your dependent are 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. If you or your dependent are interested in obtaining legal services beyond this stage, you must make the necessary arrangements directly with the panel law firm or retain another attorney of your choice.

How is the Arraignment Assistance – Telephone Consultation Benefit Obtained?

To obtain the Arraignment Assistance – Telephone Consultation Benefit, contact the appropriate panel law firm of Certilman, Balin, Adler & Hyman, LLP, directly. This service is available at any hour of the day or night by calling the special number assigned to the program:

CONSUMER PROTECTION BENEFIT

Who is Covered?

Any covered Member is entitled to this benefit.

What is the Benefit?

This benefit provides you 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.

Some legal services that are not provided under this benefit include, but are not limited to, suits for punitive damages, class actions and commercial enterprises.

How is the Consumer Protection Benefit Obtained?

To obtain the Consumer Protection Benefit, simply contact the panel law firm directly or the Fund Office to request an appointment. At the time of the appointment, you and your attorney from the panel law firm will complete the appropriate forms.

LIVING WILL/HEALTH CARE PROXY BENEFIT

Who is Covered?

You are eligible if you are a covered Member or a covered Member's spouse/domestic partner.

What is the Benefit?

This benefit provides you and your spouse/domestic partner with the opportunity to have a living will/healthcare proxy prepared and executed under the supervision of an attorney from the panel law firm. This benefit is provided once every two calendar years at no cost to you.

A living will and/or health care proxy serves as a 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 is the Living Will/Health Care Proxy Benefit Obtained?

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

PLANNING FOR ELDERLY BENEFIT

Who is Covered?

You are eligible if you are a covered Member or a covered Member's spouse/domestic partner.

What is the Benefit?

This benefit provides you and your spouse/domestic partner with an opportunity to consult with an attorney from the panel law firm on matters involving the placement of elderly parent(s) in nursing homes, available Medicare entitlements and health planning for the elderly. This benefit includes the preparation of powers of attorney and is offered at no cost to you.

How is the Planning for the Elderly Benefit Obtained?

To obtain the Planning for the Elderly Benefit, either you or your spouse/domestic partner should contact the panel law firm directly or the Fund Office to request an appointment. At the time of the appointment, you and an attorney from the panel law firm will complete the appropriate forms.

REPRESENTATION IN CRIMINAL MATTERS

As indicated before, the benefits of the legal services program are divided into three categories: Representation in Civil Matters; General Legal Matters; and Representation in Criminal Matters.

This section describes the Representation in Criminal Matters of the program. These benefits are provided by you in those instances where your legal problems do not fall within the benefits provided within the Representation in Civil Matters or General Legal Matters categories.

The following section describes the benefits included within the Representation in Criminal Matters category. These services are provided by the law firm of Certilman Balin Adler & Hyman, LLP.

For any Member, in need of criminal representation not involving job related problems, Mr. Paul Linzer, of the law firm, Certilman, Balin, Adler & Hyman, LLP., will be available to you. The ADWDWA SECURITY BENEFITS FUND will cover the first \$10,000 towards any criminal legal fee. In the event that legal representation exceeds this sum, the Member will be responsible for the payment difference.

Members of this firm are available on a 24-hour basis. During the day, either call Paul Linzer at (516) 296-7000 or after 6:00 pm, call (516) 459-0809 and ask for the attorney to be paged.

GENERAL EXCLUSIONS FROM ALL LEGAL SERVICES BENEFITS OF THE FUND

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 ADWDWA SECURITY BENEFITS FUND Plan of Benefits.

However, to guide you in your use of the Fund 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 the payment of income taxes;
- 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 you were previously represented by a lawyer;
- Any controversy, dispute, proceeding or matter which involves a Member's business, commercial or investment interest;
- Any legal expenses incurred for a matter which commenced before you became eligible to receive a benefit under the Plan;
- Any controversy, dispute, proceeding or matter that cannot be litigated or otherwise handled within Nassau, Suffolk, Westchester, Putnam, Rockland and Dutchess Counties, and New York City in those tribunals described in the Legal Defense Benefit section;

The Fund will not pay:

- Claims for services or advice when such activity involves a duplication of the same service or advice previously obtained in connection with the same problem and 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 or Member's eligible dependent may be cast in judgment.

IF YOU HAVE ANY QUESTIONS ABOUT COVERAGE, BENEFITS OR EXCLUSIONS, PLEASE CONTACT THE APPROPRIATE PANEL LAW FIRM OR THE ADWDWA BENEFIT'S FUND OFFICE.

REPRESENTATION IN 3/4 DISABILITY

The ADWDWA Benefits Fund provides Members free legal consultation for pension disability matters. No legal fees are paid for the administrative processing of your disability application.

"NYS Retirement Law 507-c states that a Member "...who becomes physically or mentally incapacitated for the performance of duties as the natural and proximate result of an injury, sustained in the performance or discharge of his or her duties by, or as a natural and proximate result of, an act of any inmate..., shall be paid a performance of duty disability retirement allowance equal to three-quarters of final average salary."

The Association Attorney will review your claim.

Your Line-of-Duty injury report should include:

- a complete listing of all body parts affected;
- a listing of all witnesses to your injury;
- the medical attention you received; and,
- How the act of an inmate caused your injury (this component is critical, improperly completed reports are often the basis for denial).

NOTE: Not all "On the Job" injuries qualify for 3/4 Disability.

If denied, continue to treat and document your disability, even if you return, to work.

For information Call:

George Okada, Esq.
Okada Law, LLC

1979 Marcus Avenue, Suite 210
Lake Success, New York, 11042

You may call the law firm directly, at:

Office: (347) 480-4200
Mobile: (917) 453-0405
Fax: (212) 858-5706

before you complete your Line-of-Duty injury report or your Disability Application.