

# MARBLE INDUSTRY TRUST FUNDS

## Legal Services Program

### ELIGIBILITY

Participants are all active and retired members of the Marble Industry Trust Fund, their spouses and covered dependent children under the age of nineteen (19) years residing with the member. A member is one whose coverage is certified to the provider of legal services. All participants are eligible for the full range of benefits under this plan.

Colleran, O'Hara & Mills is licensed to practice law within New York State. In the event you are out of New York State or live in an area of New York State outside the area where the law firm customarily practices law, efforts will be made to obtain a qualified attorney on your behalf.

You are not compelled at any time to use this Plan or the attorneys listed. At all times you may use an attorney of your own choosing; if you do use a private attorney, however, the costs of any such services will be your sole responsibility, and are not covered by or subject to any reimbursement by the Plan.

### TO OBTAIN LEGAL SERVICES:

When you need an attorney for any legal matter, please call the Provider of Legal Services, the law firm of Colleran O'Hara & Mills at (516) 248-5757, (212) 614-9119, or (914) 993-0072. You should call either of these numbers during regular business hours (Monday through Friday, 9:00 AM to 5:00 PM) for all non-emergency legal matters. If you or one of your covered dependents are detained, ARRESTED, or otherwise involved in a criminal matter, however, you may call any of these numbers at any time, night or day, 24 hours a day. The operator will require the name of the person involved and the place of the arrest, and the phone number where you can be reached. You will then be contacted by a criminal attorney who will represent you or your dependent in connection with the arrest, as set forth below.

When you use the Plan, you are entitled, **free of charge**, to the following legal services:

1. **HOUSE, MORTGAGES, COOPERATIVE APARTMENTS, CONDOMINIUMS**



Any covered participant will be represented by a qualified attorney in the purchase or refinancing of a private dwelling, condominium or cooperative apartment or dwelling and in any mortgage closing incident thereto, where any such property or unit purchased or refinanced will be used or is used as the primary residence of the participant, or in the sale of any such property.

2. **WILLS, SEPARATION AGREEMENTS, ADOPTION PROCEEDINGS**



Any covered participant, if applicable, will be represented by an attorney to enable him and his spouse to draw simple wills, as well as living wills, health care proxies, and durable powers of attorney, and to have same properly executed under the supervision of an attorney.

Any covered participant will be represented by an attorney in the drawing and execution of a separation agreement.

Any covered participant will be represented by an attorney in any uncontested proceeding in which he or she is adopting a child from inception to conclusion.

3. **UNCONTESTED MATRIMONIAL ACTIONS**



Any covered participant will be represented by an attorney without charge in any uncontested divorce proceeding. For the purpose of the Plan, an uncontested divorce proceeding shall be a matter where there are no unresolved issues of custody, support or property division, and both parties consent to the divorce.

#### **4. SOCIAL SECURITY, IMMIGRATION, CHANGE OF NAME**



A covered participant may consult with the law firm concerning any social security, veterans administration or immigration problems.

If a change of name is requested, the law firm will advise you and represent the covered participant, through the appropriate proceedings and procedures.

#### **5. ESTATES AND ADMINISTRATION**



The law firm will represent the covered participant and furnish the necessary legal services in connection with the administration or probate of the estate of a participant that does not exceed \$250,000 dollars. In the event the estate value exceeds this amount, the law firm will give a credit of 30 hours work to the participant.



#### **6. ATTACHMENTS OR GARNISHEE**

The law firm will provide up to a ten hour credit to a covered participant concerning any attachment or garnishee problem.

#### **7. CRIMINAL MATTERS**



An attorney qualified and experienced in criminal matters will represent the covered employee or his eligible dependents at the first court appearance, whether for purpose of arraignment, bail fixing or disposition.

## 8. MOVING VIOLATIONS



The law firm will provide representation before an administrative agency for traffic infractions such as speeding, failing to signal, and failure to stop for a red light. Coverage for criminal matters, such as driving under the influence of alcohol, shall be limited to the coverage extended in paragraph eight.

## 9. CONSULTATIONS



In addition to all the benefits specified a covered participant is entitled to two (2) hours of general consultation annually with a representative of the law firm.

## FEES, COSTS AND DISBURSEMENTS

If any of the legal services set forth above entails filing fees, court costs or other out of pocket disbursements, they are the obligation of the covered participant and will be paid by Participant, spouse or covered dependent, upon request, by the law firm.

## BENEFITS EXCLUDED

The law firm shall **not** be required to provide legal services in connection with any matter not enumerated above; however, in any excluded matter which the law firm agrees to handle, and the covered participant accepts such representation, a basic credit shall be given in the amount of a threshold included matter, if one exists. The law firm may assess a fair and reasonable fee agreed to by the eligible participant, for any excluded services which it agrees to render and does render on behalf of eligible participants, their spouses and covered dependents.

The law firm shall have the right to decline matters deemed by the law firm to be frivolous, spurious or devoid of merit, and shall exercise its own free and independent discretion in the conduct of all matters undertaken hereunder.

## **NO REPRESENTATION**

No representation will be furnished for any litigation between individual participants, against: (1) any Labor Organization; (2) the "Fund", or any other Funds affiliated with Labor Organizations, as well as their officers, trustees, agents or attorneys; (3) against any employer or the employees and agents of an employer which is signatory to a collective bargaining agreement employing or having employed participants of the Marble Industry Trust Fund.

### **TO OBTAIN LEGAL SERVICES:**

For all legal matters call the law firm of

#### **COLLERAN, O'HARA & MILLS L.L.P.**

1225 Franklin Avenue, Suite 450

Garden City, New York 11530

(516) 248-5757, (212) 614-9119 or (914) 993-0072

from 9:00 a.m. to 5:00 p.m. on any business day, or at any time, in the event of an emergency (Criminal Matters).

The benefits of this plan have been negotiated and established for you and your family by the "Fund". We urge and encourage you to utilize this prepaid legal services plan. The attorneys selected to provide legal services under this plan are not only competent and well qualified in their areas of expertise, but have long experience in representing Union members and the beneficiaries of Union benefits plans.