

ELIGIBILITY

1. A union member of a Massachusetts local shall be eligible to receive the services provided under the Plan if, at the time they seek such services, the member has been employed by an employer participating in and contributing to the Massachusetts Laborers' Legal Services Fund, and who has accumulated 300 recorded hours of employment (or 450 recorded hours of employment for union members of a Maine, New Hampshire, and Vermont local) with one or more of the contributing employers.

Eligibility to receive the services provided under the Plan commences as of the first day of the second calendar month following the month in which the union member accumulates the requisite recorded hours of employment and will continue during each calendar month provided the union member has completed at least requisite hours of active employment with one or more employers contributing to the Massachusetts Laborers' Legal Services fund for twelve (12) consecutive months, excluding the month in which the claim arose and the preceding month.

2. A spouse or other eligible dependents of the union member shall receive the services provided under the Plan, as long as the delivery of said services to said spouse or other eligible dependent does not conflict with the interests of the union member and the union member continues to be eligible for the receipt of such services.

3. "Eligible Dependents" shall be defined herein as follows:

- a. A spouse, not legally separated and residing with the union member.
- b. An unmarried child, (including an adopted child) who has not attained his or her 19th birthday, or, if a full time student at an accredited school or college, his or her 23rd birthday.
- c. An unmarried child who is totally disabled, dependent upon the union member for support and maintenance, and resides with the union member.

SERVICES

The Plan's legal services include advice, counseling, associated preparation of legal documents, and representation for the following legal matters, provided these matters are personal legal services and do not arise from any business venture or commercial enterprise.

A. GENERAL:

1. Advice and Consultation: As much advice and consultation on matters covered under the Plan during the year as is requested, except those matters listed under "Exclusions".

2. Drafting and Review of Legal Documents: Drafting or review of documents, including leases, contracts, settlements, releases or notarial acts will be provided for matters covered under the Plan. See "Exclusions".

3. Legal Research: Legal research or opinions for matters covered under the Plan will be provided.

B. CONSUMER TRANSACTIONS AND DEBT:

Services will include representation in claims and lawsuits arising from consumer transactions for the purchase or sale of goods or services other than those undertaken for commercial or profit making purposes.

Consumer transactions will include disputes with a seller or buyer over merchandise or service you have bought or sold (including insurance policies); debt problems resulting from loans, including mortgages on your primary residence (if you own the building in which your primary residence is located, it must contain no more than three dwelling units including yours); installment contracts; or any other financial obligation you are unable to meet within the terms of the Plan. In appropriate cases, the Plan will represent you in insolvency proceedings. An asset search or payment of costs and expenses may be required before a civil matter

SERVICES CONTINUED

is commenced. In addition to the defense and disposition of such claims, should judgment be entered against the client, defense will be undertaken in supplementary legal procedures such as garnishment proceedings or wage assignments.

C. DOMESTIC RELATIONS:

This includes representation in divorce or annulment proceedings you want to bring against your spouse, or the defense of divorce or annulment proceedings brought against you.

Representation in divorce or other adversarial proceedings will be available to the union member only. The Plan's services include representation regarding alimony, support, custody, visitation rights, and property division. Representation will be provided to members regarding the negotiation, preparation or execution of ante-nuptial or property settlement agreements. Legal services are available for change of name proceedings; paternity actions; enforcement of child support proceedings; adoptions or guardianships of parents, children, siblings, nieces, nephews, stepchildren, or grandchildren.

The Plan will also represent members in disputes with the Department of Revenue Child Support Division and provide representation in Department of Children and Families cases.

The Plan will provide mediation coverage for the union member only.

D. CRIMINAL MATTERS:

Representation is provided for all criminal matters in the Commonwealth of Massachusetts District Courts and similar matters in Courts of comparable jurisdiction in other states and includes bail hearings in court, probation surrender hearings, probation probable cause hearings, clerk's hearings, arraignments, juvenile matters, pre-trial conferences and hearings, motion hearings (which include motions to suppress, motions to dismiss, etc.), bench and

SERVICES CONTINUED

jury trials in both misdemeanors and felonies, except for motor vehicle homicide cases. Representation is not provided for criminal matters in the Superior Court of Massachusetts and elsewhere in Courts of comparable jurisdiction.

E. VEHICLE AND TRAFFIC MATTERS:

The Plan will provide representation for traffic violations, hearings and appeals involving loss of driver's license in District Courts, Registry of Motor Vehicles, and/or Board of Appeals. Representation will also be provided for any charge that may result in surcharges, suspension, limitation or revocation of driving privileges, and/or incarceration, including driving under the influence, driving to endanger, reckless operation, operating under suspension or revocation and leaving the scene of an accident. Legal representation will be provided in show cause or probable cause hearings in court.

F. REAL ESTATE TRANSACTIONS:

The Plan will provide representation for the purchase or sale of your primary residence. This may be a condominium or a building which contains no more than three dwelling units including your own residence. Representation will include preparation and review of contracts, deeds, declarations of homestead and other real estate documents. Representation can include attendance at closings in cases the Attorney deems appropriate. Advice will be provided in situations where city or town authorities have determined that a zoning violation exists at the member's primary residence. Some monetary assistance will be provided for a local attorney if local board representation is required. However, appeals to Land Court are not covered.

G. WILLS AND RELATED DOCUMENTS:

The Plan will prepare your will or review and update an existing will; a power of attorney and a health care proxy (durable power of attorney

SERVICES CONTINUED

for health care) will also be prepared at your request. Representation does not include the creation of separate trust instruments but does include trusts within the will, such as trusts for minor children.

H. PROBATE:

The Plan will provide for representation in probating an estate in cases where the union member, spouse or eligible dependent has died. The Plan will also provide probate representation for the estate of mother or father of the union member in cases where the union member is the personal representative. The Plan also provides for representation for the estate of the mother and father of the spouse of the union member where the spouse is the personal representative. The Plan also provides for probate of the estate of an unmarried adult child who dies without surviving issue.

I. LANDLORD AND TENANT:

The Plan will provide representation in an action brought in District or Housing Courts or Courts of comparable jurisdiction in other states by the landlord for rent or for eviction or other proceedings involving your primary residence. Representation of a union member landlord against a tenant is covered provided the building contains three units or less and includes the union member's primary residence. Representation of landlords and tenants is also provided in proceedings involving violation of housing and building codes at your primary residence.

J. IMMIGRATION:

The Plan will provide representation in applications for citizenship, change of status, petition for immigration of a union member and eligible dependent, and deportation proceedings brought against a union member or eligible dependent. Asylum cases and other immigration matters will not be covered.

SERVICES CONTINUED

K. CLAIMS AGAINST OWN INSURANCE COMPANY:

The representation provided under this heading involves the handling of claims arising out of delays or failing to pay pursuant to your insurance contract regarding your automobile, residential or insurance policy for your primary residence.

L. MONETARY CLAIMS:

Defense will be provided in any matter in which representation is not provided by an insurance carrier, the claim is in excess of the insurance coverage or there is no liability insurance coverage for the claim. Payment of anticipated fees and costs may be required prior to representation.

Plaintiff Property Damage Claims: The Plan will provide representation in property damage claims where the amounts sought are more than \$1,000.00. In appropriate cases, an asset search or payment of costs and expenses may be required before a civil matter is commenced.

M. BANKRUPTCY: (Individual – Non-business)

1. The Plan will provide representation in the preparation of Voluntary and Involuntary Chapter 7 and Chapter 13 petitions, or any personal bankruptcy petition, until a discharge or final result has been obtained.
2. The Plan will provide for representation at creditors' meetings and all conferences.
3. The Plan will provide representation at all court hearings.

N. ADMINISTRATIVE MATTERS:

The Plan will advise and counsel you on securing your rights and benefit entitlements from government agencies such as Department of Children and Families, and Department of Transitional Assistance and represent you in hearings before those agencies.

See Massachusetts Laborers' Legal Services Fund
Summary of Plan Features
For additional details

For further information contact:
Main Office:

Massachusetts Laborers Legal Services Fund
1400 District Avenue, Suite 100
Burlington, MA 01803
www.mlb.org

Telephone Numbers: 800-852-3000, 781-273-3939;
from ME, NH, VT: 800-225-4213
Facsimile Number: 781-273-1133



**Massachusetts
Laborers' Legal
Services Fund**

