



WESTERN CONFERENCE OF TEAMSTERS LEGAL SERVICES TRUST FUND

P.O. Box 2340 | Stockton, CA 95201 | LST@deltafund.com

To: Participating Panel Attorneys

Subject: Western Conference of Teamsters Legal Services Trust Fund
Opening Claims, General Counseling and Prohibited Claims

Opening Claims

The Board of Trustees of the Western Conference of Teamsters Legal Services Trust Fund has recently noticed an increase of attorneys billing for dates of service that occurred before a claim number was obtained from our office. Please note that the Panel Attorney Agreement states:

§8. *Panel Attorney agrees:*

b. To verify the participant's coverage under the Plan before rendering services;

In light of this issue, the Board of Trustees has implemented the following policy:

Any billing statements which include a date of service that is more than five days before the claim was opened will be automatically denied. This will apply to the whole claim, not just the dates of service that occurred before the claim was opened. If the dates of service occur five days or less before the date the claim was opened, the Fund Office will issue payment along with a warning to the attorney. The Fund Office will track these warnings and inform the Board of Trustees once this becomes a reoccurring issue for any attorneys.

General Counseling

The Fund Office has been receiving a high volume of calls from attorneys who are opening general counseling claims for consultations with participants. Please note that this is not what the general counseling claim is for. The definition of the general counseling claim is as follows:

- A. General Counseling (530) – This benefit is intended to provide limited legal services in areas where it would be prohibitively expensive for the Trust to provide legal representation. The attorney may open a General Counseling benefit claim if it appears that the client is seeking advice, rather than representation (e.g., I am thinking of leaving my wife. How would property be divided and how much child support would I likely have to pay?). If it later turns out that representation is needed (e.g., six months later the participant decides to get divorced) then the attorney can open a claim for that matter. **It is not permissible for the attorney to open both a General Counseling claim and another claim for the same issue at the same time.** It is also not permissible for the attorney to open a specific claim and then later open a General Counseling claim for the same matter. A General Counseling claim is not allowed to be opened for a service that is available under a different claim but at a lower benefit. For example a General Counseling benefit cannot be opened for any matter that would be covered under Administrative, Mortgage Refinancing, or Deed Transfer. The only exception is a Pre-Nuptial Agreement.



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Some attorneys open a claim under general counseling and then change the transaction code after the attorney completes the consultation. The issue with this is, when the attorneys call to change the transaction code of the claim they are finding that the participant is not eligible for that particular matter. Attorneys should open the claim for the type of matter they think it will be and then change the transaction code after the consultation if it is needed.

Prohibited Claims

There are certain types of services that are not covered, even under general counseling. These are listed in the Summary Plan Description and the document which describes all of the transaction codes. If your office needs additional copies or has not received these documents, please contact our office. The most common prohibited services that the Fund Office comes across are:

- Cases where the participant is the landlord (they are only covered as tenants)
- Criminal cases other than criminal traffic (must also be a misdemeanor)
- Any business venture, or any other matter in which, for federal income tax purposes, the cost of legal service would normally constitute a business expense or a capital investment.
- Appeals of any decisions, judgments or orders of any administrative body or court of original jurisdiction.
- A judicial or administrative proceeding involving any of the following as an adverse party or potential adverse party: (a) any employer party to a collective bargaining agreement with the International Brotherhood of Teamsters or any of its affiliates, (b) the Plan or any agent thereof, (c) any employer that contributes to the Plan, (d) the International Brotherhood of Teamsters, or any other labor union, local or joint council affiliated with the Plan, (e) any health, welfare, pension or other fringe benefit trust, fund or plan, or the trustees, administrators or employees thereof, in which any labor union participates or has an interest.

If you have any questions, please call me or one of our Trust Specialists using the Fund's 800 number (In California (800) 222-3024 • Outside California (800) 222-3025). You can also reach us via Facsimile at (209) 940-5251 or email at LST@deltafund.com.

Sincerely,

Sarah Bagley
Account Manager
Delta Fund Administrators