

# LAW OFFICE OF STEPHANIE L. SCHNEIDER, P.A.

CERTIFIED ELDER LAW ATTORNEY BY THE FLORIDA BAR

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PROPER PLANNING MAY CREATE PEACE OF MIND



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## PROTECTING THE CLIENT & AVOIDING MALPRACTICE

**T**rial attorneys should be aware of whether a client receives public assistance before distributing a settlement. Failure to timely identify this can create a cause of action for legal malpractice and detrimental loss of public assistance to the client. This can be avoided by associating with a qualified elder law attorney.

### THE TALE:

The trial attorney represented a client, age 50, who due to an accident was unable to return to her former occupation. She lived in a room in a friend's apartment and survived hand-to-mouth. Prior to the accident she had been studying to become a massage therapist, but stopped as she could not obtain financial aid. The client received Supplemental Security Income (SSI) benefits, Medicaid and Food Stamps. The three programs restrict the client's assets and income. When we met with the client and spoke with the government agencies we learned she was being approved to receive Social Security Disability Insurance (SSDI) in addition to SSI. SSDI is based upon meeting the definition of "disability" and having

worked 5 out of the last 10 years; it is not based upon financial need and so there is no limit to assets. We successfully assisted the client in maximizing the benefits of the lawsuit proceeds so she could live on her own, obtain reliable transportation, return to school, satisfy her debts, and have peace of mind and dignity. The client retains her government assistance until she can be gainfully employed and receive private health insurance.

### THE TIP:

Ask the client in the intake process whether they receive a cash benefit, medical benefits, or HUD-housing from the government. If the client says "yes" advise the client to immediately schedule a consult with our office. We will ask the client to provide us with a letter from the Social Security Administration, Department of Housing & Urban Development or, the Department of Children & Families that identifies the benefit or program. If the government notice says "Medicaid", "Medicaid Waiver", "Section 8" and/or "Supplemental Security Income" we will discuss the options and assist them in preserving their government benefits while pro-

tecting the settlement proceeds.

### ANNOUNCEMENTS:

Stephanie has been elected Chair of The Florida Bar Elder Law Section as of July 1, 2003. Our firm is a proud Business Patron of the Eagle Program of the Academy of Florida Trial Lawyers.

## Meet The Staff

### Rose Skinner - CLA

- Special Needs Trusts
- Medicaid & SSI
- Nursing Home Resident Rights
- Estate Planning

### Karen Verna - CLA

- Guardianship
- Probate
- Trust Administration
- Court Appointments

### Myrna Hambro-Secretary

### Danielle Galvin-Office

### Assistant

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