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PROPER PLANNING MAY CREATE PEACE OF MIND



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Effective Use of the Elder Law Attorney's Expertise

Trial attorneys and their clients benefit when they effectively utilize our expertise prior to a settlement. Waiting until after mediation or after settlement may be too late, problems may have already been created. We are more than a drafter of special needs trusts (SNT). We are an integral part of the team that provides valuable assistance to enable the client to achieve their goal. We accomplish this by becoming involved early and using our expertise and experience to:

1) Assist In the Design of the Settlement. We explore whether the plaintiff's spouse or parents should be allocated funds and how the allocation can affect the plaintiff's entitlement to government assistance. We educate you about the costs of recurring and anticipated future needs so you can determine whether the offer should be a combination of a lump sum with a structure. We explain how the defendant's purchase of a structure fits in the overall life plan of the person with disabilities and ensure it is made payable to the SNT trustee to protect government assistance.

2) Assist In The Mediation Process. We can alert the trial attorney about how a Medicaid third party lien can affect the proposed settlement and the ultimate sum that funds the SNT. We also educate about

available public benefits and what they cover to determine if a settlement offer is appropriate.

3) Dispel Misconceptions. A plan should be tailored for each individual based on the family dynamics, marital status, type and stage of illness/disability, and goals to be achieved. A SNT or a pooled trust is not appropriate for everyone. Sometimes a spend down plan or purchase of non-countable assets is appropriate.

4) Protect The Trial Attorney From Committing Malpractice. Failure to advise a client that receipt of settlement proceeds will affect government assistance, or failure to advise a client that there are options available to preserve the proceeds and government assistance, can subject the trial attorney to malpractice.

"We are more than a 'drafter' of special needs trusts. We are an integral part of the team."

5) Educate About Legal Requirements. Taking short cuts can create problems. Failure to report the settlement to AHCA can be fraud. Failure to open a guardianship when the settlement exceeds the statutory amount is an ethical violation and causes delay for the client. We inform our colleagues so that a settlement is timely implemented.

6) Lend Guidance in Trust Administration: Long after you close your

file we maintain a relationship with the disabled person, their family and the SNT trustee to ensure they understand and comply with the rules of government assistance.

We invite you to engage us early in the settlement process. The better prepared we are the more we can contribute to a successful settlement for you and your clients.

Meet The Staff

Flo Koplo - CLA

- Guardianship
- Probate
- Trust Administration
- Court Appointments

Myrna Hambro-Secretary

Regina Walsh-Assistant

Vicki Buffery-Assistant

Andrea Pinsonneault-

Marketing and Public Relations Coordinator