



PROPER PLANNING MAY CREATE PEACE OF MIND



March 2007

## PRACTICE MANAGEMENT TIPS

The practice of law often enables us to provide value-added service to our clients. It is the small gestures that have the biggest results that clients remember. Whether you are an estate planning attorney or a trial lawyer, taking the initiative to ask a few important questions at the beginning of a new client relationship can make all the difference in the client achieving their desired goal. Consider modifying your Client Intake Report to include the following:

### 1. Have you applied or been approved for:

- A. Medicaid assistance
- B. SSI (ask about the amount of the monthly benefit)
- C. HUD Housing (Section 8)
- D. Food Stamps

Request a copy of the recent benefit notice from the government agency. If the client has applied for or, is receiving government benefits it is important to discuss the legal options for preserving the settlement proceeds and maintaining government assistance. Failure to advise the client could result in malpractice and jeopardize the client's public assistance.

*“...entitlement to government benefits could be jeopardized unless a plan is implemented to preserve their lawsuit proceeds.”*

2. **Have you applied or been approved for: Social Security Disability Insurance (SSDI).** While SSDI is not a financially sensitive program it is important to know of the client's eligibility as it may impact on Medicare and future Medicare rights.

3. **Are you receiving medical benefits through Medicare? When did you begin receiving Medicare?** After two years of receiving SSDI benefits the client is entitled to Medicare coverage. Notwithstanding that you may be handling a liability case (and not a worker's compensation case) knowing whether the client receives Medicare now (or could in the future) will alert you to advise your client that it may be necessary to establish a Medicare Set Aside Trust (MSA) in the event the case settles for more than \$250,000.00. The Medicare Set-Aside Trust will aid in ensuring that future Medicare benefits are not jeopardized.

4. **Are your spouse or minor children receiving government benefits?** If a derivative cause of action is pled for the spouse or minor children their entitlement to government benefits could be jeopardized unless a plan is implemented to preserve their lawsuit proceeds.

Together we can explore long term care planning options that may bring your clients peace of mind.

**Ask about hosting our free CLE seminar at your office**

### Practice Areas

#### Estate & Incapacity Planning

- ◆ Last Will & Testament
- ◆ Probate & Trust Administration
- ◆ Revocable Trust
- ◆ Durable Power of Attorney
- ◆ Designation of Healthcare Surrogate
- ◆ Quit Claim Deed
- ◆ Living Will

#### Emergency & Advocacy Services

- ◆ Emergency & Standard Guardianships
- ◆ Long Term Care Facility Residents' Rights
- ◆ Medicaid Applications & Appeals

#### Government Assistance

- ◆ Special Needs Trusts
- ◆ Representation of Special Needs Trust's Trustees
- ◆ Protecting Lawsuit Proceeds and Inheritances While Preserving Medicaid and SSI Eligibility
- ◆ Exceptions to Medicaid Lien Recovery