

Choosing a Lawyer to Help Plan for the Future



Planning for the future may require specialized legal assistance. When you are looking for a lawyer to help you plan, he or she should have experience in areas of the law such as:

- ❖ *Drafting special needs trusts with expertise in Trust and Estate law in your state and in the federal and state tax provisions related to special needs planning*
- ❖ *Different legal arrangements to support making major decisions, such as a power of attorney, supported decision-making, and guardianship or conservatorship.*
- ❖ *Federal and state law on public benefits for people with disabilities, including Medicaid, Supplemental Security Income (SSI), Social Security, and Medicare.*
- ❖ *The American with Disabilities Act, housing and employment programs for people with disabilities.*

Many families of people with intellectual and developmental disabilities (I/DD) also prefer to work with lawyers who maintain an involvement with organizations in the disability community.

Get Started: Ask for Advice

1. Request recommendations from friends, families who have a son or daughter with I/DD, or trusted professionals.
2. Schedule an interview with the lawyer to make sure you are comfortable with his or her style and approach to the work.
3. Visit www.lsc.gov to find a Legal Aid office that can provide free or low cost legal services if you cannot afford a private lawyer

For more information, contact:

The Arc
1825 K Street NW, Suite 1200
Washington, D.C. 20036
Phone: 202.617.3268
Email: futureplanning@thearc.org

futureplanning.thearc.org

MISSION

The Arc's Center for Future Planning aims to support and encourage adults with intellectual and developmental disabilities (I/DD) and their families to plan for the future. The Center provides reliable information and practical assistance to individuals with I/DD, their family members and friends, professionals who support them and other members of the community on areas such as person-centered planning, decision-making, housing options, and financial planning.

Choosing a Lawyer to Help Plan for the Future

Choosing a Lawyer: *Tips and Questions to Consider*

First, make sure that you will be comfortable discussing the difficult personal, financial, and legal choices you are making with the lawyer. The lawyer should respect the wishes of your family member with I/DD and your family's vision for the future.

The following questions can help you determine if a lawyer is a good match for you and your family:

1. What is your process of working with clients? How will you meet our family's individual needs?
2. What is your relationship with the disability community? Do you currently work with any disability organizations in the community?
3. Of the people with I/DD whom you have worked with, how many of them live independently in the community?
4. How often do you recommend that guardianship be established for people with I/DD? How often is the guardianship limited to certain areas?
5. What is your view on supported decision-making for people with I/DD?
2. How many years of experience do you have in this area of practice?
3. How many special needs trusts have you drafted?
4. How much of your practice relates to special needs planning?
5. How long have you been admitted to practice law in this state?
6. How much experience do you have in applying for public benefits for people with I/DD in this state?
7. How do you stay aware of the changes in special needs law and planning? Do you go to conferences, participate in list serves or belong to a professional organization?
8. Are you a member of any specialty bar associations that focus on special needs planning?

Third, you should understand what you will be charged for the work and be comfortable with the fee arrangement.

Here are some questions that you may want to ask to determine whether the cost will be reasonable for you:

Second, you should find a lawyer who has experience with issues related to planning for people with disabilities. There are many good lawyers, but you need one who has background in the disability community.

Here are some questions you can ask to help you determine the lawyer's level of expertise:

1. What is your fee structure? Do you charge by the hour or by some other method?
2. What is your hourly rate?
3. What do you estimate the total fee will be for the work we are discussing?
4. What could make your fees exceed that estimate?
5. Will you provide me with a fee agreement?
6. Will there be other lawyers working with you to represent my family? Who are they and how much experience do they have in this area of practice? How will their fees be billed?
1. How many families that include a person with I/DD have you represented?