

SELECTING AND HIRING AN ATTORNEY

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It is often important to work with an attorney when creating a legal and financial plan. Finding the right attorney is the first and most difficult step. You must not only find an attorney who is knowledgeable about disability and public benefit issues, but you must also find an attorney with whom you can work comfortably and whom you can trust.

HOW DO I FIND AN ATTORNEY?

You may start by “word of mouth”. Many of you found physicians and services through recommendations from other families in situations similar to yours. Many of you will find an attorney in the same way. Local agencies may also have recommendations for attorneys in your area.

You may not, however, find an attorney in your own community who has experience in this type of work. Many of you might ask, “Should I settle for the attorney who practices in my town and has at least a little experience with these matters?” Or you might ask, “I heard about a great attorney on the other side of the State. Is it worth traveling two or three hours to this attorney?” Think of the attorney who is experienced in these matters as you would the good medical specialist. Seek out the legal specialist. Legal and financial planning involves very important issues for you and for the person with a disability. Do not settle. It is worth driving two or three hours for an experienced attorney.

WHAT DO I ASK WHEN I CALL AN ATTORNEY’S OFFICE?

Calling an attorney’s office for the first time can be intimidating. Being prepared will help making this call easier. Do your homework. Use this document to get an idea of what you need to do and to understand some of the legal terms involved. Reading, attending seminars and networking with other families will also help you. Then make the phone call.

When you call—

1. Tell the attorney what types of services you need. (For example, a will, a durable power of attorney for health care, a special needs trust.) When you meet, the attorney will help you to sort out your planning needs for your particular situation in order to meet the unique needs of your situation.
2. As appropriate, ask the attorney about his or her experience with -
 - ❑ Wills
 - ❑ Special Needs Trusts or other types of trusts, as well as tax implications
 - ❑ Public benefits: SSI, Social Security Insurance, State Financial Assistance, Medicaid and Medicare
 - ❑ Guardianship and other alternatives
 - ❑ Health insurance
 - ❑ Life insurance
 - ❑ Community service options

- ❑ The capabilities and needs of people with disabilities and their families.

The more the attorney knows about all of these items, the better prepared the attorney will be to assist you.

3. Ask the attorney about fees such as—

- ❑ What is the charge for the first meeting?
- ❑ Does he or she require an advance payment (retainer fee) or payment when the work is complete?
- ❑ Does he or she bill by the hour or charge a flat fee?
- ❑ What are the fees per document?
- ❑ Are there other fees?

Remember— *you are hiring someone to do a service for you.* Do not hire an attorney until you are comfortable that the attorney can do the job well and that the attorney is someone whom you can work with and trust.