

Special Needs Trusts and the SNT Attorney's Role

Introduction, Overview and Understanding the Fundamentals

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Introduction

Joaquin was driving home after graduation. He was on top of the world. He was going to the University in the fall and he had his 2017 Dodge Ram pickup.

Unfortunately, Joaquin woke up in the hospital, a tetraplegic. Joaquin was in that 27% of Texans who had no health insurance.

There was a lawsuit because the accident arose from someone else's negligence.

Joaquin's resulting net recovery from the personal injury award was \$1,200,000.

The Call

I just settled a case for \$3,000,000

My client has disability and Medicareaid.

Will he lose his benefits?



The Call – Trust Attorney's Response

Does he have Social Security Disability Insurance or Supplemental Security Income?

Does he have Medicare or Medicaid or both?

If Medicaid, then what Medicaid program(s) is he receiving?

Send me documentation of benefit eligibility

How many plaintiffs are there?

Is that \$3,000,000 net or gross? (always gross)



The Call: Who Is Calling?

Personal injury attorney?

- Will the Guardian Ad Litem accept the SNT?

Guardian Ad Litem?

- Drafting attorney's fees can sometimes be paid by defendant if hired by GAL

Structure Settlement Annuity representative?

- Representing the Plaintiff?
- Representing the Defendant?

Financial Adviser?

Injured party?

Defendant?



Engagement Agreement

Who is your client?

- Expert to the PI attorney or GAL
- Joaquin

Flat Fee

Hourly

Combination – flat fee & hourly



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Also available as part of the eCourse

[When Personal Injury Settlements Meet Special Needs Planning](#)

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