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SNT Lagniappe
Forms to Support Your SNT Practice

Benecia Flores

Author Contact Information:

Benecia Flores
Petrosewicz Law Firm, P.C.
Richmond, Texas

benecia@petrolaw.biz

(281) 344-9455

SNT Lagniappe

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Lagniappe, noun

A small gift given to a customer by a merchant at the time of purchase; something given or obtained gratuitously or by way of good measure.¹

Introduction

Who among us does not appreciate receiving something extra when we make a purchase? Hotels provide soap, shampoo, even cookies. Restaurants offer mints and chips and salsa. Car dealers give free oil changes or car washes. A handy word to describe these goodies is *lagniappe*. For some, our clients included, obtaining extra goods and services makes us feel better about our purchase. While some items given as lagniappe are cheapened when given for free with a purchase, services like an oil change are necessary to maintain a vehicle and keep it in good working order. In a similar way, providing additional aides and resources for families, beyond the Supplemental, or Special, Needs Trust (“SNT”) document itself, should not be seen as a gimmick to cheapen our work as attorneys but as a practical, arguably necessary, service to help families maintain the well thought out plan the attorney has created.

Our goal, as attorneys who prepare SNTs, should be to create SNTs that work. For a SNT to work, 1) it must be drafted correctly; and 2) it must be administered correctly. Numerous other articles address how to properly draft and administer a SNT. Patricia Flora Sitchler and Elisa Dillard Rainey’s *Planning for Beneficiaries with Disabilities*, University of Texas Law CLE 2020 Stanley M. Johanson Estate Planning Workshop, and Molly Dear Abshire’s *Special Needs Trust Overview*, University of Texas Law CLE 16th Annual Changes and Trends Affecting Special Needs Trusts 2020 are two seminal sources.

The focus of this article is admittedly non-technical but provides a starting point for attorneys to put systems in place in their office to provide good customer service to empower SNT clients and their families to administer the SNT correctly. By providing a little lagniappe of extra resources that clients can reference after the passage of time and after memories fade, attorneys can equip their clients to properly understand and manage the SNT, as well as the public benefits the trust is designed to protect, and possibly endear generations of family members to appreciate a job well done.

¹ “Lagniappe.” *Merriam-Webster.com Dictionary*, Merriam-Webster, <https://www.merriam-webster.com/dictionary/lagniappe>. Accessed 5 Jan. 2021.

Part One – The Intake Telephone Call, Email, Web Inquiry, etc.

Whether you have a staff of fifty to screen your calls or are a solo practitioner and answer your own phone, customer service starts at the first interaction a potential client has with you or your firm. Incoming calls can bring a wide range of possibilities. The other end of the call may be the most ideal client you will ever have or someone who will suck the life out of you and your staff.

As such, gathering some preliminary information benefits you and the caller, perhaps most practically, to weed out callers who, for whatever reason, may not be a good fit for you to represent. Not only will it save your time in meeting with a potential client that does not hire you, but it is also a courtesy to the caller, who undoubtedly is dealing with more than the average person in caring for someone with a disability and deserves honest feedback early on whether you can help them or not.

Further, there is a first time for everything. Every expert SNT attorney at one point drafted their first SNT, assigned child support payments into a SNT for the first time, reported their first SNT to Medicaid, etc. No one is an expert right away. Further, unique situations never cease to mutate into *really* unique situations. Knowing before you meet with a potential client that there is an unusual aspect to the case gives you a head start to research a topic you may not be readily familiar with. If you are so fortunate, you may instead have your staff research the topic and bring you up to speed.

Walking into an appointment prepared helps you issue spot more effectively and sound more confident in your explanations. This in turn increases your credibility with the potential client. That goodwill gives the potential client a level of comfort that they have met with the right attorney and increases the chances of you being hired.

On the other hand, if it turns out the issues present in the case are hopelessly beyond your level of expertise, you should not take the case. In fact, the first rule, 1.01, of the Texas Disciplinary Rules of Professional Conduct (the “TDRPC”) states that an attorney shall not accept employment in a matter that is beyond the attorney’s competence.

The skill needed to respond to initial inquiries and schedule appointments, especially when public benefits are involved, includes determining whether the matter is time sensitive. Knowing the impetus of the inquiry and responding accordingly can prevent much frustration, stress, and the unnecessary loss of valuable Medicaid coverage.

EXHIBIT A is a sample intake sheet with some meaty morsels of information that are helpful to have upfront. The form can be used by the attorney or paralegal alike. Help your staff help you. Communicate what you would like your staff to say or not to say to potential clients and provide them with the tools to meet your expectations. Roll play different caller scenarios with

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