

Arc Guide to Choosing an Attorney



What can an attorney do for my family?

An attorney can help you legally plan for your family's future, this is called an estate plan. They can help you choose tools for your estate plan based on your family's unique needs. For example, attorneys can help with:

- A Will
- Health Care Directive
- Power of Attorney
- Supported Decision Making
- Guardianship
- Successor Guardians
- Special Needs Trust
- Supplemental Needs Trust

It is important the attorney you work with understands disability law. This may include:

- Social Security
- Medical Assistance
- Other government benefits
- Special/Supplemental Needs Trusts

How do I find an attorney?

- Ask for the names of attorneys from friends, neighbors, family, or business colleagues.
- Use like Google or Bing to find attorneys in your area. You can also use [Minnesota State Bar Association Directory](#) or [MAGIC Directory](#). Look for one that has a disability and estate planning specialization. Sometimes attorneys with estate planning background do not also have disability knowledge.
- Do not rush. Do your homework looking into professionals and preparing your questions.
- Talk with several attorneys. Meet them face-to-face in their offices, if possible and accessible.

What questions should I ask before hiring an attorney?

Questions for the attorney:

- What area of law do you practice?
- How often do you work with families who have disabilities?
- How many special/supplemental needs trusts did you develop last year?

- An attorney who has only handled a few trusts of this type may not know all the details of a special or supplemental needs trust.
- Will you be handling my case personally?
 - If not, what kind of work will you be doing, and who in your office will be doing the rest?
 - Examples of other people who could work on your case are paralegals and associates.
- How available are you for meeting and phone calls?
 - The goal is to find out if you can meet or talk on the phone with your attorney or the person handling your case at times that are convenient for you.
- What are your charges?
 - What services are included?
 - How are extra fees assessed?
 - How will I be billed?
 - Are there elements of my estate plan that I could do myself? If I do, what do you charge to look them over?

Ask yourself:

- Do you feel comfortable with this person?
- Can you be open with all the facts in your case?
 - Your attorney cannot share information about your case without your permission.
- If making legal plans for care or management have you considered all your options? Have you talked it over with that person?
 - Examples of care or management you can seek advice on are a successor guardianship or a trustee.
- Do you have the documents you need ready for the meeting?
 - Assets (pay, retirement accounts, life insurance, etc.)
 - Legal documents (divorce/custody papers, previous estate plan documents, etc.)
 - Government benefit information (Social Security, Medical Assistance, etc.)
 - Planning Guide, Person-centered Plans, Letter of Intent
 - Financial Plan documents

How are an attorney's fees typically determined?

Hourly Rate: An hourly rate can range from \$75 to \$250 or more per hour. Your attorney should charge a reduced fee per hour for work performed by a paralegal or legal assistant.

Flat Fee: Some attorneys charge a fixed amount, this is not as common as other types of fees and payment. This amount and the services included should be in writing. If there may be additional expenses, the process for this should be in your written agreement. It is up to you if you want to accept those additional fees.

Sliding Fee Scale: Some attorneys charge according to their client's income. If they provide this option, your attorney can provide you with their rates based on your income.