

Choosing an Attorney

Families of children and adults talk about planning for the future. This is an area that requires special assistance.

Some people do not get started on their futures planning because they do not know where to begin. A good first step is to consult with an attorney who is knowledgeable about estate planning for adults and children with disabilities. It is important to work with a Maryland attorney, since much of the law that must be considered is state specific. It is also important to work with an attorney who concentrates in special needs planning, since the laws in this area are complex and details change frequently.

But how do you find an attorney? Here are some suggestions.

- Talk with other families who have children with disabilities.
- Contact local advocacy groups (including your local Arc).
- Talk with local attorneys who practice in other areas of law, but may know of attorneys who concentrate in this area.
- Consider attorneys who are members of organizations concentrating in this area. A surprising fact is that many of the rules for elder law planning and special needs planning are similar: they both must be very knowledgeable about Medicaid law and implications.

For more information on topics discussed in this fact sheet, contact

The Arc of Frederick County.

Phone: 301-663-0909

www.arcfc.org

The following attorneys have expressed interest in being included in an attorney resource list for individuals and families in the areas of wills, trusts and estate planning with families of children and adults with disabilities. This is not intended to be a complete list of attorneys who practice in this area. The Arc of Frederick County does not endorse any attorney whether or not his or her name appears on this list.

Other sources that may help you identify an attorney in this area include:

- Disability Rights Maryland 410-727-6352 or disabilityrightsmd.org
- The Lawyer Referral and Information Services of your local Bar Association.
- You may also find it helpful to contact friends, colleagues or advocacy groups who have had some experience in planning for children with disabilities. Also, attorneys who represent children and adults in related areas (i.e. special education) may have contact with attorneys who practice in the area of special needs planning.
- The National Academy of Elder Law Attorneys is a non-profit association which assists lawyers, bar organizations and others who work with older clients and their families. They have a searchable directory of their members on their website: www.naela.org.

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These Fact Sheets are designed to provide general information only and are not designed to provide legal advice. Families and individuals are strongly urged to consult with an attorney and other appropriate professionals regarding their individual situation before taking action.

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Michael Day, Esq.
The Law Office of
Michael G. Day and Assoc.
30 W. Patrick Street
Frederick, MD 21701
(Frederick Number)
301-228-2960
10715 Downsville Pike
Hagerstown, MD 21740
301-739-6820
(Hagerstown number)
Or 301-724-4713
(Cumberland number)
michaeld@mikedaylaw.com

Jason Frank, CELA
Mary O'Byrne, Esq.
Frank, Frank and Scherr, LLC
1400 Front Avenue, Suite 200
Lutherville, MD 21093
410-337-8900
jfrank@frankelderlaw.com
mobyne@frankelderlaw.com
www.frankelderlaw.com

Louise Gonzales, Esq.
Hylton and Gonzales
201 N. Charles Street, Suite 2200
Baltimore, MD 21201
410-547-0900
l.gonzolas@hyltongonzales.com

Lena A. Clark
129 W. Patrick Street Suite 11
Frederick, MD 21701
301-696-0567
Lena@lenaclarklegal.com
www.lenaclarklegal.com

Morris Klein, CELA
4520 East-West Highway, Ste. 700
Bethesda, MD 20814
301-652-4462
morrisklein@morrisklein.com
www.morrisklein.com

Evan J. Krame, Esq.
Krame and Edward Biggin
11300 Rockville Pike, Suite 405
Rockville, MD 20852
301-468-3360
evan@kramelaw.com
www.kramelaw.com

Ron M. Landsman, Esq.
May-Lis Manley, P.A.
200-A Monroe Street, Ste. 110
Rockville, MD 20850-4421
240-403-4300 ext.101
240-403-4300
150 W. Patrick Street
Frederick, MD 21701
rml@ronmlandsman.com
mlm@ronmlandsman.com
www.ronmlandsmand.com

Cristine E. LoVetro, Esq.
Law Office of
Cristine Evans LoVetro, LLC
100 West Church Street
Frederick, MD 21701
301-620-8585
Cristine@LoVetrolawoffice.com

Janet I. McCurdy, Esq.
115 W. Patrick Street
Frederick, MD 21701
301-698-1932
jmccurdy@jmccurdyllaw.com

Scott Alan Morrison, P.A.
141 W. Patrick Street, Suite #300
Frederick, MD 21701
301-694-6262
(Frederick number)
Cornerstone Wealth Center
19833 Leitersburg Pike, Suite 1
301-293-0010
(Hagerstown number)
www.samlawoffice.com

Jeanne F. Singer, Esq., P.A.
129-4 W. Patrick Street
Frederick, MD 21701
240-356-0140
(Frederick Number)
864 Jefferson Blvd.
Hagerstown, MD 21740
301-797-2485
(Hagerstown number)
office@jsingerlaw.com

Robin L. Weisse, Esq.
The Weisse Group, LLC
7543 Main Street, Suite 101
Sykesville, MD 21784
410-875-2588
rlweisse@weissegroup.com

Questions to Ask an Attorney

- How often do you work with families planning for a child with disabilities?
- About how many special needs trusts have you drafted?
- Are you familiar with alternatives to guardianship, including surrogate decision making?
- How familiar are you with public benefits, especially those that may be important to my child?
- Depending on the size of your estate, you may also want to know the attorney's background in general estate planning and tax law.
- What are your fees?

Your Notes:

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