



EIN NO: 55-0819817

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## About Attorney's Fees and Fee Estimate Worksheet

Name: \_\_\_\_\_ Marital Status: Single Married

We know that no one likes legal fees. We also know that because no one likes legal fees, any discussion of fees is awkward. Unfortunately, we can't provide services for free. So... people invariably ask "What's this going to cost?" Sometimes people want to know what it's going to cost even before there is a real understanding of what we do and the value of our services.

### What an Advocate can do for you:

Until you understand the value of what we bring to the table, any fee discussion is premature. How can you evaluate our fee until you know what we do? That's one reason we offer a free 30 minute consultation. That way you can hear us and understand exactly what we offer before you make a decision. When you meet us, you will learn that Mr. McGuffey has been a Certified Elder Law Attorney since 2004. He knows the law, knows how to represent you in court (if necessary) and knows how to get you the best result possible. Mr. McGuffey is the Chair of the State Bar of Georgia's Elder Law Section, the past Chair of the Tennessee Bar Association's Elder Law Section, and has held other honors. He is a frequent speaker and is co-author of a national newsletter sent to over 5,000 Elder Law Attorneys each week. He has pulled together a trained staff that works hard to help you resolve problems. We also understand our clients. We know you don't want to go to a nursing home and we know you want to protect your wealth. When you hire us to do Life Care Planning, our most comprehensive service, our goals are: (1) promoting your good health, safety, and well-being at all times; (2) assisting with health care and long-term care decision making for the remainder of your lifetime; (3) identifying and accessing good long-term care, whether at home or outside of the home, and identifying all potential sources of payment for such care; (4) attaining eligibility for Medicaid and other public benefits programs for which you may be entitled; (5) protecting family wealth for your benefit and the benefit of your heirs. We have the experience and the leverage to help you accomplish your goals. Of course some people have other goals, and we want to address them as well. But we can't do anything until you hire us. Thus, we have to have the discussion about fees.

### Four ways to think about legal work:

When thinking about what lawyers do, there are at least four ways to value our work. Each view regarding value can be used when you purchase anything, from a garden hose to financial advice to legal work. First, you could view legal work as a commodity

(e.g., drafting documents). Viewing legal work this way is, in our opinion, short-sighted. It assumes everything a lawyer does is fungible, essentially one-size-fits-all. It does not take your unique circumstances into account or the skills and expertise of the lawyer. Essentially, the commodity view assumes you can compare legal work to purchasing a garden hose at Wal-Mart (versus buying it at K-Mart). The commodity view assumes a general practice attorney has the same knowledge and experience as a Certified Elder Law Attorney. For elders with changing needs, a comparison of that sort is unrealistic. Beyond other drawbacks, viewing legal work as a commodity also leaves you directing the course of the representation since, instead of allowing the attorney to evaluate your needs, you are telling the attorney what you need. Telling an attorney that you need a Will and asking what a Will costs is very different from letting an attorney evaluate your circumstances and deciding what you really need. What if you tell the attorney that all you need is a Will and you're wrong? Ultimately, the commodity view of legal work is self-defeating since it deprives you of what you went to the attorney for in the first place: expert advice. Second, you could view legal work as a transaction (e.g., closing the sale of a home). This is slightly more encompassing since you at least allow the attorney to determine which commodities you need and then bring them together to complete a transaction for you. The transaction view remains limited because you decided which strategy to use instead of letting the lawyer determine what works best for you after evaluating all of the circumstances. Frequently, transactions are negotiated by non-lawyers (e.g., realtors) who leave "the paperwork" for the attorneys. The transaction view of elder law focuses on a single situation; it is not designed to meet all of your needs. As with the commodity view, viewing legal work as a transaction is limiting because you are still telling the lawyer what you need instead of letting the lawyer give you customized work designed to address your overall needs. Third, you could view legal work as a service (e.g., representing you in court). Services tend to be specialized and involve skills that most people in the community don't have. Here, you empower the attorney to meet needs you probably can't meet yourself. Services are designed to get you an immediate result. Services are generally goal oriented. They end when the immediate goal is achieved. An example of a service would be Medicaid planning. This is highly specialized work, but once you are approved for Medicaid, the service ends. The fourth and final way to view our work is as a relationship. When you approach legal work as a relationship, you are recognizing that you want your needs met now, but you also want your needs met when your circumstances change or when the law changes. When you have a relationship with us, you are recognizing that your needs will evolve over time and you still want expert advice when that happens. When you have a relationship with our firm, you have an advocate on-call, the same way businesses do when they make decisions. In other words, you can eliminate the guess work, knowing that you have the benefit of expert advice when you need it.

#### The Life Care Plan:

When clients want protection and peace of mind, they generally hire us to do life care planning. What, then, is a life care plan? A life care plan is a customized and individualized plan designed to meet your needs. It is a relationship between you and our firm where we assess your situation and plan to help you access good care during your lifetime. We work with you to find solutions to your needs. The relationship

between you and us is described in our fee agreement and generally extends for about two years; if you want to continue it after two years, there is a small renewal fee. Our goal while we work for you is to keep you at home or, if you are not at home, then to keep you where you want to be. We work with you to minimize risks that might unnecessarily push you into a less desirable living situation. We work to assist you and your surrogates in making the right decisions at the right time. We provide caregiver coaching to minimize the risk of caregiver burnout. We provide education and support so you understand the so-called health care system (which is really more like a maze than a system). We evaluate your financial situation and work with you to protect your assets so they go farther, giving you more choices and options. Our planning approach is holistic, focusing on your quality of life. Keep in mind, though, that the ultimate goal in life care planning is to protect you (the elder). The ultimate goal is not to protect your heir's inheritance. For example, if spending some money would enhance your quality of life and keep you at home, we would suggest that you spend the money even if it means your heirs get a smaller inheritance after you die. Thus, when you ask us to do life care planning, we may tell you to spend some of your income or resources on yourself. After all, the best way to avoid going to a nursing home is to ensure that you have an appropriate plan in place that meets your needs where you are right now. After we have planned to take care of you, then we plan to protect surplus assets so they pass to your heirs.

A life care plan is a unique planning relationship, customized to meet your needs. It is, by its nature, time intensive. Over the first 90 days after you hire us, we will likely spend about 90 to 100 hours working for you as we assess your situation, develop a plan and work with you to begin implementation of the plan. In our experience, the life care plan is most effective when you work with us on a flat-fee basis. One reason for this is that a flat-fee frees both you and us up to work toward solutions instead of watching the clock, worrying about how many hours it will take to provide help.

Putting things in perspective:

We believe the ultimate value we bring to the table is peace of mind and the knowledge that you have an advocate helping you make the right decisions at the right time. There are, however, other ways to look at what we do. For example, you could ask what we can save you. Setting aside for the moment other services we provide, what is our value if you strictly look at the expenses we help you minimize or avoid? In Georgia, the median monthly cost for a home health aide (8 hours per day, 30 days per month), is \$3,840. The median monthly cost of assisted living facility is \$2,100 per month. The median monthly cost of nursing home care is \$4,770<sup>1</sup> (although average rates tend to be more than \$5,000) per month. If your family takes care of you at home, surveys place the long-term cost of caregiving (in terms of lost wages, lost retirement and health benefits, etc.) at more than \$650,000. If we help develop a Life Care Plan that reduces the burden on your family and keeps you home, then we've helped reduce the cost of caregiving. If we save you two months of paying the nursing home bill, then in most cases, you would have paid the full cost of a Life Care Plan.

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<sup>1</sup> <http://www.metlife.com/assets/cao/mmi/publications/studies/mmi-studies-2008-nhal-costs.pdf>.

What is it worth to secure your future? Another way to think about value is to consider the cost of other things you might buy and compare those things to the peace of mind that comes with having a trained advocate on your side. In Georgia, average closing costs (the cost of a loan when you buy a home) are \$2,826.<sup>2</sup> The average real estate commission in this area is 6%, so it would cost you \$9,000 to have a realtor help you sell a \$150,000 home. The average cost of a wedding in this area is between \$16,981 and \$8,302.<sup>3</sup> The average cost of a divorce is \$20,000.<sup>4</sup> The average cost of a funeral is between \$7,000 and \$10,000. One local landscaper quotes \$300 per month to provide lawn care, which equates to \$7,200 over a two year period. Field level tickets and food at one Atlanta Braves game will cost a family of four about \$240. Finally, the cost a one-week vacation at Disney World for a family of four ranges from \$1,696 to \$5,556.<sup>5</sup> Again, when contrasted against these costs, what is it worth to secure your future?

Gimmicks seldom work:

Are there any magic pills or silver bullets out there? No. Although some people sell gimmicks and make unrealistic promises, the reality is that people who buy gimmicks usually get burned or they include hidden costs. For example, some annuity salesmen claim they can protect everything you own if you buy an annuity. What they aren't telling you is that their commission, on average, is 8%, so if you buy a \$100,000 annuity, they get paid \$8,000. Who do you think "really" pays that commission? You do. You pay it in terms of lower earnings than you might otherwise get and in penalties if you change your mind later. What they are also failing to tell you is that annuities might be countable assets when you apply for Medicaid; that means you could be required to spend-down the annuity. The reason those annuities might be countable is because companies like J.G. Wentworth advertize that they purchase annuities, so the Medicaid authorities could tell you to sell the annuity for whatever J.G. Wentworth will pay for it. If you apply for Medicaid, then in most cases, the annuity income must be spent paying for nursing home care. Finally, if you apply for Medicaid, then federal law penalizes you unless your annuity names the State of Georgia as your remainder beneficiary. Please understand that we are not saying that all annuities are bad; we are simply pointing out the fact that there aren't any free lunches and if you don't have an advocate who knows the rules, you can get burned.

What this worksheet is designed to do:

Once you understand what we do, this Fee Estimate Worksheet is designed to help you answer the "how much is this going to cost" question. This document is NOT an Attorney-Fee Agreement. It is simply a guide for you to use in estimating the cost of our services. The actual bill may be different from the estimates in Sections 2 through 10. It could be higher or it could be lower depending on whether your situation is complex or simple. Keep in mind that when you ask us to complete several tasks, there is usually

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<sup>2</sup> <http://www.bankrate.com/brm/news/mortgages/ccrank.asp>.

<sup>3</sup> <http://www.costofwedding.com/index.cfm?action=search.weddingcost&zipcode=30720>.

<sup>4</sup> <http://www.bankrate.com/brm/news/advice/19990903a.asp>.

<sup>5</sup> <http://disneyworld.disney.go.com/vacation-packages/compare/>.

overlap; this means comprehensive planning is usually cheaper than paying separately for multiple items. You should also keep in mind that when “you” pick and choose what you need, you’re trying to be your own lawyer instead of letting us do our job. If you really want legal advice, then you have to actually let us do the work. That means we need to spend the time with you that is necessary to assess your situation and provide the solutions you really need. To explain how we work, we have included examples and explanations following each section.

**In most circumstances, we are willing to quote either an hourly fee or a flat fee for our services.** We generally quote a flat-fee after we meet you during our initial consultation. After we quote our fee, you make your decision: hourly or flat-fee.

Should I go hourly or with a flat-fee?:

Really, that’s up to you. To some extent it depends on what you want out of our firm. If you choose to pay by the hour, then there is no maximum fee and the ultimate cost for our services depends on the complexity of your situation and how long it takes to achieve your goals; hourly fees are pretty simple to figure out because you multiply the rate by the number of hours worked. **However**, if you choose a flat fee, then our fee is **locked-in** (guaranteed) and no additional attorney’s fee is due regardless of how long it takes us to complete the work you requested. Since it is locked-in, a flat-fee lets you get the assistance you need without worrying about the costs getting out of control.<sup>6</sup> Having a flat-fee arrangement lets you focus on getting what you need instead of watching the clock. Of course, if you want to pay a flat fee, then you have to remember that we are making the same commitment; we are saying we will finish the work for the quoted fee no matter how much time it takes. In our experience, most families come out ahead paying a fixed flat-fee because it is often difficult to anticipate problems that might arise during the planning process.

**Section 1. Basic Consultation fees and hourly rates**

|                          |  |          |               |
|--------------------------|--|----------|---------------|
| <input type="checkbox"/> | Certified Elder Law Attorney               | Per hour | \$300         |
| <input type="checkbox"/> | Elder Care Coordinators                    | Per hour | \$85 to \$100 |
| <input type="checkbox"/> | Staff                                      | Per hour | \$75 to \$85  |
| <input type="checkbox"/> | Crisis (“Drop everything and help me now”) | Per hour | Add 25%       |

*Hourly rates are subject to revision on 30 days advance notice* *Current as of 9/14/09*

The dollar amounts in Sections 2 through 10 are estimates of our fee based on (1) the average time required to complete specific tasks, (2) multiplied by a mixture of attorney and staff hourly rates. These estimates are based on the average number of hours necessary to, from start to finish, meet with you, review your situation, do research (as necessary), draft documents, explain things, get documents executed, etc. If you choose an hourly option, then your invoice will reflect the actual number of hours worked, which may be higher or lower than the estimates in this document. If you choose a flat fee billing option, then the fee we quote is the only fee you pay for our services regardless of how long it takes us to complete the work you requested. If you

<sup>6</sup> Whichever fee arrangement you choose, you are also responsible for any expenses we incur on your behalf (e.g., filing fees, court costs, etc.).

agree to a flat-fee arrangement, though, you cannot change your mind later because we will not be tracking our time on your case.

We do caution you though - this worksheet is not designed as a smorgasbord. Until we analyze your situation, we don't know what to recommend and, our assumption is, you wouldn't be coming to us if you didn't want the benefit of our expertise. This worksheet is organized from the simplest and cheapest tasks to the most comprehensive. If you want the most protection, then Life Care Planning (Section 9) is the way to go.

*The following figures are estimates based on our experience; your situation may be different*

**Section 2. Estate Planning and Basic Document Preparation**

|                          |        |   |         |                 |
|--------------------------|--------|---|---------|-----------------|
| <input type="checkbox"/> | Single | Simple Will, Power of Attorney, Advance Directive                                       | Non-tax | \$600           |
| <input type="checkbox"/> | Couple | Simple Will, Power of Attorney, Advance Directive<br>HIPAA Releases (No additional fee) | Non-tax | \$1000          |
| <input type="checkbox"/> | Single | Will that includes a contingent special needs trust                                     |         | \$800           |
| <input type="checkbox"/> | Couple | Will that includes a contingent special needs trust<br>Codicil (Same fee as Will)       |         | \$1200          |
| <input type="checkbox"/> |        | Power of Attorney or Advance Directive  |         | \$300           |
| <input type="checkbox"/> |        | Deed (each)   |         | \$300           |
| <input type="checkbox"/> |        | Caregiver Agreement (each)  |         | \$800           |
| <input type="checkbox"/> |        | Family Limited Liability Company (Package)  |         | \$1500          |
| <input type="checkbox"/> |        | Contracts (The fee for custom contracts depends on complexity of your request)          |         | \$500 to \$1000 |

*Example: Although preparation of estate planning documents may seem like a simple matter, it takes time to complete each task you request. When you ask us to prepare a Will and other estate planning documents, we must meet with you to gather information. Then we review your information and draft documents based on your circumstances and needs. We then meet with you again to explain the documents and ensure they are properly executed. Sometimes corrections are necessary (e.g., you changed your mind). Generally, Mr. McGuffey reviews your circumstances and drafts the documents (his rate is \$300 per hour) and he also explains them to you. (Sometimes people believe we can "shortcut" the process because "their situation is easy." We can't. When you ask us to do something, we presume you want it done right. That requires review, research, proper drafting and explanation.) Three of our staff members will likely be involved in the document execution since most documents require two unrelated witnesses and a notary. One of our staff members will make copies of the documents and prepare a folder for you that include your originals and an adequate number of copies. The combination of Mr. McGuffey's time and the staff time usually results in a fee somewhere in the range of what we listed above. Other fees listed throughout this document reflect different levels of complexity in drafting, research, file review, etc. Some tasks, such as preparation of a Medicaid application, require a significant amount of time to complete so the fees for those tasks are higher.*

*The following figures are estimates based on our experience; your situation may be different*

**Section 3. Trusts**

|                          |        |                                      |         |                    |
|--------------------------|--------|--------------------------------------|---------|--------------------|
| <input type="checkbox"/> | Single | Revocable Living Trust               | Non-tax | \$1500 to \$2,500  |
| <input type="checkbox"/> | Couple | Revocable Living Trust               | Non-tax | \$2,500 to \$3,000 |
| <input type="checkbox"/> |        | Irrevocable Trust (asset protection) | Non-tax | \$2,500 to \$5,000 |
| <input type="checkbox"/> |        | Special Needs Trust                  |         | \$2,500 to 3,500   |

|                          |  |                 |
|--------------------------|--|-----------------|
| <input type="checkbox"/> | Spendthrift Trust                                      | \$1500          |
| <input type="checkbox"/> | Assistance moving assets into the trust (Deeds) (each) | \$300           |
| <input type="checkbox"/> | Assistance moving assets into the trust (other) (each) | \$300 to \$1000 |
| <input type="checkbox"/> | Court appearances                                      | Hourly          |
| <input type="checkbox"/> | Court preparation (research, drafting, etc.)           | Hourly          |
| <input type="checkbox"/> | Anything not on this list                              | Ask us          |

Example: Trusts are more complex than Wills for various reasons and usually require more time, both in drafting and in explaining how they work. An additional issue is that assets must be transferred to a trust before the trust works. So when you ask us to prepare a trust, we are probably also doing deeds, helping you with bank accounts, insurance policies and other things. Further, if you asked us to prepare a special needs trust, then we also have to take time to educate you regarding the Supplemental Security Income rules and Medicaid rules so you don't accidentally administer the trust in a way that causes your loved one to lose eligibility for public benefits. It will probably take ten to twenty hours of work to review your situation, do research, draft documents, meet with and educate you and so on; if the trust requires court approval, then it takes even longer. In other words, these tasks take more time to complete so the fees are higher. On the positive side, you can often save your family time, trouble and expenses associated with probate if you use a trust so the fees sometimes balance out.

The following figures are estimates based on our experience; your situation may be different

#### Section 4. Comprehensive Non-Crisis Estate Planning

(Includes all services in Sections 1, 2 and 3 on an as needed basis except Court appearances). This includes a review of all documents you bring to us concerning your estate, as well as education concerning future public benefits eligibility.

|                          |        |                        |                    |               |
|--------------------------|--------|------------------------|--------------------|---------------|
| <input type="checkbox"/> | Single | Comprehensive planning | Non-tax/Non-crisis | \$4,500-6,500 |
| <input type="checkbox"/> | Couple | Comprehensive planning | Non-tax/Non-crisis | \$5,500-8,500 |

Example: "Comprehensive" planning is what we do when you ask us to help you figure out what you need both now and down the road. It includes meetings, review, research, drafting documents and education as we warn you about what to watch out for. A \$4,500 fee assumes Mr. McGuffey would spend about 15 hours working for you; there are circumstances where we can provide these services for less than estimate listed above, but generally that happens when you come in early (before a crisis occurs) and your estate is relatively simple.

The following figures are estimates based on our experience; your situation may be different

#### Section 5. Comprehensive Non-Crisis Estate Planning including Tax Planning

(Includes all services in Sections 1, 2 and 3 on an as needed basis except Court appearances). This includes a review of all documents you bring to us concerning your estate, as well as education concerning future public benefits eligibility; it does not include fees your tax preparer may charge.

|                          |        |                        |            |                     |
|--------------------------|--------|------------------------|------------|---------------------|
| <input type="checkbox"/> | Single | Comprehensive planning | Non-crisis | \$5,000 to \$10,000 |
| <input type="checkbox"/> | Couple | Comprehensive planning | Non-crisis | \$7,500 to \$15,000 |

Example: If you have an estate valued over \$1,000,000, then your estate might have to pay federal estate taxes after you die unless you plan ahead. At present, in 2009, an estate is exempt from taxation if it is valued under \$3,500,000. At present, there is no estate tax in 2010. However, these exemptions roll-back to \$1,000,000 as of January 1, 2011. Thus, we say you "might" have an estate tax issue because we don't know what Congress is going to do with the law. No one does. An example of planning we might do is drafting Wills or trusts to separate a married couple's estate so they do not underutilize their respective exemptions. If you hire us to

do tax planning, we insist that you have a regular tax advisor and that he or she be involved because we do not complete tax forms and we do not represent anyone in front of the IRS.

The following figures are estimates based on our experience; your situation may be different

### Section 6. Comprehensive Non-crisis Estate Planning for Veterans

(Includes all services in Sections 1, 2 and 3 on an *as needed* basis except Court appearances – This is an estate planning fee only. We do not charge a fee for preparation, presentation or prosecution of a VA claim prior to filing of a Notice of Disagreement. Free access to software used to prepare applications is available in our lobby. If you have questions about this, please ask.

|                                 |  |                    |               |
|---------------------------------|--|--------------------|---------------|
| <input type="checkbox"/> Single | Includes education concerning VA rules | Non-tax/Non-crisis | \$6,000-7,500 |
| <input type="checkbox"/> Couple | Includes education concerning VA rules | Non-tax/Non-crisis | \$7,500-9,000 |

The following figures are estimates based on our experience; your situation may be different

### Section 7. Medicaid Application

|                                       |   |  |               |
|---------------------------------------|---|--|---------------|
| <input type="checkbox"/> Eligible     | Application only; no planning advice      |  | \$3,000-5,000 |
| <input type="checkbox"/> Not eligible | Application, plus limited planning advice |  | \$4,500-6,500 |
| <input type="checkbox"/>              | Assistance gathering documents            |  | add \$1000    |
| <input type="checkbox"/>              | Miller Trust ONLY                         |  | \$1000        |

Example: If we give you a flat-fee quote for a Medicaid Application (with no prior planning), the average quote is between \$3,500 and \$4,500. In our experience, it takes between 30 to 50 hours to gather and analyze all of the information necessary to complete a Medicaid application, review it, organize it and deliver it to Medicaid. Not only do we have to prove you are a citizen in need of medical care, we also have to demonstrate that you are “poor enough” under the Medicaid rules to qualify for help. The time we spend preparing the application includes meetings with you, telephone calls with the Medicaid caseworker and so forth. When we prepare a Medicaid application, we do it as your advocate, trying to get you the best result. Mr. McGuffey directs the scope of the representation and will be involved in the process, but to keep your fees down, most of the work will be done by trained staff members.

The following figures are estimates based on our experience; your situation may be different

### Section 8. Medicaid Estate Planning

(Includes all services in Sections 1, 2, 3 and 7 on an *as needed* basis except Court appearances). The fees below are ranges, where we estimate the amount of time required to help you. If you choose this option, as opposed to Life Care Planning, then our work ends when we finish your Medicaid Plan.

|                                 |  |                    |                    |
|---------------------------------|--|--------------------|--------------------|
| <input type="checkbox"/> Single | Eligibility and estate recovery planning           | Non-tax/Non-crisis | \$6,000-12,000     |
| <input type="checkbox"/> Couple | Eligibility and estate recovery planning           | Non-tax/Non-crisis | \$7,500-15,000     |
| <input type="checkbox"/> Crisis | Medicaid application must be filed within 3 months |                    | add \$1000         |
| <input type="checkbox"/>        | Assistance gathering documents                     |                    | add \$1000         |
| <input type="checkbox"/>        | Represent through first fair hearing               |                    | add \$1000         |
| <input type="checkbox"/>        | Medicaid appeals                                   |                    | Hourly             |
| <input type="checkbox"/>        | Assistance with annual review                      |                    | \$1000             |
| <input type="checkbox"/>        | Planning ONLY; No Medicaid application             |                    | deduct \$1000      |
| <input type="checkbox"/>        | Estate Recovery cases (pre-litigation)             |                    | \$2,500 to \$5,000 |
| <input type="checkbox"/>        | Estate Recovery cases (litigation)                 |                    | Hourly             |

Example: If we give you a flat-fee quote for a Medicaid Plan, the average fee is between \$8,500 and \$9,500. Medicaid Planning is more involved than simply preparing a Medicaid application. What we are trying to do here is restructure your estate to get you the best result when you apply for Medicaid. This process is time intensive and often requires that we put other things on hold to help you right away. When we help you with Medicaid Planning, we review everything

that Medicaid would review if you applied for Medicaid. We then plan ahead, educate and guide you all the way through the application process and prepare the application for you (Section 7). We restructure your estate as necessary to minimize the risk that you will lose your financial independence and we also take care of other things you may have neglected along the way (Section 1). This is why these fee estimates are higher; a Medicaid Plan includes work before, during and after the Medicaid application. When we develop a plan for you, we will shoot straight with you and tell you what is safe and what is aggressive. If you need to go to court to defend a plan, then Mr. McGuffey has the experience necessary to represent you through the Medicaid appeals process.

To give you specific examples, we recently cleaned up a "home-made" Medicaid plan for a client where Medicaid denied coverage for more than 20 months. In other words, the Medicaid officials told the family they would have to private pay more than \$100,000 for nursing home care. We were able to get the entire bill covered. In another case, a client came to us after they received a \$10,000 bill from the nursing home. We were able to get that bill paid, as well as future nursing home bills. The facts of each case are different, but we are generally able to provide significant value to families facing a long-term care crisis.

The following figures are *estimates* based on our experience; your situation may be different

### Section 9. Life Care Planning (Elder Centered Planning)

Life Care Planning is our most comprehensive planning service. It includes all services in Sections 1, 2, 3, 6, 7 and 8 on an *as needed* basis except Court appearances. It also includes health care advocacy and caregiver advice. Fee varies with case complexity. The fees below are ranges, where we estimate the amount of time required to help you. If you choose this option, we keep working for you in case your situation changes and adjustments are necessary.

|                                 |  |                    |                |
|---------------------------------|--|--------------------|----------------|
| <input type="checkbox"/> Single | Up to 2 year representation                                      | Non-tax/Non-crisis | \$8,500-15,000 |
| <input type="checkbox"/> Couple | Up to 2 year representation                                      | Non-tax/Non-crisis | \$9,500-18,000 |
| <input type="checkbox"/> Crisis | Medicaid application "must" be filed within 3 months             |                    | add \$1000     |
| <input type="checkbox"/>        | Annual renewal fee to continue agreement after contract expires  |                    | \$1200         |
| <input type="checkbox"/>        | Limit representation to one year instead of 2                    |                    | deduct \$1200  |
| <input type="checkbox"/>        | Life-time agreement (only available under certain circumstances) |                    | Ask us         |

Example: If we give you a flat-fee quote for a Life Care Plan, the average quote is between \$9,500 and \$10,000. Life Care Planning is a relationship with our firm and includes comprehensive planning services. It is designed to identify your present needs and help you stay where you are by eliminating dangers and marshalling resources to meet your current needs. In other words, if you're at-home, that's where we want you to stay. It is what most of our clients want and includes everything discussed above except going to court. In most cases, the fee we quote is on the lower end of the range listed above, but that assumes nothing unusual is going on in your life. Essentially, when you buy a Life Care Plan, you are hiring us to give you advice about all of the issues relating to estate planning and public benefits planning, as well as serving as your advisor on other issues where you might need an advocate for such as enforcing your rights within the health care system. Often our representation begins while you are home or in an assisted living facility and continues as your health condition declines and nursing home care becomes necessary. We work with you or your designated decision-maker over an extended period of time, trying to help you find, get and pay for good care. In addition to estate planning, we do things like help you identify home health care providers, review care contracts, attend care plan meetings and provide advocacy or informal mediation in those meetings, deal with insurance companies and so on. This kind of planning takes a significant amount of time, but our clients who have hired us to do life care planning generally find that it is

well worth it and it provides significant peace of mind. Read about it at <http://www.mcguffey.net/lifecareplan.html>.

The following figures are *estimates* based on our experience; your situation may be different

### Section 10. Other Services

|   |   |  |
|---|---|--|
| <input type="checkbox"/> Court appearance     | Going to court for any reason   | Hourly   |
| <input type="checkbox"/> Court preparation    | Getting ready for court (research, drafting, discovery, etc.)         | Hourly   |
| <input type="checkbox"/> Medicare Appeals     | Appealing a denial of coverage  | Hourly   |
| <input type="checkbox"/> Probate/Guardianship | Petition (Includes one court appearance)                              | \$1,500  |
| <input type="checkbox"/> Trust administration | Serving as trustee; we require the involvement of a financial advisor | Minimum \$500 per month plus annual fee for administrative costs |

Going to court is one of those things where it is impossible for us to estimate a fee accurately. We can “guess” at what it will cost, but there are variables such as whether the case will be opposed and, if so, how hard will the other side fight against you. We don’t know whether we will have to sit-and-wait in court and so on. Sometimes the other side will ask for a continuance at the last minute, which delays matters and increases your costs (forcing us to prepare for the hearing, then wait, and prepare again later). Sometimes we need to take depositions or write briefs arguing your position. We will attempt to estimate these costs for you, but doing so is always a dicey proposition. This is why we generally handle court cases on an hourly basis.

\*\*If you want services not listed above, ask us. We provide a broad range of services.

Estimated Fee: \$ \_\_\_\_\_

Terms:  Cash       Check       Credit Card

**The specific terms of representation are in our written fee agreement. All fees are deemed earned when paid. All fees are non-fundable. We promise competent and vigorous representation, but we cannot and do not guarantee specific results. We reserve the right to revise this fee schedule and/or quote different fees as warranted by a client’s specific circumstances. We will honor this fee quote for 30 days.**

Elder Law Practice of David L. McGuffey, LLC

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David L. McGuffey