



## LWP Workshops: It's a Numbers Game!

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Recently, I was conducting an implementation call with a new LWP Member who attended the June Practice with Purpose in which Amanda Smith and Dave Zumpano were training. Our call topic was the **Workshop**, and a question the member asked me was, "Who wouldn't do workshops?" and my honest response to him was, "Too many members don't see the value in the workshops." This brand new member was quite shocked that so many other LWP members weren't doing workshops, so we detoured a bit to discuss the value of workshops as well as the excuses members give as to why they can't, won't, or simply don't want to do them.

There are instances in which the workshop isn't the next best step but conducting an **Initial Meeting** is; however, most prospects and clients are still going to require some education along the way. If the Client Service Coordinator determines the prospect is in crisis (Medicaid, Probate, Trust Admin) in which they need to be enrolled in the process ASAP, the Initial Meeting is a better fit, and we can educate them once we've found a solution to their current situation.

By setting a standard that workshops are not just part of the process, but also the first key step in the prospect's journey toward becoming a client, you'll likely experience less pushback over time as prospects, clients, and professional relationships learn to expect to attend a workshop from the onset. You may even find your clients and professional relationships will promote these events for you!

The primary goal of the workshop is to educate prospects on basic estate planning concepts. Members will find a wide variety of prospects in attendance from those who think they know something, but don't really grasp the entirety of planning to people who have had elaborate plans throughout the years and understand quite a bit. The goal is to ensure the majority of those prospects who move forward as our clients receive enough education to be able to make an informed decision about what planning options are going to best serve their needs for years to come.

This relieves you of the burden of "choosing a plan for your client" and the liability that goes along with that.

A secondary goal of the workshop is to continue to build trust and rapport with your prospects, clients, and professional relationships. The trust we need a client to have in our firm begins during the Initial Contact step of the process during which it was determined that the workshop is the best next action for the prospect. By offering a non-committal event in which prospects can continue to get to know you, your firm, and your process, you are ensuring that the enrollment process doesn't feel like a sale. Professional relationships LOVE workshops because they don't have to sell their own clients as to why they should work with you. The workshop gives an easy-going forum for them to learn estate planning concepts and get to know you!

One of the most important goals of the workshop is saving everyone a little bit of time. If you meet with 30 prospects at one time and those who realize they don't want or need your service can weed themselves out of the process, you are able to focus on the prospects who are likely closer to being your ideal client. These individuals see the value of your services and WANT to work with you. If you were to meet with each of those 30 prospects individually, how would that affect your calendar, productivity, cash flow, and retention rates – especially if not even half of those prospects decided to move forward? It's simply a numbers game; the more people with whom you meet at one time vs. individually, the more likely you are to work with those who want to work with you!

Some of our members have indicated they view workshops as a marketing tool, but as indicated above, the workshops are not utilized for marketing purposes. They are a huge component and one of the first steps of our process. You market your business, and the ease of becoming an educated client begins with attending the workshop where the prospect can decide if they s/he would like to move forward or not.



# How to Represent a Claimant Before the VA: Preparing and Submitting an Application

| MATTHEW DONALD, ESQ., DIRECTOR OF VA SERVICES

**So you completed the accreditation process, and you are ready to submit your first VA Improved Pension Claim. Now what?**

Well, let's start by making some points of clarification. This article is not intended to explain how to determine someone's eligibility or how to assist someone in becoming eligible. This article is only intended to describe the application process.

The application process usually starts with the **Intent to File a Claim**. I say usually because although it isn't required, it is usually done because it can take some time to collect all of the required information and forms for the **Formal Claim**. However, if you have your Formal Claim ready to go, then there is no need to actually file the Intent to File a Claim.

The Intent to File a Claim is intended to put the VA on notice that you are going to file a claim. It is a way of putting your "foot in the door" so to speak.

**So what is involved in the "Intent to File a Claim"?**

**VBA Form 21-0966** – The VBA Form 21-0966, *Intent to File a Claim* form can be signed by either the claimant or the claimant's representative for the claimant. If this form is signed by the representative, then you must submit, concurrently or before, a VBA Form 21-22a, *Appointment of Individual as Claimant's Representative*. As a matter of practice, we always have the claimant sign this form when possible.

**VBA Form 21-22a** – The VBA Form 21-22a, *Appointment of Individual as Claimant's Representative*, is signed by the claimant and the authorized representative in two places. This form lets the VA know that you will be representing the claimant to the VA. Without this form, the VA will not accept the VBA Form 21-0966.

**VBA Form 21-0845** – VBA Form 21-0845, *Authorization to Disclose Personal Information to a Third Party* is the next form you will need to file. This form allows the VA to talk to someone other than the claimant such as when you call to check on the status of a claim or to ensure the VA has received the forms you mailed or faxed to them. Claimants often ask us if the VBA Form 21-22a is the same as this. The answer is no; it is not. The VBA Form 21-22a simply tells the VA you are representing the claimant whereas the VBA Form 21-0845 actually permits to VA to discuss the claim with you.

**VBA Form 21-4138** – VBA Form 21-4138, *Statement in Support of Claim*. In the past this form was used as notice of your intent to file a claim. It is not required now as part of the Intent to File because you are now required to file a VBA Form 21-0966.

**DD214** – The DD-214 (DD stands for Department of Defense) is the current form of military discharge papers. This form is not required to be filed at this time, but it can take some time to track down an original, which must be filed at the same time or before the filing of the Formal Claim. As a point of clarification, prior to January 1, 1950, there were many other types of military discharge papers. These include, but are not limited to WD AGO 53, WD AGO 55, WD AGO 53-55, NAVPERS 553, NAVMC 78PD, and the NAVCG 553. WD stood for War Department, AGO for Army General Order, NAVPERS for Navy Personnel, NAVMC for Navy Marine Corps, NAVCG for Navy Coast Guard.

**Got it! Now where and how do I send all these forms?**

And the typical attorney answer is.....it depends. It depends on your geographical location. You should submit your claim to the Pension Management Center (PMC) that serves your state (<https://www.benefits.va.gov/PENSION/resources-contact.asp>) or to your regional office which can be found at (<https://www.va.gov/directory/guide/home.asp>).

As a point of practice, if you mail the forms to the VA be sure to get a return receipt as a minimum and be sure to keep a copy of anything you submit. If you choose to fax your forms, be sure the fax goes through and be sure to keep the fax confirmation sheet. If your fax machine can show miniature copies of what you actually faxed, better yet. Believe it or not, the VA occasionally loses information so it's best to prove you submitted something when you said you submitted it.

**Ok, we got our "foot in the door"! Now what?**

Now the fun part starts! Now you will need to prepare the Formal Claim. Again, the assumption here is that the claimant is fully eligible for the benefit for which you are applying. Once you have compiled all of the required forms mentioned below, you will send them to the same place you sent the *Intent to File*.

**VBA Form 21-4138** - VBA Form 21-4138, *Statement in Support of Claim*. It is always a good idea to file a VBA Form 21-4138 to explain any unusual circumstances that may arise such as a need to expedite your claim due to age or illness.



**VBA 21-527EZ** – VBA 21-527EZ, *Application for Pension*. This form is used when the Veteran is applying for the benefit. It does not matter if the ill person is the Veteran or the spouse of the Veteran. If the Veteran is alive, this is the form to use.

**VBA 21-534EZ** – VBA 21-534EZ, *Application for DIC, Death Pension, and/or Accrued Benefits*. This form is used when the widow(er) of a Veteran is applying for either Death Indemnity Compensation (DIC), the Death Pension, or any Accrued Benefit not yet paid. If the Veteran is still alive, you MUST use VBA 21-527EZ Application for Pension.

**VBA 24-0296** – VBA 24-0296, *Direct Deposit Enrollment*. This is your typical direct deposit form which is required by the VA because they usually will not mail a check.

**VBA 21-0779** – VBA 21-0779, *Request for Nursing Home Information in Connection with Claim for Aid and Attendance*. If your claimant is in a nursing home, you will need to have this form completed by the nursing home.

**VBA 21-2680** – VBA 21-2680, *Examination for Housebound Status or Permanent Need for Regular Aid and Attendance*. If you are filing for Housebound or Aid and Attendance for either a Veteran or a widow(er) of a Veteran, you will need to have the doctor complete this form. The only time this would not be necessary is when you are ONLY applying for base improved pension.

**VBA 21P-8416** – VBA 21P-8416, *Medical Expense Report*. If you intend to use medical expenses to offset income, you will need to complete and submit this form as well. As a practice point, you will almost always (I have never not) need to submit this form to offset income.

**Healthcare Provider Statement** – There is no standard VA form for this. However, this is a brief statement from the health care provider that explains the services being provided and the cost of those services. It also lists which of the activities of daily living the healthcare provider assists with for the claimant.

### **That's a lot of forms! Where can I find all these forms?**

Good news! All of the VA forms are readily available on the internet and can be found here:

[https://www.va.gov/vaforms/search\\_action.asp](https://www.va.gov/vaforms/search_action.asp)

These forms are PDF fillable forms that you can complete, print and save. You will have to type the information into each of these forms individually as the information does not carry over from one form to the next.

### **That's still a lot of forms requiring the same information over and over! There has to be a better way!**

Why, yes, yes there is a better way! The Lawyers With Purpose Software is your one-stop location for filling out these forms. In the software, under the tab, *VA Qualification and Application*, you can find an easy-to-follow interview that will complete the *VA Intent to File* as well as the *VA Formal Claim*. At the end of the interview, the software will automatically generate ALL of the forms you require to file either the *Intent to File* or the *Formal Claim*.

### **What if I get stuck along the way?**

Don't worry! We have you covered. Just log on to our member website and go to the Process Tab and select the *VA Qualification & Application*. You will find everything you need in Tabs 3-8.

Additionally you can check out the vast amount of resources on the *VA Tech School* tab under the *Legal/Technical* tab as well as the video on the *VA Application Process* located on the *Learning About VA Benefits & Applications* tab on the *Training* tab.





# Lawyers With Purpose would like to recognize Jeff Edwards as **SEPTEMBER 2019** *Member of the Month*

*Located in Roland, Oklahoma, and serving communities in both Oklahoma and neighboring Arkansas, the Law Offices of Flynn, Edwards, & O'Neal, PLLC has been a member of LWP since January 2018. The firm provides legal services in the areas of Elder Law, Special Needs, Transportation Law, Bankruptcy, and Personal Injury litigation.*

*Jeff Edwards, who has 27 years of legal experience as inside corporate counsel for large fortune 500 companies and as outside private counsel for multiple large publicly traded companies, handles the elder law and special needs services for the firm.*

## **LWP sat down with Jeff Edwards to discuss his firm's mission as well as the impact they're making in their market.**

### **What brought you to estate planning and elder law?**

I was in private practice for five years, and then I worked for a college, and then in-house for trucking companies—all in the legal capacity. Then, around 1998, while I was working at the college, I had the experience of having relatives who needed Medicaid and had to spend their life savings in order to get it.

This experience led my reading one of Alexander Bove's books about Medicaid planning; it was very enlightening. I then began teaching some classes and seminars on Medicaid planning strategies and built a name for myself as one of the very few people in the area who knew anything about Medicaid. Then, a law change made it illegal for attorneys to advise clients on certain Medicaid planning strategies. When I reopened a private practice in 2014, I found that the legal risks of advising clients about Medicaid planning were no longer an issue. So, I began re-educating myself in the areas of elder law including Medicaid planning.

### **What brought you to Lawyers With Purpose?**

I had actually first joined another organization, but there wasn't software, and the support wasn't good. I then joined another organization which had great software, but it didn't have a comprehensive business process. I then joined the local chapter of NAELA, and it was there that I heard about LWP.

Since joining, I have enjoyed everything about LWP; it's a good training system. But, I've been implementing it more slowly than I'd like. It's been difficult to limit my practice to Elder Law, and I am still handling court cases.

### **How tightly are you following LWP's systems and processes?**

I have had to customize some things, but I'm moving more toward the model and am using most of the system. I did do workshops, but I got overloaded and had to stall. I use the software 80% of the time. I have to use something different about 20% of the time due to certain issues that pertain specifically to Oklahoma, but Amanda Smith (LWP Director of Education) is working on that.

### **What was your greatest LWP win?**

The biggest thing that made me comfortable using LWP was the different kinds of trusts. There are LWP plans to meet the needs of everyone. It makes it easier for attorneys who are not experienced in estate planning and who are not CPAs to feel comfortable that the trust templates can meet the needs of all potential clients. I'm now comfortable talking to high-wealth folks.

Another win was that 90% of people in our workshops wanted the work done. I expected to engage 2-3 people out of 10, but I have ended up getting engagements closer to 9 out of 10.

### **What was one of your greatest TAPER learnings?**

At my first TAPER, it was the goal setting and coming up with a game plan about how to set up the office and implement Actionstep. At my second TAPER, it was the in-marriage QDRO and the use of funding coordinators.

### **What is your favorite LWP tool?**

I use the Medicaid Qualification worksheet quite a bit.

### **What is your market like in Roland?**

In my area, about 70% of the business is general estate planning; 10% is crisis planning, and the remainder is asset protection. There is not as much special needs planning or VA planning.

Also, although Roland is a low income area, there are quite a few people with sizeable 401ks and real estate assets. A lot of factory workers and farmers are deceptively wealthy—having a million dollars saved from working.

### **What is your competition like?**

No one else in my geographic area of Oklahoma practices elder law, so I can get overwhelmed with clients within my territory, which is about a 100-mile radius. The only other person in the area is in Arkansas and does not belong to LWP. I also get a fair amount of Arkansas clients. I have plans to open a second office next month in an adjoining county so people don't have to drive as far.

### **What kinds of trends/changes are you seeing in your area?**

I am seeing new clients with old trusts that were done years ago, which need revision. I am also seeing people coming from other states with trusts which need revisions as the trusts are antiquated trusts that need to be redone. I'm also seeing a lot of requests for pet trusts.

### **Could you share a client success story?**

A client came in—they were an elderly couple. We were able to maximize the amount of money that could be saved through an annuity. I got them qualified for Medicaid, saved \$100K, and needless to say, the family was exceedingly happy. Of the crisis plans we've done, we've been able to get people approved for Medicaid and save their hard earned money.

### **What is something that people may not know about you?**

I have a special needs child. My wife of 34 years and I, together with one other person, started a special needs non-profit organization called Developmental Wings, Inc. Developmental Wings provides free and fun, therapeutic, social events for children and adults with developmental disabilities. We do field trips, horseback riding, bowling, and different social activities. There is no paid staff; it's staffed completely with volunteers.

### **What is your favorite book, and what is the impact that it's had on your life?**

Alexander Bove's *The Medicaid Planning Handbook*. It came out in 1996, but a lot of it still pertains. I've used it to teach and to do corporate training on aging.

**Congratulations to you on your continued success!**