



*Special needs require special attorneys.*

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May 28, 2013

The Honorable Glenn 'GT' Thompson  
Member of Congress  
124 Cannon House Office Building  
Washington, D.C. 20515

Dear Representative Thompson,

The Special Needs Alliance (SNA) is an invitation only national, not for profit organization of attorneys dedicated to the practice of disability and public benefits law. Individuals with disabilities, their families and their advisors rely on the SNA to connect them with nearby attorneys who focus their practices in the disability law arena.

SNA membership is based on a combination of relevant legal experience in the disability and elder law fields, direct family experience with disability, active participation with national, state and local disability advocacy organizations, and professional reputation. As a result, an SNA member will have an average of 18 years of relevant legal experience, with no member having practiced law for less than 10 years. The majority have been certified as Elder Law Attorneys (CELAs) by the National Elder Law Foundation, the certifying entity for the National Academy of Elder Law Attorneys (NAELA).

Often, our members are called upon to assist persons with disabilities in creating special needs trusts, as provided in 42 U.S.C. §1396p(d)(4)(A). Unfortunately, this section does not permit a capable person with special needs to create his or her own trust, limiting the class of trustors to the person's parents, grandparents, a guardian or the Court. Since adults often outlive their parents and grandparents, many persons with disabilities have no alternative but to expend unnecessary time and money to go to a Court to ask a judge to create the trust for them. This restriction fails to recognize that persons with disabilities should have rights equal to non-disabled citizens where possible, and it continues the traditional denigration of persons with disabilities.

The Special Needs Alliance applauds your recognition of this problem and strongly supports your solution through the Special Needs Trust Fairness Act of 2013.

Sincerely,

Bridget O'Brien Swartz  
Phoenix, Arizona  
Public Policy Co-Chair

Morris Klein  
Bethesda, Maryland  
Public Policy Co-Chair