



# Estate Planning specialists

*share insights on special needs, elder law*

**W**hen I learned that the theme of this issue was estate planning, I was eager for the opportunity to speak with two practitioners and Louisville Law alumni who have specialized their estate planning practices.

First, I spoke with Jefferey Yussman. Not only is Jeff an accomplished estate planning lawyer — he is a partner at Wyatt Tarrant & Combs LLP, where he is a member of the Estate Planning Group — but he also runs the firm’s special needs planning practice.

Yussman Special Needs Law, established about three years ago, marked Jeff’s segue into the special needs practice area. Now, he estimates, 60 to 65 percent of his practice focuses on special needs law.



**Jeff Yussman**

“I realized a few years ago that there were a lot of people who needed this service and not many lawyers who focus on it,” he says. “Like most things in the practice of law, the more you do, the more you attract. It met a sweet spot for me in terms of helping clients, and I also learned an awful lot from my clients.”

Jeff and his wife are the parents of two adult children with special needs.

“I started growing with them,” he says. “I learned that the depth of my knowledge of special needs trusts wasn’t deep enough.”

Not many lawyers practice in special needs law, which, while very fulfilling, can be a frustrating practice, Jeff says. Lawyers must interact with large agencies such as Medicaid and Social Security, where regulations change often and with little notice.

“With the tightening of government benefits, the regulations have also tightened,” he says. “It’s very frustrating for clients to have the ball moved on them and to not understand why.”

One way Jeff is addressing this frustration is through his work with the Special Needs Alliance, an invitation-only professional organization for lawyers working in disability and public benefits law.

As President-Elect, Jeff will continue the alliance’s mission of improving the education and quality of service of special needs lawyers around the country.

Like, Jeff, many of the alliance’s members have personal ties to the area of special needs law.

“It certainly gives an extra load of motivation to any lawyer who has a personal stake in the matter,” he says.

When counseling clients, Jeff works to put them at ease and is able to give guidance as someone who has walked a similar path. Talking about topics like where your child will live or how they will be protected from exploitation can be very emotional.

“When you have a child who can never be on her own, that’s something you never quit worrying about,” he says.

Despite the bureaucratic frustrations of his practice, Jeff says the ability to help his clients benefit their loved ones makes for an extremely rewarding career.

“It’s a personally fulfilling practice whether you have a special needs relative or not,” he says.

After speaking with Jeff, I spoke with Misty Vantrease, a partner at Kentucky Elder Law, PLLC. Our conversation turned to the impact of the coronavirus pandemic on the practice of elder law.

“This virus makes everything more difficult,” she says. Misty reports that in April, about four times the average number of her clients passed away, whether directly from COVID-19 or from indirect causes such as delayed hospital visits or isolation and depression.

“The families are very concerned because they can’t see their loved ones,” she says. “A really important part of having someone in care is being able to monitor that care.”

And while technology offers opportunities for connection, many elderly clients are hard of hearing or suffer from dementia, making video chats difficult.

“There’s a loss of physical and emotional connection,” Misty says.

As an elder law attorney, Misty is accustomed to providing a caring and personal touch when working with clients who are planning care for themselves or loved ones — “Hugs were a regular part of what I did,” she says. “I don’t know that we’ll ever be back there and that makes me sad.”

But even with social distancing and remote work policies in place, Misty and her office are able to continue to provide services through video and phone consultations and contactless document signing.



**Misty Vantrease**

She notes that the pandemic has had another impact: more people are thinking about estate planning.

“People that are generally healthy are more aware now of how quickly things can change because of sickness and want to make sure they have things in order,” she says, noting she has also worked with frontline healthcare workers who have been exposed to the virus and want to solidify their estate plans.

This increased awareness of the need for estate planning reflects a wider trend in the practice. As more people join the “sandwich generation” — a generation responsible for raising children while caring for aging parents — the need for advance planning becomes more evident.

“People have become more aware of the cost of care as they age,” she says. “When I first started, it was much more what we call crisis planning. Now, I see a much greater percentage of what we call pre-planning, which is great, because there’s so much more that I can do if they come to me earlier.”

Talking with Jeff and Misty, I am reminded of the many important ways that estate planning can bring families a sense of peace when looking to the future. I thank Jeff, Misty and the entire estate planning bar for using their skills and knowledge to counsel clients during these necessary conversations.



*Colin Crawford, dean of the University of Louisville Brandeis School of Law, serves on the boards of both the Louisville Bar Association and the Louisville Bar Foundation.*