

Kevin Urbatsch, Esq. Passionate Protector and Advocate for People with Disabilities

Kevin Urbatsch is a tireless advocate for persons with disabilities and professionals who plan for them.

Kevin Urbatsch currently serves as National Director for the Academy of Special Needs Planners, a nationwide group of more than 350 special needs planning professionals that provides education and support to its members; he and his law firm represent hundreds of persons with disabilities and the trustees of their special needs trusts; he serves as counsel to CPT Institute, a top national Pooled Special Needs Trust

program; and he hosts the annual Special Needs Planning Symposium, a three-day program in California wine country of more than 350 professionals learning how to master this complicated area of law and practice.

Kevin also volunteers his time. For more than five years, he served as editor-in-chief of *NAELA Journal*, where he still serves as an editor. He works with numerous charities such as the Independent Living Resource Center of San Francisco and Support for



Photo: Angela Lang

Kevin Urbatsch, Esq.

Families in providing education and serving on their board.

However, these are only some of his professional accomplishments. One may wonder, who does all this, and how does he find the time? He has never been afraid of hard work. Take one look at Kevin Urbatsch entering a room, and the first thing people think is that he must have played football. Growing up in Iowa, he displayed a tenacious talent as an All State offensive lineman: enough to pay his way through college, become an All American, and be named to his college's All-Century Team. After law school in St. Louis, he headed to San Francisco, California, and put his stake in the ground as an attorney, honed his skills,

Michele P. Fuller, Esq., is founder of the Michigan Law Center in Macomb, Michigan, Exceptional Administration Services, LLC, and Advocacy, Inc., a non-profit organization. She is a member of the board of directors of the Michigan NAELA Chapter, a member of the Advisory Committee for ASNP, and former Chair of the Elder Law and Disability Rights Section of the State Bar of Michigan. She is also the co-author of *Administering the California Special Needs Trust and Special Needs Trusts: Protect Your Child's Financial Future*. She has published articles for the ABA, *NAELA News*, *NAELA Journal*, *Journal of the Michigan Association for Justice*, *Michigan Bar Journal*, *Estates and Trusts Magazine*, and *ElderLaw Report*. She has been quoted in the *New York Times*. She is the 2018 recipient of the Unsung Hero Award of the State Bar of Michigan, given annually to an attorney who has exhibited the highest standards of practice and commitment for the benefit of others.

About Kevin Urbatsch, Esq.

- Kevin serves as National Director for the Academy of Special Needs Planners.
- Counsel to CPT Institute
- Served as *NAELA Journal* editor-in-chief. He continues to serve as a member of the editorial board.
- Has written two guidebooks on special needs planning to help people with disabilities and their families self-advocate: *Administering the California Special Needs Trust* and *Special Needs Trusts: Protect Your Child's Financial Future*.
- Recognized that the *Scott v. McDonald* decision would have a far-reaching and devastating effect on persons with disabilities across the country, severely limiting the usefulness of special needs trusts to enhance the quality of life of persons with disabilities. He led the successful fight to have the decision depublished. To read more about this, see Kevin's article starting on page 18.

and is able to stand out in a crowded market of lawyers.

A Passion for Planning for Persons With Disabilities

For the first 10 years of his practice, he litigated numerous cases including Americans with Disabilities Act violations, civil rights viola-



Michele and Kevin met professionally at the ASNP conference in New Orleans in 2008. Pictured here at their wedding along with the four kids (from left): Maddie, Cameron, Emma, and Gavin.

tions, elder abuse, and ERISA claims. Wanting to move away from the litigation grind, he turned his attention to estate planning, and it was not long before he really found his passion in planning for persons with disabilities. His background in litigation allowed him to work with many trial attorneys throughout California in planning for plaintiffs who became disabled as a result of injury or medical malpractice. He also worked with charities and family support groups to teach them about public benefits and protecting their loved ones with disabilities.

It was at this time that he realized there were no legal guidebooks on special needs planning. His knowledge on special needs planning came from what he researched himself or articles he read from such attorneys as Greg Wilcox and Peter Stern. He wanted to change that. He worked

for CEB, a legal publishing group that was a joint venture between the University of California and California State Bar. For more than two years, he recruited and worked with more than 20 California attorneys to create the two-volume legal treatise *Special Needs Trusts: Planning, Drafting, and Administration*. He edited every word of the 1,000-plus-page treatise, making sure it was as comprehensive as it was useful for attorneys. He is very proud of the fact that it won the 2008 ACLEA's Award for Outstanding Achievement in Publications and NAELA's Presidential Recognition Award. He continues to update this treatise every year.

Kevin has been a voracious reader his entire life, and that has served him well in his writing. Few others enjoy the writing and research process more, or get greater satisfaction, out of a well-written article.

When the *Scott v. McDonald* decision from the California Court of Appeal was published, he immediately recognized the far-reaching and devastating effect it would have on persons with disabilities across the country, severely limiting the usefulness of special needs trusts to enhance the quality of life of persons with disabilities.

Kevin's belief is that many people with disabilities (and the loved ones who support them) do not have sufficient assets to hire an attorney. To assist them, he writes guidebooks designed to self-advocate for their loved ones with special needs. His two main books to aid people are: *Administering the California Special Needs Trust* (2d Ed.), a 550-page guidebook (that took more than two years to draft). The book is designed to answer all the questions that may arise during SNT administration. *Special Needs Trusts: Protect Your Child's Financial Future*, published by Nolo Press, helps consumers who wish to create their own third-party special needs trust. Kevin is currently working with me on a new book titled *Administering the Michigan Special Needs Trust*.

Kevin is a gatherer of people and maintains friendships like a gardener tends his garden. He is not someone who seeks to be the center of attention, and for all of his vast achievements, he is incredibly humble. Kevin comes from a long line of educators, including his brilliant mother who earned a PhD in Mathematics. I think his moxie and tenacity comes from her. However, as Kevin says, he didn't inherit her math skills, and still refuses to do math in public. But his sense of justice and fairness comes from his childhood; seeing his mother fight to achieve her doctorate in a male-dominated field, fighting for computer time and happy to get the 3 a.m. slot. Much to his credit, Kevin's father fully supported her efforts in an era that such support was against the cultural norms. Kevin, with his dad and two brothers, all took turns preparing a dinner during the week and cleaning the house; small examples of events



Kevin and Michele on their honeymoon in Vienna.

that helped shape his enduring sense of fairness, equality, and hard work.

A Well-Regarded and Skilled Presenter

Educating is in Kevin's blood, and he greatly enjoys educating families and colleagues and is an incredibly skilled presenter. In fact, he is regarded as one of the most informed (and entertaining) speakers on special needs planning. He has taught at more than 100 live events and countless webinars for groups as diverse as local special needs parents support groups, to national charities for persons with disabilities, to national financial institutions like Mass Mutual, to professional organizations like the ABA, the American Association for Justice, and the Professional Fiduciary Association of California, and even to the federal government that flew him to Washington, DC, to teach federal bank examiners how to properly evaluate corporate trustees who manage SNTs.

One of the qualities that makes him such an effective presenter is that as he is preparing materials, he always tries to convey to the attendees why



Kevin getting sworn into the Michigan Bar with Judge Carl Marlinga.

the material is important, how it fits into the grander scheme of things, and provide something that attendees can take away and immediately implement in their practice. Other qualities that make him a highly sought presenter are his self-deprecating sense of humor and his ability to tell a good story. Frankly, at any time in any setting he is present, if you hear a group of people belly laughing, chances are he is at the center of it.

Public Policy Success When *Scott v. McDonald* Was Depublished

His litigation and writing skills continue to serve him well, and when he senses injustice, it is like a super power comes to life. When the *Scott v. McDonald* decision from the California Court of Appeal was published, he immediately recognized the far-reaching and devastating effect it would have on persons with disabilities across the country, severely limiting the usefulness of special needs trusts to enhance the quality of life of persons with disabilities. For two weeks straight, he put aside all other obligations and worked tirelessly on a request to the Califor-

nia Supreme Court for depublishing of the opinion, despite the fact that such requests are very rarely granted. He went through round after round of edits to make the arguments as clear and impactful as possible, then he enrolled other experts for help. Without ego or attachment to his own work, any suggestion to improve the arguments were incorporated and those who took the time to work with him on it generously thanked. He knew that to be successful he had to have the most weight he could throw behind the request and sought written support and endorsements from other organizations including NAELA, California trial lawyers, professional fiduciaries, pooled trust programs, California's elder law advocacy group, and ACTEC, in which he is a Fellow of the college. Amazingly, as a result of this intense effort by Kevin and others, the opinion was successfully depublished. As he put it, when he saw the entry of the order, this was "a win for the good guys."

Kevin is not just brave and willing to take risks in his professional life. In 2015, he broke from his 20-plus person highly successful law firm in



Michele and Kevin making a presentation at the 2014 NAELA Annual Conference in Scottsdale, Arizona.

downtown San Francisco, and struck out on his own, determined to pave his own way. He also added incredible complexity to his life by taking me on as his spouse, with my own special needs and elder law planning practice in Michigan and becoming licensed to practice there. The biggest risk of all was not just living in two places with a 3-hour time difference but taking on fatherhood for the first time to a pack of four teenagers, one of whom has autism, and two French bulldogs named after his favorite San Francisco Giant, Buster and Posie (although in Michigan, only the pizza delivery guys seem to get this).

Just as in his professional life, his easy-going nature and willingness to laugh at himself has stood him in great stead. His work ethic and passion for those with disabilities, being open to possibilities, maintaining hope in the face of improbable success, giving generously without expectation, living a life of integrity, and being a loving spouse, has served as the best example I could hope for my children. I am deeply proud to call him my friend and colleague, and utterly delighted to call him my husband. ■