

Fund for Schiavo's medical care dwindles



By 1996, Schiavo's legal costs topped \$300,000.

■ The original \$700,000 drops to about \$350,000, in part due to legal fees in a bitter court fight.

By ANITA KUMAR and J. NEALY-BROWN
Times Staff Writers

Throughout the long, messy battle over whether Terri Schiavo should be kept alive, her husband and parents have accused each other of wanting to control her fate to get their hands on her hundreds of thousands of dollars.

But by the time the bitter feud finally ends, there might not be any left.

The \$700,000 or so earmarked for Mrs. Schiavo's medical care for the rest of her life has dwindled to about \$350,000, court records show. Most was spent in the past two years on the intense legal fight that made its way to the U.S. Supreme Court and is still not over.

The money, which came from a 1992 medical malpractice case, has been used for Mrs. Schiavo's medical bills; her husband's attorney, who is fighting to remove her feeding tube; and a bank that manages

Please see **SCHIAVO 6B**



A heart attack in 1990 left Terri Schiavo incapacitated.

Where the money has gone

In 1992, Michael and Terri Schiavo won a medical malpractice lawsuit. Of the nearly \$1.4-million that she received, including money from an out-of-court settlement with another doctor, about 25 percent was left. Medical bills, attorneys' fees and costs and financial planners have absorbed most of the money. Mrs. Schiavo's health care is an estimated \$3,000 to \$5,000 a month.



\$2,064,081

Amount awarded by a jury and judge to Michael and Terri Schiavo in 1992.

\$630,000

Amount awarded to Michael Schiavo.

\$1,434,081

Terri Schiavo awarded \$1,184,081 by jury. She also received a \$250,000 settlement.

\$330,000

Assorted expenses and legal bills for trial.

About \$660,000

Estimate of assorted expenses and legal bills for trial.



\$247,852.79

To Michael Schiavo's attorneys. A breakdown:

- **\$214,478.94:** To attorney George Felos, legal fees from May 1997-May 2001.
- **\$27,468.90:** To attorney Deborah Bushnell, legal fees from 1994-2000.
- **\$5,904.95:** To Michael Schiavo, in 1994, for reimbursement of legal fees.

\$60,848.18

To SouthTrust Bank. A breakdown:

- **\$50,180.13:** For managing account between April 1993 and April 2000.
- **\$10,668.05:** To bank attorneys, between October 1992 and March 1997 (based on the most recent available records).

\$350,000

Estimated amount that remains in the account; invested in stocks and bonds.

Schiavo from 1B

the money.

Records show that George Felos, Michael Schiavo's litigation attorney, has been paid more than \$200,000 since 1997. Another Schiavo attorney, Deborah Bushnell, got \$27,000. Schiavo himself was reimbursed almost \$6,000 for legal costs.

Other expenses include private aides, security guards hired after the publicity led to a ruckus outside Mrs. Schiavo's nursing home and a lawyer appointed by a judge to represent Mrs. Schiavo in court.

"One of the problems when people fight is that the people who make out the best are the lawyers," Sarasota financial planner Margery Schiller said.

As his wife's legal guardian, Schiavo is entitled to use the money, but only if it is in her best interests. Schiavo says he is trying to do that by following her wishes not to be kept alive after lapsing into a persistent vegetative state 11 years ago.

"This suit was brought on her behalf to implement her wishes," Felos said.

Attorneys for Mrs. Schiavo's parents, Bob and Mary Schindler, say they are appalled that Michael Schiavo is able to spend her money to end her life.

"This is outrageous. It's offensive," said Pat Anderson, one of the couple's attorneys. "It's not being used for the purpose in which it was given."

Pam Campbell, another of the Schindlers' attorneys, cites an attorney general's opinion from 1996 stating that a guardian's attorney paid from an account such as Mrs. Schiavo's "owes a duty of care to

(the incapacitated person) as well as the guardian."

Anderson, who said she is working for almost nothing, plans to ask a judge to stop allowing Schiavo to pay Felos with Mrs. Schiavo's money, or at least tell the Schindlers' attorneys when he does.

The Schindlers, who tried unsuccessfully to remove Schiavo as guardian, do not have access to the money and say they have been denied a fair opportunity to represent themselves because they cannot afford the experts and doctors Schiavo can.

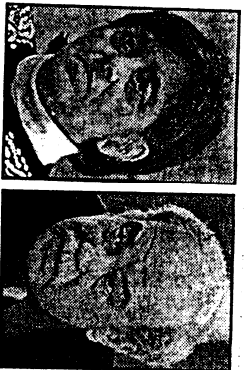
Pinellas-Pasco Circuit Judge George Greer already must approve each expense paid from the account. The judge also agreed last year to seal the requests for payment from public view, at Felos' request. The approvals, however, are public record.

Last year, the clerk of court's office, which processes those requests, questioned whether Felos should receive money for speaking to the media for hours. The judge did not stop the payments to Felos, who receives \$195 an hour and \$225 an hour for appellate work.

Mrs. Schiavo collapsed at her St. Petersburg home Feb. 25, 1990, from a lack of potassium. Her heart stopped, and she was deprived of oxygen for five minutes. She has been incapacitated since.

Schiavo and the Schindlers, once so close they lived together, have been feuding over Mrs. Schiavo's care since the malpractice money was awarded. The once-private disagreement erupted into a controversial case that made national headlines.

Schiavo succeeded in getting a judge to allow him to remove his wife's feeding tube. But the Schindlers got another judge to start



Terri Schiavo's parents, Mary Schindler, left, and Bob Schindler, continue to fight to keep their daughter alive.

feeding her again.

The 2nd District Court of Appeal will once again take up the case June 25.

A Pinellas jury awarded about \$1.4 million to Mrs. Schiavo and \$630,000 to her husband in 1992 after her gynecologist failed to ask about her medical history while treating her. She also received a \$250,000 settlement in a case filed on her behalf against another doctor. Felos said that after attorneys' fees and other expenses, Mrs. Schiavo was left with about \$700,000 and her husband with about \$300,000.

In April 1993, Mrs. Schiavo's money was valued at \$776,254, court records show. By April 1998, it was only down to \$713,825.

The money, managed first by Barnett Bank and now SouthTrust Bank, was invested in blue chip stocks, such as Coca-Cola, Walt Disney and Proctor & Gamble; corporate and U.S. Treasury bonds; and a money market account.

Schiller, the financial planner, said a portfolio such as that could have earned \$70,000 or more a year in the mid and late 1990s, when the stock market was booming. "It's not unrealistic," Schiller said. "It was the best performance

in decades."

Those kinds of returns could have paid for Mrs. Schiavo's expenses. Her medical expenses were paid for by health insurance and Medicaid at first but now are paid by the account. It costs about \$3,000 to \$5,000 a month to live in a nursing home.

Schiller said it's likely Mrs. Schiavo's money has taken a small dip because of the stock market's recent woes, but most of the money appears to have been spent on legal fees.

Schiavo, a Clearwater respiratory therapist, lives with a woman to whom he had been engaged for five years, but his marriage still puts him in a favorable financial position.

Under Florida law, Schiavo will inherit his wife's money when she dies. Had he divorced her and let her parents become her guardians, there's a chance he would get nothing and possibly have to give up some of the money he was awarded from the lawsuit.

Jane Grossman, a St. Petersburg family lawyer, said a court determines what is a marital asset during a divorce. Money awarded to a spouse for past damages or expenses is considered a marital asset because those things happened during the marriage. That money can be divided.

But compensation for future loss of earning capacity and future medical expenses belongs solely to the injured spouse, according to a 1998 2nd District Court of Appeal ruling.

In this case, Schiavo is both Mrs. Schiavo's husband and guardian and gets the money either way.