

ABOUT KELLY RAMSDALE & ASSOCIATES, INC.

Kelly Ramsdale is President of Kelly Ramsdale & Associates in Denver, Colorado. She advises plaintiff attorneys and their clients in medical malpractice, wrongful death, products liability, aviation, auto bodily injury, trucking cases, sexual molestation/assault, civil rights and wrongful termination/age discrimination cases. She travels extensively to attend mediations and personally meet with the injured parties and their families all over the United States. She has been involved in the Columbine High School cases, the 9-11 Victims' Compensation Fund and Pan Am Flight 103 (Lockerbie) cases. She works with many highly renowned firms across the country.

TRUST OPTIONS

TRUST SERVICES:

Over the years, we have developed relationships with professionals specializing in trusts and the various uses of trusts. Different clients have different needs, and certain trusts are better than others when it comes to addressing these needs. We refer our clients to the trust professionals we believe to be a good fit for their circumstances.

TYPES OF TRUSTS

Spendthrift Trusts:

- When there are concerns about the dissipation of funds, spendthrift trusts may be established to ensure the funds last a long period, even a lifetime.
- Typically used when the trust beneficiary is a child or an incapacitated person and a "gatekeeper" is needed to protect them from people in their lives who may want to "help" them spend their money.

Special Needs Trusts (SNT):

- When the injured party is on Social Security and Medicaid, it is imperative that their settlement funds not be paid to them directly. The funds must be paid into a Special Needs Trust in order to maintain eligibility for Social Security and Medicaid benefits.
- Protects assets from the reach of creditors.
- SNT requirements:
 - ≈ Individual must meet Social Security definition of "disabled"
 - ≈ Individual must be under the age of 65
 - ≈ Trust must be irrevocable
 - ≈ Trustee must have full discretionary authority
 - ≈ Must meet Medicaid lien provisions

"Trigger" Trusts:

- These are used when the injured party may not need Social Security or Medicaid currently, but may need them in the future. This trust is set up such that, upon the "triggering" event, it evolves into a Special Needs Trust. "Trigger" Trusts are perfect for the cases where there is even a chance of needing Social Security or Medicaid in the future.

Medicare Set Aside Trusts:

- Used for injured clients who may, at any time in the future, need Medicare benefits.
- Used for clients who have Workers' Compensation cases.

Disability Trusts:

- Used for clients who may simply want some of their settlement funds set aside for medical purposes. Many fear spending money earmarked for medical needs if those funds are commingled with their day-to-day spending money.

468B Trusts/Qualified Settlement Funds:

- These are used by Plaintiff attorneys to have more say as to how the settlement funds are used or distributed. The settlement funds are paid into the court-approved 468B/QSF and the defense has their "full and final" release. The Administrator of the 468B/QSF acts as a stand-in defendant/insurer and distributes the settlement funds to pay liens, attorney fees, structured settlements, trusts, etc. When the funds are paid out, the 468B/QSF is closed.
- May be used when the defense doesn't want to participate in a structured settlement.
- May be used when there are numerous plaintiffs and some want to use structured settlements and others don't, or if some of the plaintiff attorneys want to structure their fees.