

NEWS UPDATE

Protect Your Client's Right To Structure

For the last few years, as I travel around and speak with various TLAs, I've been warning plaintiff attorneys to make sure they reserve their client's right to a structure at the time of settlement whether their client is interested in a structure or not (some people actually do end up wanting to structure after they are educated about them). We've seen structured settlements fall apart and injured folks forced into taking cash, rather than the structure they wanted, because the defense takes the position that a structure was not a condition of settlement.

I'm writing today to let you know that this is occurring with more frequency these days. Not only are P&Cs not agreeing to structure after settlement terms are reached, there are a few that are demanding that if a structure is to be done, it will be done with their "in-house" structure arm. We've seen problems with these "in-house" structures: lack of trained structured settlement consultants, errors in documents, and complete lack of service of the annuities.

We have a few simple paragraphs that we suggest each plaintiff attorney insert into the mediation agreement, reserving each plaintiff's right to structure, as well as the right to choose their own structure broker that will look out for their best interests.

As always, we're here to serve you and your clients. If you have any questions or concerns, please contact Kelly Ramsdale & Associates.

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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 not only attend mediations, but to 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.