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The Benefits of a Structured Settlement

Once a personal injury plaintiff settles or wins their case, they may need to decide how to receive their compensation. Two common options are a lump-sum payment or a structured settlement, which is a series of payments over a period of time.

With a structured settlement, the defendant (or their insurance company) typically transfers the amount owed in the settlement/verdict to a third-party administrator, who disburses the funds to the plaintiff according to the agreed-upon terms.

Plaintiffs have the flexibility to choose the payment amounts, the frequency of payments, and how long payments will continue. For instance, a plaintiff can request a large initial payment to handle pending bills, then receive smaller amounts after that, or opt for smaller payments initially and larger ones down the road. An allowance for additional payment amounts can be made for extraordinary expenses, such as a child's college tuition. Some plaintiffs choose to delay payouts until they reach retirement.

Advantages of a structured settlement include lowering the risk of spending money too quickly or lavishly; avoiding the hassle and complexities of managing a large sum of money; and having the assurance of future income.

Drawbacks of structured settlements include a plaintiff's inability to alter the terms of the settlement if their circumstances change, and inability to make their money grow until they have it in hand.

Structured-settlement payments are generally not taxable, but earnings made from investments of that money typically would be. In many instances, structured settlements makes the most sense for large settlements.

Our office can help you determine if a structured settlement best suits your situation and make recommendations on its details. •





A Sampling of Insurance Industry Tactics

The U.S. insurance industry is an economic dynamo. It has trillions of dollars in assets, rakes in over \$30 billion in profits annually, and pays its CEOs more than any other industry. But to boost their bottom lines ever further, many insurance companies seek to pay as few claims as possible, or the smallest amounts possible.

They're not beyond employing unethical tactics, either.

One of the tricks of the trade is simply denying perfectly valid claims. In some instances, employees are rewarded for successfully denying claims; other employees are booted because they didn't.

Delaying claims is a favorite strategy of many insurance companies. Some claimants become frustrated and just give up. In a particular act of callousness, some long-term-care insurers take advantage of a policyholder's age and/or poor health. If they delay a claim long enough, the policyholder will die and they're off the hook.

Some healthcare insurers cancel policies retroactively or rescind the policies of clients of whose conditions have become expensive to treat—a potentially devastating turn of events for a client and their family.

Although more than half of states have what are called “plain English” laws, incomprehensible, convoluted language used in contracts is still a problem and serves to confuse and undercut policyholders. Consumers believe they have proper coverage; technically speaking they don't. Bottom line: A financial crisis ensues.

Insurance adjusters may be friendly and polite, but they are not your friend. Their first allegiance is to their employer, not consumers. If you have a claim against an insurance company, contact us to protect your rights. •



Keep Your Cool on the Roadways

The National Highway Traffic Safety Administration (NHTSA) makes a clear distinction between road rage—purposely endangering another driver or committing assault with a motor vehicle or other dangerous weapon upon the driver or passengers of another motor vehicle—and aggressive driving.

Road rage is a criminal act; aggressive driving is a traffic offense. But there is an obvious link, too.

Aggressive driving may escalate into an act of road rage by the aggressive driver. An aggressive driver may also spark road rage by another driver. Aggressive actions include speeding, trying to beat red lights, tailgating, changing lanes quickly and often, making obscene gestures, blocking, or cutting off other drivers, and frequently laying on the horn, among others.

An inconsiderate driver—for instance, one who doesn't use turn signals, drives well under the speed limit, talks on their cell phone while driving, accelerates unevenly, etc.—may also trigger an instance of road rage by another driver. (It doesn't justify road rage, but general awareness and proper driving habits can help avoid some of it.)

The NHTSA offers the following eye-opening statistics:

- Roughly 66 percent of traffic fatalities are caused by aggressive driving.
- Approximately 37 percent of aggressive-driving incidents involve a firearm.
- Half of drivers on the receiving end of an aggressive behavior return the favor.
- Two percent of drivers in a survey admitted to trying to run an aggressor off the road.

As difficult as it may be, do not react to someone you've agitated on the road (whether it was your fault or not). Avoid eye contact with the aggressive driver and follow the rules of the road. •

January 2021 Notable Dates

Jan. 3 — Festival of Sleep Day **Jan. 4** — Trivia Day **Jan. 10** — Houseplant Appreciation Day
Jan. 12 — National Hot Tea Day **Jan. 17** — Ditch New Year's Resolutions Day
Jan. 18 — Thesaurus Day **Jan. 29** — National Corn Chip Day



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This publication is intended to educate the general public about personal injury, medical malpractice, and other issues. It is for information purposes only and is not intended to be legal advice. Prior to acting on any information contained here, you should seek and retain competent counsel. The information in this newsletter may be freely copied and distributed as long as the newsletter is copied in its entirety.

Uber Accidents Can Be Tricky

Uber is a ride-sharing service that has grown by leaps and bounds over the past few years. It's popular because it's convenient and less expensive than taxi service. Simply sign up, download Uber's app onto your smartphone, request a ride, and a nearby driver—in their own personal vehicle—will be there in minutes to whisk you off to your destination.

However, auto accident cases involving Uber vehicles can be more complex than typical auto accident cases. Uber defines itself as a technology provider, not a transportation service. Uber drivers are not considered employees of Uber; instead, they're classified as independent contractors. What this does is shield Uber from certain complaints and claims made against them when one of their drivers is involved in an accident.

An Uber driver may be off duty, on duty but between rides, or on duty with a passenger onboard. Insurance coverage will vary for each circumstance, further muddying the waters. When there is an accident involving an Uber vehicle, the driver and passenger(s) of the Uber vehicle, occupants of another car that was party to the accident, and/or pedestrians can all be impacted in various ways.

As always, familiarity with your own insurance is important. For instance, does your own insurance company cover you if you're an Uber rider? Are they aware that you drive for Uber? If not, they'll likely not cover you in the event you're in an accident while "on duty."

Uber-related auto accidents can be tricky. A good course of action is to contact a knowledgeable auto accident attorney to protect your rights. ●

