

# Unstructured Settlement

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## **Sample of Content:**

Unstructuring a settlement has its pros and "cons"

## **Content:**

Meâ€Lisa Delaney, 43, is brain-injured as a result of a 1984 medical error that caused a stroke during surgery. The hospital agreed to settle via a structured settlement, as overseen by a county conservatorship.

Delaney soon married Terry, who took over the conservatorship of the settlement and proceeded to make loans against the settlement, which equaled about \$350,000. It

wasn't long before all the money was gone. According to the civil complaint filed by MeLisa, Terry had used the loan money to purchase "controlled substances, illegal drugs, jewelry, liquor and other non-business items." Of course Delaney is suing for 10 million in punitive damages.

A lot of time energy, and effort was put into structuring a settlement in the best interest of MeLisa and it was too easily undone. Should we consider making settlements unstructurable? There is some concern that factoring or cash out companies take advantage of customers, taking a large portion of the settlement in exchange for a significantly smaller lump sum.

In MeLisa's case it makes sense to put in place more safeguards to protect her rights and interests in her settlement, specifically because she is brain injured. We should look to protect minors, senior citizens, and mentally impaired or injured settlement winners. Everyone else has access to resources and information to help them make the best choices and should be entitled to choose whatever they wish. I personally know of cases where cashing out was life saving, dream fulfilling, and absolutely a positive choice. I am also personally aware of situations where customers have cashed out their settlements and it was absolutely a bad decision. Unstructuring a settlement seems to be a great American Freedom, but it doesn't have to be as morally insipid as what happened in the Delaney case.

Jason Rigler

"Settlement Advocate" and consultant for [Prosperity Partners](#) Customer Service Department.

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## About the Author:

Jason M Rigler