

## **Exposed At Last...Defense Plots and Structured Settlement Deceptions: A Special Report**

*By Richard Halpern*

**We have all heard the familiar parable about the six blind men who all fail to describe an elephant because the one part of the beast each touches--a tusk, the trunk, an ear--completely misleads him about the nature of the whole. And it is true: large and complex matters are impossible to understand when you are too close to them to see the whole, when you only deal with one part, or when your perception is distorted.**

Nowhere is this more true than in the world of structured settlements.

The plaintiff's bar must deal with structured settlements frequently, yet it has never seen the complete picture; indeed, there never seemed to be a compelling reason to seek out the complete picture. After all, weren't all parties, including injured plaintiffs, getting what they needed? For decades, the defense establishment and the insurance industry has benefited from this misconception. More to the point, it has carefully worked to perpetuate it. Plaintiff's attorneys haven't been able to perceive the true nature of structured settlements because they have been blinded--by deceit, distortion, and lies.

The articles and commentary presented here assemble all the pieces of the structured settlement "elephant" so you and your colleagues can at last see the whole beast.

And a beast it is.

What emerges is an industry created by the defense solely for the benefit of the defense, cynically using misinformation to line its pockets while feigning concern for the welfare of injured plaintiffs. An industry that over time has magically trained dedicated plaintiff's advocates--attorneys passionately opposed to everything insurance companies and corporate defendants stand for--to passively comply with its profitable schemes to the detriment of their clients.

No one is to blame for this deception except the industry that perpetuated it, and no trial attorney should reproach himself or herself for failing to perceive what was so effectively hidden. Even we, as plaintiffs' personal injury settlement consultants, failed to fully appreciate the implications of the facts exposed in these pages, despite our expertise in the field, until very recently. This is galling, to say the least (how many plaintiffs could have been spared unjust and unsafe settlements had we discerned and published the truth earlier?), but it is also proof of how effective and complex a deception this has been.

Here, then, is the elephant: the structured settlement system the defense doesn't want you to understand. Not a conspiracy, perhaps, but certainly with the impact of a conspiracy; not a plot, exactly, but as sinister as any plot could be. The good news is this: now that we know what the beast really looks like, we can overcome it.