

Structured settlements: a plaintiff's perspective

Can you imagine someone who has been catastrophically injured receiving a lump sum and being expected to manage it competently for the rest of their lives? Indeed, some people are totally capable but others are extremely vulnerable and need to be protected. For those like me who seek an alternative to a lump sum the solution has evolved in the form of structured settlements and structured orders.



On 27 November 1993, when Jackson, my maternal grandson, was a three-month-old infant, he and his two older brothers were tragically orphaned in a motor vehicle accident. Because of this terrible accident, a happy healthy bouncing boy became quadriplegic and blind, and three tiny boys lost the love and nurture of their parents forever.

A few years after, I started looking beyond the day-to-day care and wondering how people like Jackson, who would receive compensation, could

Medico-Legal Opinions

The Preferred Provider

Expert & Professional Opinions

- Workers Compensation
- Third Party
- Malpractice
- Workplace assessments
- Home visits
- Life & Disability
- Public Liability
- Medical Negligence
- Personal Injury
- Assistance and advice provided verbally
- Gaol visits

**Our doctors are: WorkCover Approved Medical Specialists, Injury Management Consultants,
Workers Compensation Commission Approved Medical Specialists, MAA Approved**

- ◆ Anaesthetists
- ◆ Cardiologists
- ◆ Clinical Psychologist – Neuro psychological testing
- ◆ Cranio-Maxillary Facial Surgeon
- ◆ Dentists
- ◆ Dermatologists
- ◆ ENT/Allergist Surgeons
- ◆ Gastroenterologist
- ◆ Gynaecologist/Obstetrician
- ◆ Hand Surgeon
- ◆ Intensivist
- ◆ Neurologist
- ◆ Neurosurgeon
- ◆ Occupational Physicians – Asbestos/Chemicals
- ◆ Oncologist
- ◆ Physicians
- ◆ Sports Physician
- ◆ Orthopaedic Surgeon
- ◆ Ophthalmologist
- ◆ Plastic & General Reconstructive Surgeon
- ◆ Psychiatrists
- ◆ Forensic Psychologist
- ◆ Radiologist
- ◆ Respiratory Physician
- ◆ Rheumatologist
- ◆ Spinal Specialist
- ◆ Surgeon (General)
- ◆ Urologists



Ph: (02) 9252 7788 Fax: (02) 9252 7799 Email: medlegal@bigpond.com.au

Level 4, Suite 401, 135 Macquarie Street, Sydney, NSW 2000 DX 1055 Sydney



manage their affairs for the rest of their life. After all, I am now fifty-eight and Jackson is only nine. The big issue really is – what happens when I am no longer here? That's the enormous concern facing so many people who manage the affairs of those who are differently abled.

So I looked at the alternatives that are available both in New South Wales and other states and, quite frankly, was far from impressed. In fact, I began to see how big this whole issue is, particularly when I started becoming aware of what was happening all around us. Regularly the media relates sad stories of mismanaged, lost or stolen compensation, injured people and their families subsequently being stripped of their dignity. It's a major issue, so scary for so many. Our situation has been similarly caught up in this type of challenge, a challenge which produced continuing aggravation and unnecessary hardship.

Considering our predicament, I gave time to research solutions. Something had to change. And my

great discovery was that structured settlements are available in the United Kingdom, Canada and the United States. And so my journey to enact change began . . .

There were many visits and consultations with the Structured Settlement Group and meetings with my friend Danna Vale MP, Minister for Veterans' Affairs and Rod Kemp, then Assistant Treasurer. There were informal discussions with Peter Costello, Treasurer. I also met with the Prime Minister's Department and worked closely with the Assistant Treasurer's Office over the years. The current medical and public liability 'crisis' has helped the passage of structured settlements and structured orders.

You may like to look at our evolving community website www.daretodo.asn.au where we share our story of Jackson's rehabilitation and legal journey in the hope that it will assist others. The legal feature illustrates our law reform advocacy for structured settlements.

So what do structured settlements

and structured orders mean for people like us? They mean:

- that our years of being under scrutiny, of living in a goldfish bowl, have come to an end and we can now get on with the business of living.
- that Jackson's financial future is now assured, and that his financial wellbeing will no longer depend on the vagaries, abilities, knowledge, motives, lifespan or integrity of anyone.
- certainty and security - elements that will allow us to concentrate solely on improving Jackson's potential for recovery and continually improving his quality of life, education, rehabilitation and medical needs.
- transparency - we now know what we are dealing with, we will be able to budget for all Jackson's future needs and indeed move forward.

All of this adds up to focus, hope, and the ability to celebrate life and what it has to offer. It is people like Jackson who give us inspiration to move boundaries to dare to make a difference. **PL**