

- // COMPLEX SETTLEMENT PLANNING & CONSULTING
- // STRUCTURED SETTLEMENTS
- // ATTORNEY FEE STRUCTURES
- // QUALIFIED SETTLEMENT FUNDS
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# SYN<sup>E</sup>RGY

SETTLEMENT CONSULTING



# *Who is Synergy Settlement Consulting?*

Synergy Settlement Consulting (“SSC”) is a unique plaintiff based settlement planning firm offering expert services nationwide. SSC has been involved in the settlement of millions of dollars in injury recoveries over the years. When you need comprehensive and expert settlement planning services, depend on SSC’s experienced team. We are highly qualified to provide professional solutions for the most difficult settlement planning issues. We specialize in evaluating cases where clients are eligible for any type of public benefits and advising regarding special needs trusts, Medicare set-asides, as well as financial planning options for the personal injury settlement.

Looking for comprehensive settlement consulting services? SSC is your one stop resource. When you need a skilled settlement planner, rely upon the company that top trial lawyers across the United States and injury victims alike turn to, **Synergy Settlement Consulting**.

As settlement planners, we serve as one member of a settlement planning team that advises the injury or employment victim and their counsel about cutting edge settlement planning issues, including financial options at settlement.

Our settlement planners help an injury victim understand their financial options at settlement. We assist attorneys in developing strategies to maximize their clients’ post settlement dollars and to preserve as well as maximize their government benefits including Medicare and Medicaid.



# *Our Mission and Standards*

*Our mission is to maximize the use of the funds available to the client from both the settlement itself and available public benefits through expert planning techniques.*

## *To achieve our mission, SSC focuses upon:*

- Expert and ethical business conduct
- Multi-professional expertise
- Advocacy on behalf of injury victims and the disabled community.

## *Service Standards*

- We are dedicated to ethical leadership in the settlement planning profession
- We want to improve methods for maximizing an injury victim's recovery
- We only present and recommend financial plans which advance the best interests of the personal injury victim as well as their attorney.

## *Professional Service*

Our strict standards of excellent professional service address every aspect of our commitment to our clients. From initial interview and consultation through settlement negotiation and finalizing of a settlement plan, we provide our clients with the highest possible level of expert service.

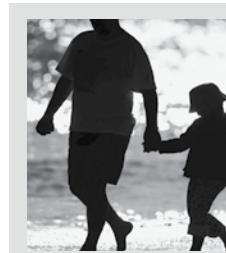
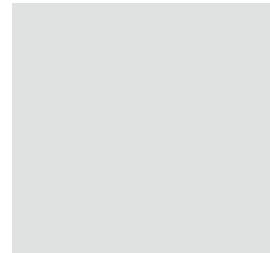
## *All-inclusive Services*

To address our clients' immediate and long-term needs, we provide all inclusive settlement planning services including a full-range of settlement planning products.

## *Time Sensitivity and Availability*

We recognize that all parties desire a quick resolution of the settlement details once agreement is reached or recovery is achieved. Therefore, we always provide rapid service. We are available for consultation at all stages of negotiation.

Our company and our professionals attend the certification programs and support the professional codes of conduct (ethics) of both the National Structured Settlement Trade Association and Society of Settlement Planners.



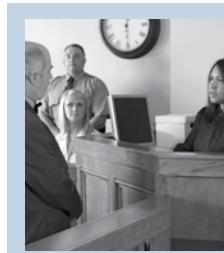
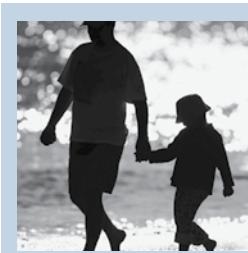
# *Why You Should Make Us A Part Of Your Team*

The intersection of settlement planning, settlement taxation, public benefit preservation and liens complicates settlements today. These matters are a fertile area for malpractice claims against personal injury attorneys. Without an expert's guidance, keeping up to date on the changing facets of the law and ethical responsibilities in these areas is difficult at best. You should not underestimate the importance of hiring an expert settlement planner on your next case who can help guide you and your client through these complexities.

The use of structured settlements and trusts as a way to fund future needs for injury victims has become common place in today's settlement landscape. Frequently, these solutions are proposed by the defendant as a way to settle the case. While this is not necessarily a bad thing, the techniques utilized by the defense in offering these solutions or the way the transaction is done may be to the detriment of your client. The settlement transaction can be complicated and can involve a host of legal issues that could present professional negligence traps for personal injury attorneys if they do not have their own expert to advise them.

Having an independent settlement planner involved in your case is vitally important. You need an expert that can be held accountable and legally liable to you. The defense typically will use their own specialist so why wouldn't you? The defense's expert works for them and is not held accountable or legally liable to you.

Nearly all settlement agreements release everyone on the defense side, including the defense's settlement expert. So who will you turn to if the defense made an error or omission in the settlement planning transaction? With your own settlement planning expert participating in the placement of the financial products, you have their Errors and Omissions policy available. However, unless your settlement planner actually participates in the placement of the products, you may find yourself without any recourse should the transaction be handled incorrectly.

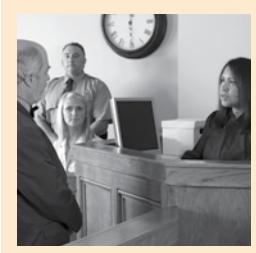


# *How To Take Control And Why*

Structured settlements are a powerful financial planning tool and are the cornerstone of most financial settlement plans. However, all too often the injury victim's first experience with structured settlements is when one is offered by the defendant instead of their own trusted advisor. Plaintiff counsel can employ his or her own settlement planner at no cost, to give advice on this important financial transaction. A settlement planner receives compensation for his or her services directly from the life insurance company whose product they offer; it does not come from the victim's money nor does plaintiff counsel have to compensate them for their expert advice.

You can take control of the settlement planning process by informing the defendant that you intend to employ your own settlement planner. Advise the defendant that your planner will work directly with the victim, design the plan and help select a highly rated life insurance company or companies with whom the structured settlement will be placed. Allow the defendant to bring their own structured settlement consultant to the table, but insist that your planner will work directly with the victim to create the final plan. The injured party together with their own advisor, family or guardian and plaintiff counsel should make the decision on the most important financial transaction of his or her life. With the recent developments in professional liability law for plaintiff counsel concerning structured settlements and public assistance, it is imperative to employ your own advisor to educate your client about structured settlements as well as public benefit preservation techniques. Failing to offer a structured settlement or preserve public benefits can have disastrous consequences for the plaintiff and ultimately result in a claim against plaintiff counsel.

By counseling the personal injury victim, we satisfy counsel's obligation to advise the client concerning their option to do a structured settlement and also regarding the preservation of public benefits. Each individual we work with will be offered an array of financial options, including a special needs trust if appropriate, and will be asked to sign a waiver acknowledging they understand these options if they turn them down. By having a waiver signed, we help protect counsel from claims stemming from failure to offer a structure or from loss of public benefits.



# *Services We Provide*

As experts in the field of settlement planning, Synergy's professionals pride themselves on their ability to make a positive impact on the settlement of personal injury and workers' compensation cases. Involving Synergy in the early stages of your case allows us to assist and advise you as well as your client concerning different financial options, the cost to fund future damages and preservation of public assistance benefits. Nearly all of our advisory services are offered free of charge to you and your client. Some services do involve fees. We offer the following services:

## *Structured Settlement Planning Services:*

Structured settlement annuities provide for a safe and secure tax-free stream of income. Structured settlements are a pivotal part of the overall financial plan we develop for injury victims. Our structured settlement annuities are provided by the highest rated life insurance companies in the marketplace. As independent advisors, we are not restricted to any particular life insurance company. We shop the marketplace to obtain the best combination of rated ages and investment returns. We offer unique pricing methods and reports to maximize the clients' benefits and payouts.

## *Mediation Attendance:*

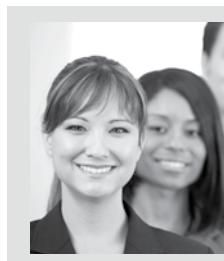
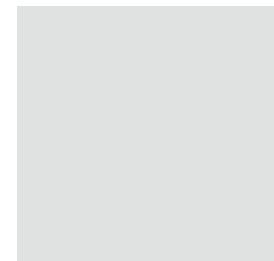
A Synergy settlement planner will attend mediation and settlement conferences at no cost. We help educate and advise injury and employment victims about their options. We help attorneys advise their clients about settlement planning financial issues and options.

## *Complete Document Preparation and Review for Structured Settlements:*

We assist attorneys in preparing all necessary documentation and help with any required language that must be in settlement documents. We review, together with legal counsel, all legal documents associated with the structured settlement transaction to help counsel make sure they comply with the Internal Revenue Code provisions that govern the transaction.

## *Illegal/Immigrant Client Assistance:*

We can assist clients post-settlement to obtain legal identification and help establish a US based bank account to receive future periodic settlement payments.



# *Services We Provide* *continued*

## *Financial Needs Analysis:*

After meeting with the injury victim or reviewing the life care plan, we can create a comprehensive assessment of the plaintiff's immediate and long-term financial needs. After completing this financial analysis, we can recommend a settlement plan to address the needs for income, medical care, education and retirement. If a life care plan has been prepared, we can analyze the plan to determine the funding cost utilizing different financial products.

## *Economic/Life Care Plan Analysis:*

We can provide an analysis to quantify the actual costs required every year to duplicate the needs presented in the life care plan. Once we determine the actual cash flows required, we can then determine the cost to fund the life care plan with financial settlement products. This figure is not the present value to provide for the future medical needs of the plaintiff as determined by an economist. Rather it is the actual amount of money required to fund a financial settlement package to generate the necessary monthly payments to provide for all of the plaintiff's lifetime medical needs as outlined in the life care plan.

## *Public Benefit Analysis:*

Our expert settlement planners can analyze your clients' public benefit eligibility. Our analysis reviews the government programs providing benefits to determine what steps may

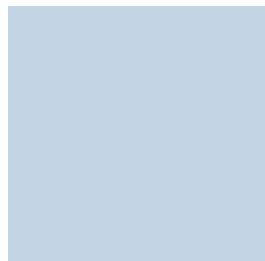
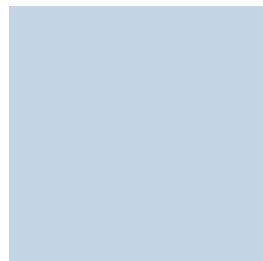
be necessary to preserve those benefits. In addition, we can provide a detailed analysis of the costs and value of services being provided by different public benefit programs such as Medicaid or Medicare.

## *Public Benefit Preservation Vehicles:*

When appropriate, we work with leading experts to assist with the creation and implementation of Special Needs Trusts (SNT) and Pooled Trusts. We will assist, together with legal counsel, in identifying cases where one of these trusts should be considered and will help counsel avoid the legal malpractice pitfalls concerning the implementation of these trusts. Additionally, we work with banks and trust companies that manage SNTs and provide trustee services. When Medicare preservation is an issue, we can provide advice on creative ways to fund Medicare Set-Aside Arrangements (MSA).\*

## *Future Medical Cost Analysis for Medicare Beneficiaries:*

We can provide a detailed analysis of Medicare versus non-Medicare covered expenses. We can also provide an explanation of the "donut hole" for prescription drug coverage through Medicare with the costs the injury victim will incur. This analysis can also help increase the value of the claim by quantifying how much care is not covered by the MSA.\*



# *Services We Provide* *continued*

## *Medicare Set Aside Analysis:*

To insure that Medicare's interests are properly addressed by the defense's set aside allocation, we can do an independent review of the proposed Medicare Set Aside. Having an independent analysis will help counsel decide whether the proposed set aside by the defense is sufficient.\*

## *Lien Resolution:*

We retain and work with leading firms to assist in the resolution of Medicare, Medicaid, ERISA and private health liens. Lien resolution frequently represents an essential priority for the quick resolution of the case. The laws and strategies for lien resolution are subject to continuing change.\*

## *Settlement Trust Advisement:*

In certain cases, a trust may be appropriate to meet the needs of injury and employment victims. A settlement trust provides spendthrift protection and professional management of assets. Settlement trusts can be funded with structured settlement annuities. We work with many nationally recognized banks and trust companies to provide this valuable settlement option. We work with a national network of legal counsel who can provide the trust documents for customary legal fees.\*

## *468B Qualified Settlement Fund Advisement:*

A 468B Qualified Settlement Fund (QSF) can be a valuable strategy for preserving a plaintiff's right to select a structured settlement and for protecting public benefit eligibility. A QSF allows plaintiffs to obtain control of settlement planning decisions. Defendants deposit settlement funds into the QSF. While the settlement funds earn interest in the QSF, plaintiffs and their advisors can design a settlement plan and negotiate liens. The QSF avoids issues with constructive receipt which could trigger a loss of public benefits. While the settlement funds reside in the QSF, a structured settlement or a public benefit preservation trust can be established for the settlement recipient.\*

## *Attorney Fee Structures:*

Contingent fee attorneys can also structure their fees, though unlike an injury victim's structured settlement, they are tax deferred and not tax-free. Using a structured fee, attorneys can defer all or part of their fee pre-tax and have it paid over time. With a structured fee, an attorney will receive the same type of tax-deferral benefits as a Qualified Pension Plan without the complications and funding restrictions. Attorneys have payout options, including deciding when the benefits begin and end. Spreading fees over several years allows an attorney to avoid a higher tax bracket. The tax money saved can be invested with a secure life insurance company with no money management fees.

\*There are fees associated with these services





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