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We Don't Structure Settlements.
We Architect Them.

From the Architected Settlement Blueprint Library *for* Attorney Education

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Seven Ways to Protect Your Practice from Settlement Surprises

When settlement strategy is handled in fragments, the case can remain exposed after the number is reached. These seven moves help trial attorneys protect the recovery more intentionally before funds are distributed.

The strongest settlements are not just negotiated well. They are designed to hold across benefits, legal structures, and long-term administration. This checklist is built to help attorneys spot the strategic gaps that matter before the money moves.

1. **Clarify the release language before it controls the outcome.**
   Indemnity clauses, waiver language, and reversion terms should be reviewed as part of the settlement strategy — not treated as boilerplate after the number is agreed to.
2. **Address benefits early when the recovery may affect eligibility.**
   If the client relies on Medicaid, SSI, or other means-tested benefits, the settlement has to be structured with those realities in mind before funds are distributed.
3. **Evaluate the tax treatment before allocation decisions are locked.**
   Different components of a recovery can carry different tax consequences. The legal structure and allocation strategy should be reviewed before the settlement is finalized.
4. **Do not treat one product as the whole strategy.**
   A structured settlement may solve part of the problem. It does not automatically address benefits preservation, trust administration, or broader legal structure issues.
5. **Resolve liens as part of the settlement architecture.**
   Liens should be evaluated in coordination with the broader settlement plan. If they are handled too late or in isolation, they can create unnecessary delay and pressure on final distribution.
6. **Plan for administration, not just distribution.**
   A recovery is not fully protected because documents were signed and funds were transferred. Trust oversight, fiduciary administration, and long-term management have to be considered before the file is treated as closed.
7. **Bring settlement planning counsel in while strategy still has room to work.**
   The earlier settlement strategy is evaluated, the more room there is to protect benefits, design legal structures correctly, and clarify what needs to happen before funds are distributed.

FINAL THOUGHT

The point is not to complicate settlement. The point is to make sure the outcome holds after the case is over.

A settlement is not just a number. It is a strategy across benefits, legal tax structures, and trusts.

Bottom line: Premium settlement strategy means seeing what still needs to be protected before the money moves.

Let's talk before your next settlement is finalized.