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FALL 2015

# THE VAUGHAN LAW REPORT

## How settlement money is delivered

If you are at the beginning of legal proceedings for a personal injury, you are probably hoping, as many do, to settle quickly without a trial. In the meantime, as bills pile up, you are probably also wondering how and when you will get the money.

### Here are the most common scenarios:

#### ✓ Lump-sum settlement

While it is nice to get your settlement all at once, there are serious tax implications, so speak with an attorney or tax adviser. A lump sum is often deposited into a trust to provide ongoing financial support.

#### ✓ Structured settlement

A structured settlement is paid regularly for a specified amount of time. It doesn't seem ideal, but it reduces the amount owed in taxes, and it does provide a dependable source of income. Structured settlements are placed into an annuity, and funds drawn are tax-free for as long as the fund is managed professionally.

#### ✓ Combined settlement

As the name suggests, a combined settlement pays a portion of the money up front, and the rest comes in the form of structured payments. The benefit is that a victim receives money up front to pay debts incurred since the injury, but it still has the reliability of a structured payment.

#### ✓ Presettlement funding

If bills are mounting and you are unable to work, you may find yourself in the position of needing money before settlement or trial. It is possible to get a cash advance on your case. The loans don't come due until a case has settled, or an amount has been awarded, and if you lose the case, the payment is waived altogether. Because interest is paid on the amount advanced, taking the least amount needed is advisable.



### Vaughan Law Group Attorneys At Law

Thomas Vaughan has been recognized as...

- one of the nation's top 100 injured workers' attorneys by WILG (Workers' Injury Law and Advocacy Group).
- one of the top lawyers in Florida by The Legal Network.
- one of Orlando's top lawyers by *Orlando Home & Leisure*.

121 S. Orange Avenue  
Suite 900  
Orlando, FL 32801  
Phone: 407-648-4535  
Fax: 407-426-9512  
Toll-free: 1-800-989-4535

Website:

[www.vaughanpa.com](http://www.vaughanpa.com)



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## Hurt on the job? Here's what to do

If you get hurt at work, you may have to file for workers' compensation to help make ends meet while you recover. To secure the maximum benefit in the timeliest manner, there are several things you should do as soon as possible after you are injured or become ill.

### Get treated

Seems silly, but some people wait until they can no longer bear the pain or discomfort of an injury before seeking help—don't be one of those people. Seek medical attention right away when you are injured. If your injury is gradual (back sprain or carpal tunnel from repetitive work, for example), seek treatment earlier rather than later. Not only will it help you, it will help your case.

### Tell your supervisor

Chances are good that your company has a procedure in place for dealing with on-the-job injuries. Don't be afraid to tell your boss that you've been hurt. Waiting could cost you workers' compensation benefits.

### Document your injury

As soon as you are able, write down what happened, how it happened, and who was there. Fill out any necessary accident reports, and be sure to keep record of how much work you miss.

### File a claim

You can file a workers' compensation claim through your doctor (depending on your location) or directly through your workplace.

If you need help filing a claim, or if your workers' compensation claim has been denied, call a qualified lawyer to discuss your case.

*We take your family's safety and security personally.*

# Power of attorney

A power of attorney is a legal document that gives a designated person the authority to make personal, business, legal, and medical decisions on your behalf if you become unable to do so. It's advisable to have both medical and financial powers of attorney. If you become unable to make decisions for yourself and you don't have a power of attorney designated, your family will likely have to go to court to establish the right to make those decisions in your stead.

*It's advisable to have both medical and financial powers of attorney.*



**A medical power of attorney** allows someone to make medical decisions for you should you become physically or mentally incapacitated. This person is bound to follow your treatment and end-of-life wishes. It is important to create a living will to outline such wishes.

**A financial power of attorney** designates an individual who will take care of financial decision-making on your behalf. When you draft the document with your attorney, you can give your power of attorney broad power or limited power. The duties of a financial power of attorney end at the designator's death. If you wish an individual to take care of your estate finances, you must also name him or her executor in your will.

For more information on power of attorney, consult with a family law attorney.

## SUDOKU CHALLENGE

	8		5			9	6	7
				9	6	4	2	
9	2				7		1	
7								6
	1		2				5	9
	6	2	4	7				
1	7	4			5		9	

*(Sudoku solution at bottom of page.)*

## VAUGHAN LAW GROUP Attorneys At Law

121 South Orange Avenue, Suite 900  
Orlando, FL 32801

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## Settlement liens

Just when your case finally appears to be near settlement, you find out that several liens have been placed on the money. Can someone put a lien on your anticipated settlement? Yes, they can. Chances are, your accident has caused other parties, namely insurance companies, financial loss. In order to get that money back, a court order is placed on a settlement for the amount owed.

The third parties most likely to put a lien on your settlement are insurance companies and medical providers, although any company/person that paid the plaintiff's bills can file for a lien.

### Healthcare providers

If you don't have insurance, or your insurance doesn't cover your medical bills, the provider may try to recover the money by placing a lien on your settlement.

### Insurance carriers

Your medical and automobile insurance companies state their rights to place a lien on any settlement or judgment from a party at fault within the policy. At first you may think that unfair; after all, isn't that what insurance is for? But, if an injured party has his or her medical bills paid by an insurance company and then again by the party at fault, they've been reimbursed twice.

### Medicaid and Medicare

These programs require applicants to give any money from a third party to the state or federal government, depending on the program, in order to repay money spent on medical care.

Sudoku solution

2	6	8	5	9	3	4	7	1
8	6	2	4	7	9	1	3	5
5	9	3	1	2	8	6	7	4
4	1	6	2	8	3	7	5	9
7	3	8	9	5	1	2	4	6
9	2	5	6	4	7	3	1	8
6	4	9	7	1	2	5	8	3
3	5	7	8	9	6	4	2	1
2	8	1	5	3	4	9	6	7