

**VOLUME 35**

**NUMBER 6**

**June 2025**

## **"One Particular Harbor"**

With the days running hot and our nights warm, one's thoughts might naturally drift to a place in the sun where "*all are safe within*" (thank you Jimmy Buffett).<sup>1</sup> How nice it would be to have such a safe place, sheltered from the tempests of modern life. We navigate through life thinking we are perfectly safe, only to find at times that we have strayed off the edge of the map and "*Here, there be monsters.*"<sup>2</sup> Ok, so I am having a little fun with song lyrics and movie lines, but it's a good subject to contemplate: it seems we have monsters at every turn.

As professionals who deal with personal injury claims, we see monsters at every turn. Just this morning, I viewed a film clip of an SUV driving down the highway on a perfectly clear day when suddenly it loses control, flips over, and ejects one of its passengers one hundred feet into the air. One moment that person was sitting comfortably in their car, the next they became a flying projectile. If not the work of an actual monster, this was clearly a monstrous turn of events for that person.

Watch the news lately? Riots, fires, mud slides, terrorist attacks, mass shootings; the list goes on and on. We viewers start our day with morning coffee and a quick glance at the misfortunes befalling all those *other people* - then we finish our toast and get on with our lives. But what about the people and families in those very images? Their lives have just been disrupted in such horrendous fashion that they may as well have run into Godzilla himself.

And the weather gets into the act: storms and squalls take on a personality of their own. No one could figure what to call that epic disaster which befell the Northeast in October of 2012. It started as "Hurricane Sandy" but that was not frightening enough, so it became "Superstorm Sandy", and the rest is history. Some kind of safe harbor would have been a mercy that year.

What monsters, squalls, storms, or other disasters might we meet in the financial world? The stock market (DJIA) started this year at 42,600, rose to a high of 44,993 in February and then fell to a low of 37,697 in April, the DJIA has since rebounded back up to 42,488, as of this writing.<sup>3</sup> Swings of 17 percent in market value may not rise to the level of "Superstorm," depending on your point of view, however some other risks are far worse than a summer storm.

Creatures of the financial world like to project an outward appearance of honesty and trustworthiness, but this swamp has monsters the likes of which Dracula would be proud.

- 
1. Jimmy Buffett and Bobby Holcomb, MCA 52298, October 1983
  2. "Pirates of the Caribbean," Dir. Gore Verbinski Perf. Johnny Depp, Geoffrey Rush, Walt Disney Pictures, Jerry Bruckheimer Films, 2003
  3. <https://finance.yahoo.com/quote/%5EDJI/chart/>

Imagine if you had the misfortune to meet up with the likes of Charles Ponzi, Louis Jay Pearlman, or Bernard Lawrence Madoff early in their “careers.” Charles Ponzi invented the now-infamous scheme which completely annihilated his clients’ finances. The storm he wrought cost investors \$20 million dollars *in 1920*. “Lou” Pearlman was an American record producer and manager of successful 1990s boy bands. He took Mr. Ponzi’s scheme and upped the ante, leaving more than \$300 million in debts in 2006. Then we come to the Superstorm of con artists, “Bernie” Madoff, whose 2008 Ponzi scheme collapsed taking just over \$18 billion of his investors’ money with it. A new high – or should we more properly call that a *low*..?

These men’s schemes were all ultimately discovered, they were tried for their crimes and sent to jail for extended stays, but the wreckage they inflicted on the lives of their victims was at least as destructive as any storm.

Real sailors have charts and channel markers to guide them. They learn to keep a “weather eye” out for storms on the horizon. They learn to avoid the worst of the storms by constantly observing their surroundings, exercising good judgment (being conservative), and trying to anticipate threats. With experience and care, they can avoid the worst weather, but even when they don’t, they have methods and strategies for riding out the storms. They usually make it back to their own safe harbors.

But few strategies exist for those who run afoul of financial predators. Most often, all they can do is lick their wounds, struggle back to their feet, and start anew. As it relates to financial threats, most people are flying without a net.

So, what advice might we offer people who have already crashed? Personal injury claimants were usually minding their own business when they – quite literally – were crushed by an unforeseeable threat. By the time we meet them, they are coming to the end of a long and arduous legal battle where survival appears to come in the form of a considerable pile of cash. But is this really a safe harbor? Not usually. Not once others learn where they are anchored with that chest full of treasure. Is there any true safe harbor available to these people? Any way to prevent a second disaster?

Yes. Forty-five years of experience has proven beyond any reasonable challenge that a guaranteed stream of non-taxable income is the safest harbor available to a settling claimant. Those who anchored their futures securely in this option are riding out all manner of financial storms beautifully. How do I know? They call and tell me so.

Just this morning I was speaking with someone who was surprised that a particular injured claimant was interested in a guaranteed lifetime monthly income. After all, this man was relatively young. He had recovered from his injuries and was in fact back to his normal 60-hour work week. Well, this claimant also just so happens to be a construction worker... subject to *constant* layoffs with little notice, rhyme, or reason. This man knew a true “safe harbor” when he saw it. *Smart sailor*...

Do you have a case coming up for mediation? Want to bring true long-term protection into the room? Contact Frank C. Kilcoyne, CSSC at [Frank.Kilcoyne@jmwsettlements.com](mailto:Frank.Kilcoyne@jmwsettlements.com) or call 800-544-5533. I am here to help.