

SUBROGATION & LIENS

UT CLE
2016 THE CAR CRASH SEMINAR

Judy Kostura
JUDGE, KOSTURA & PUTMAN, P.C.

JUDGE, KOSTURA & PUTMAN, P.C.
ATTORNEYS AT LAW



Before handing over your client's money to health plans and hospitals ... learn the rules.



JUDGE, KOSTURA & PUTMAN, P.C.
ATTORNEYS AT LAW



- **Rule 1. Who is the Plaintiff in relationship to the subrogation interest or lien asserted?**



child



Employee participant;
injured spouse; derivative
claimant



Wrongful death or estate

Be consistent, be strategic.

JUDGE, KOSTURA & PUTMAN, P.C.
ATTORNEYS AT LAW



Incompetent or disabled claimant requiring a special needs trust?



gwil40115 fotosearch.com

ACS v Griffin: SNT was subject to subro interest but wife's derivative claim was not.

JUDGE, KOSTURA & PUTMAN, P.C.
ATTORNEYS AT LAW



Rule 2: Who is the employer through which the health plan arises?

Private industry: often ERISA; If insured, Ch. 140 will regulate

If state or local government
Never ERISA, Ch. 140 will regulate

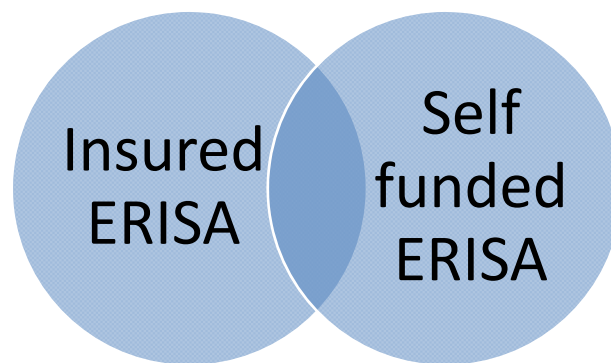
If church, not ERISA; Ch. 140 will regulate



JUDGE, KOSTURA & PUTMAN, P.C.
ATTORNEYS AT LAW



Rule 3: what is the funding and regulatory scheme for the plan?



True or False: ERISA trumps Ch. 140, the new subrogation law?

JUDGE, KOSTURA & PUTMAN, P.C.
ATTORNEYS AT LAW



Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](http://utcle.org/elibrary)

Title search: Subrogation and Liens

Also available as part of the eCourse

[2016 The Car Crash eConference](#)

First appeared as part of the conference materials for the
2016 The Car Crash Seminar session

"Liens and Subrogation"