

SHARE PERSPECTIVES

a newsletter for clients and friends of Share Lawyers, leaders in disability law.

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What To Do When
Your Insurance Company
Denies Your Disability Claim'*
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SHARE LAWYERS

We make a personal injury and disability claim as painless as possible.

IN PERSON:

Baxter Kerr, Corporate Trainer

As a bank teller, he took new tellers under his wing. As a bank manager, he gained renown for good training. Once a Certified Human Resources Professional, he focused on training for his region. By age 32, Baxter Kerr had become a sought-after trainer in financial services. Then his peers lost their jobs to cutbacks.

chronic anxiety plus acute stress

His workload increasing while his colleagues looked for work, Baxter's friends and family were proud of his endurance. Yet, he felt that he could endure no more. A lifetime sufferer of stress, diagnosed at age 20 with an anxiety disorder, Baxter was now having panic attacks daily. He feared that he could not sustain the stress of his job. His was no longer a rewarding career.

accustomed to coping

In past years, Baxter managed to keep his anxiety problem to himself and had coped fairly well. Because of his involvement in Human Resources, he knew enough to consult a psychologist through his employer's group benefits plan. Each year he had used his allotted number of free counselling sessions.

no longer able to cope

This year, he had reached the limit and still felt needy. Just thinking about applying for insurance benefits for



further relief caused him lost sleep. He was not coping.

combination disabling

Baxter's family doctor knew about his anxiety problem and, after assessing his worsened condition, wrote a letter supporting his application for disability insurance benefits. The doctor's letter stated that the pre-existing condition of the anxiety disorder, compounded by recent workplace stress with no relief in sight, amounted to a disabling condition.

insurance benefits denied

The insurance company flatly denied disability benefits. The denial letter said that workplace stress is not covered and that Mr. Kerr ought to continue coping as he had done before.

gets legal help

Struggling to go to work every day, this denial of benefits emboldened him. He became so determined to convince the insurer of his need for relief that, after discussing it with close friends, he

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Ask A Lawyer



Q: I've been managing with Crohn's disease for years. I've also had acute stress for some time. The combination feels like it's putting me over the edge of my ability to cope. Would a claim for disability benefits include the Crohn's because it complicates my stress?

A: The claim would include the Crohn's disease since it is relevant as a contributing factor to a disabling condition. That you have had Crohn's for many years should not prevent you from pursuing a disability claim.

Q: My job has disabled me. I can no longer cope with the stress and difficulties. Considering the change-of-definition matter discussed in

the last issue of Share Perspectives, could I get retraining to pursue a new career and have that paid for by my disability insurance?

A: If your claim has been approved and benefits continue to be paid beyond the "change-of-definition," then the insurer might provide some retraining assistance with the hope of getting you back to work and off insurance benefits. They could also try to use re-training to terminate your benefits if their efforts are unsuccessful. If your claim is terminated at any time, retraining considerations can be factored into settlement discussions. In such a situation, you should consult a disability insurance lawyer. 📞

Share Perspectives readers are invited to write in with questions for *Ask A Lawyer*. Watch future issues for questions from your fellow readers. One question per person. Send your question to AskALawyer@sharelawyers.com.

"What lies behind us and what lies before us are tiny matters compared to what lies within us."

– *RW Emerson*

Laugh

From Real Court Records

LAWYER: "What was the first thing your husband said to you that morning?"

WITNESS: "He said, "Where am I, Cathy?"

LAWYER: "And why did that upset you?"

WITNESS: "My name is Susan!"

From the book *Disorder in the American Courts*

...from Page 1 **IN PERSON: Baxter Kerr**

contacted Share Lawyers.

Was workplace stress enough to claim a disability? Would it be enough if he could prove his history with an anxiety disorder? What evidence would be necessary to prove that workplace stress was disabling him?

evidence gathered

When Share Lawyers accepted his case, the fight for entitlement began with amassing evidence. Records from new assessments would complement notes from his family doctor and from the psychologist he had seen. With these would go statements about the increased demands on him and the anxiety-inducing effects of his peers

losing their jobs. The case would go through an extensive discovery process.

insurer blinks first, pays settlement

When the insurer argued that Baxter had been coping for years and that workplace stress should not disable him all of a sudden, Share Lawyers countered with considerable evidence that he had indeed been brought past a reasonable limit and could not continue so disabled. Though mediation failed to resolve it, when the matter proceeded to pre-trial before an Ontario Superior Court Judge, the insurer finally agreed to pay a substantial settlement. 📞

All names have been changed to protect the privacy of the individuals mentioned

Share Lawyers Celebrates 25 Years

In December, 1986, David and Wendy Share founded Share Lawyers. The firm opened its first office in a Mississauga shopping mall in 1987 and offered a variety of legal services. They intended to break some of the traditional barriers and mystique of legal services by providing a price list and a welcoming open-concept reception area.

offices where regular people go

From there, Share Lawyers built its personal injury and insurance practice by offering specialty services through branch offices in shopping malls in Scarborough, Brampton, North York, and Buffalo.

captain of a unique legal ship

As a co-founder, David Share would draw on his experience in legal practice to ensure that the firm's legal services would meet professional standards in a non-traditional way. Still overseeing the legal work of the firm's lawyers, David continues to provide steady support to ensure that Share Lawyers reliably provides sound, caring legal representation.

steward of a distinct business

For her part as a co-founder, Wendy Share would draw on her business smarts to provide the marketing, design, and structural vision required to make the firm succeed. As Executive Director of Share Lawyers, Wendy ensures that the firm continues to mature while transcending barriers and providing legal services to a broad spectrum of people.

in a proud location

In 1997, the firm moved to its current location, an old bank building constructed in 1929 at the historic gateway to the City of Toronto.

Maintaining its historic integrity, Share Lawyers continues to occupy this building at the corner of Yonge Street and Deloraine Avenue.

focus and growth

Also in 1997, the firm grew to two lawyers in insurance and personal injury practice. Today, Share Lawyers employs a team of 20 working on insurance and personal injury cases for individuals seeking compensation and benefits to which they are entitled because of illness or injury. Share Lawyers focuses on claims for disability insurance benefits, critical illness insurance, life insurance, serious motor vehicle accidents, and personal injury cases.

celebrating and carrying on

Says David, "As we celebrate our silver anniversary as a firm, we are grateful to have served so many good people over the past 25 years." Adds Wendy, "We appreciate their continuing referrals, particularly for disabled people who struggle with private or group insurance claims. Many continue to need our assistance." 📞



David and Wendy Share in 2011



1981

Community Donation Program

Share Perspectives readers should expect something special relating to the Share lawyers Community Donation Program with a Share Lawyers 2012 calendar this December. Watch for it.

"Failure lies not in falling down. Failure lies in not getting up."

– Chinese proverb

Family News



Volker Triebe

- Law Clerk Volker Triebe and his wife enjoyed a summer holiday in PEI with their two border collies. They toured the island from end to end (East Point to North Cape). Visiting Greenwich PEI National Park was a thrill. The dogs enjoyed swimming in the ocean at Panmure Island.
- Litigation Law Clerk Christine Chang's sister Nancy expects to graduate from her Early Childhood Educator program at Seneca College on October 26.
- Legal Assistant Shirley Blanco has a new niece, born August 11.
- Lawyer Courtney Mulqueen and her family, including her three young children, survived their first family road trip together this summer. They drove to the Smoky Mountains of North Carolina for their first family reunion. All enjoyed visiting family from across the country, some of whom they had never met. The children particularly enjoyed catching fireflies, gem mining, and swimming with their "new" cousins.
- Senior Bookkeeper Karen Rimes got a new puppy, a Labrador Retriever named Precious. 🐾

You Said It!



"Excellent, very efficient team – compassionate about what they do and care about their clients." – *Marc Davidson, long-term disability claim*

"I truly do realize you got me a brilliant result at the pre-trial."
– *Regina Carlosi, long-term disability claim*

"I found Share Lawyers to be professional, caring, knowledgeable, and honest. I felt an extreme amount of confidence in the firm."
– *Farouq Qurash, long-term disability claim* 🐾

Thanks!



Share Lawyers is a leading Toronto law firm focused on insurance disputes in Ontario. Following an accident or illness, Share Lawyers helps people to get the support they need and deserve. The firm particularly appreciates referrals of people with long-term disabilities who struggle with private or group insurance claims.

Share Perspectives is one way to keep in touch through a claim and after settlement. Share Lawyers also respects your confidentiality. If you want your name and address added or removed from the *Share Perspectives* mailing list, then send e-mail to newsletter@sharelawyers.com. When you recommend Share Lawyers, that is the best advertising. 🐾



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