

# SHARE PERSPECTIVES

a quarterly newsletter for clients and friends of David Share Associates, Lawyers

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next issue's theme:  
Employment Issues  
Related to Illness  
and Disability



DAVID SHARE  
ASSOCIATES • LAWYERS

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

## Welcome to *Share Perspectives* Issue Three

David Share Associates (DSA) is a leading Toronto personal injury and disability claim law firm. DSA concentrates on serious injuries, death claims, insurance disputes, and disability coverage disputes in Ontario. Following an accident or illness, DSA helps people to get the support they need and deserve.



More than 225,000 insurance claims are filed each year in Canada; odds are that you or someone you know will go through the stress of filing for disability benefits or the pain of injuries. At David Share Associates, we care enough to stand by you through your claim and after your settlement. Share Perspectives is one way we keep in touch.

We respect your confidentiality. So, the *Share Perspectives* mailing list is confidential. If you want us to add or remove your name and address from the *Share Perspectives* mailing list, you can e-mail us at [newsletter@sharelawyers.com](mailto:newsletter@sharelawyers.com). Your word-of-mouth recommendation is our best advertising. 

## Q&A Corner

**Q:** Since my car accident, I can't move around to clean the house or cook for my family. My mom works and can only help occasionally. What happens if I pay someone to help me at home?

**A:** Under the Ontario *Statutory Accident Benefits Schedule* (SABS), you are entitled to receive payments for housekeeping and home maintenance. Ordinarily, the maximum allowable amount for these services combined is \$100 per week. To qualify, an Occupational Therapist (OT) must come and assess your needs and the amount of time you require assistance. Following this assessment, you may hire someone to help you with these tasks.

Housekeeping and home maintenance are considered separately from your personal care (such as bathing) or care for young children. If the OT finds that you need more help than the \$100 limit allows, then you can apply for extra help if you include it under the heading special damages in your claim, against the at fault parties. 



Steven Muller

## TEAM PROFILE: Steven Muller, Lawyer

Steven recently returned from Disney World with his wife and three children ages 1, 3 and 5. We know that he has lots of interesting stories about his trip.

### interesting facts about Steven

In addition to practising law at David Share Associates for the last eight years, Steven has completed his Masters of Law, speaks regularly at legal conferences and community colleges, and in his spare time, runs a community-based youth organization with a staff of nine.

Steven has written on personal injury, disability law, computer law, and art law. He says, "I enjoy meeting new clients and achieving the best results for them."

### service is key

At DSA, providing good service to clients is central to the firm's philosophy. I am thankful to be part of a team that has such a philosophy, and honoured to work with such a committed group."

"Life is full of misery, loneliness, and suffering – and it's all over much too soon."

– Woody Allen

## Survey Says...

### buckle up!

A 2001 Transport Canada study found that seatbelts saved about 11,690 vehicle occupants from 1990 to 2000. Over the same period, air bags saved 313 people. The study found that using seat belts in the front seat of passenger vehicles saved about \$17.5 billion. Installing air bags into front seats saved approximately \$469.5 million. (Transport Canada: *Evaluation of Effectiveness of Air Bags and Seat Belts*)

### record profits

Canada's Insurance companies reaped record profits in 2004. According to

estimates from the Insurance Bureau of Canada, the industry's 206 insurers saw profits jump 65 per cent to \$4.2 billion – up from \$2.6 billion a year earlier. The 2004 profits have been described by consumer groups and others as "monstrous", "astronomical" and "outrageous." Insurance was even deemed "legislated robbery" and a "massive rip-off." The record profit raises questions about whether insurers are keeping money from victims of motor vehicle accidents. (from *An Embarrassment of Riches* by Barbara Aarsteinsen, *Canadian Insurer* March 2005)

## Breakthrough!

### to see inside joints

Non-invasive or minimally-invasive diagnostic advances have greatly improved the treatment and management of certain orthopaedic and musculoskeletal injuries.

Arthroscopic surgery – often performed as day surgery – involves a surgeon creating a tiny incision into a knee, ankle, shoulder, elbow, wrist, or hip to determine the extent of damage or disease to the area, using a camera or "arthroscope".

### to make repairs, too

Surgeons can also insert instruments through the incisions to repair damaged joints. The benefit of the procedure is that it provides a more effective tool than diagnostic imaging alone. What's more, arthroscopic surgery is less invasive, so recovery is much faster than with more invasive procedures, which usually require extensive rehabilitation and recovery.

## In Person

### best-laid plans...

Caitlin Foster considered her life well mapped-out. She had a responsible, high-pressure job in Toronto as a systems analyst for a large software company, which required her to spend long hours in her work. She was engaged to be married, and she hoped to have a family. The last thing Caitlin expected was to have her plans blindsided by a serious accident.

### a crashing halt

On January 23, 2002, Caitlin was on her way to work when a truck ran through a red light, T-boning her car on the driver's side. Caitlin's left leg was dislocated, and her pelvis fractured, even though she was wearing her seat belt and cushioned by an air bag. Shock set in quickly, and Caitlin was rushed by ambulance to the trauma unit at a local hospital.

After ten days, the hospital discharged Caitlin with assistive devices and supports provided by her insurance company's Statutory Accident Benefits (no-fault benefits). She still faced multiple surgeries and months of rehabilitation. How would she manage to carry on with her career and her personal life?

### legal support vital

When the accident occurred, friends and family told Caitlin to get a lawyer as soon as possible so that she'd receive the support and entitlements she deserved. She contacted David Share Associates, and after a thorough initial consultation, she retained DSA to help her with her insurance claim, and to pursue damages against the at-fault driver.

### putting the case together

DSA's first task was to review the initial benefit applications to ensure that Caitlin was receiving all she was entitled to. It was clear, from the medical reports, that Caitlin would need time and treatment to recover from her injuries. Meanwhile, she was missing out on both income and opportunities to advance in her career.

The DSA team compiled police reports and data regarding the circumstances of the accident. They filed a lawsuit against the trucker within two years of the accident

date, to stay within any deadlines involved in pursuing Caitlin's rights. The insurance company for the trucker acknowledged that they would be hard-pressed to deny responsibility for the accident, but they claimed that Caitlin was partially at fault also.

### mediation less stressful than a lengthy trial

After a number of legal procedures, DSA and the trucker's insurance company agreed to attend a private mediation to reach a claim settlement that would work for both parties. After five hours of negotiation, they reached a settlement amount that would help Caitlin to take steps to enhance her recovery and move ahead.

It was a stressful experience, requiring Caitlin to come to terms with the fact that not everything she wanted would be granted. Even so, the alternative of a lengthy trial process seemed daunting to her. The limits of medical science and the legal system are such that Caitlin can't recover the position she was in before the accident, but the settlement respected her dignity and gave her much-needed closure on a totally preventable event in her life.

### moving forward

Caitlin has returned to work on a part-time, modified basis. She went ahead with her wedding, and although it isn't clear whether she will be able to have children, she is optimistic about starting a family and facing life's future challenges. She is working fewer hours than she had hoped, but the settlement funds have helped Caitlin and her husband put a down-payment on their family home.

Caitlin continues to receive therapeutic treatments periodically to make sure that she remains in good condition. Settlement funds pay for these services as well. Although the money won't last forever, she is thankful that it has been available – and to DSA for making her recovery less stressful. 

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



## Did You Know...

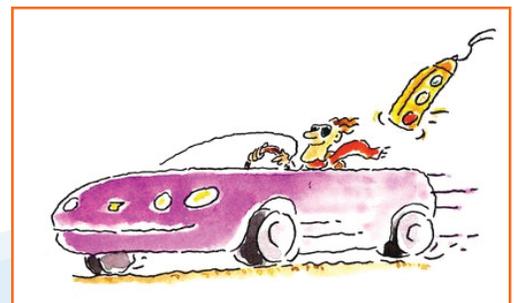
- You can receive up to \$15,000 for lost education expenses if you cannot continue in an educational program that you were enrolled in at the time of a car accident
- DSA team members are carefully selected for particular skills, and must all be experienced, compassionate people.
- DSA was one of the first law firms in Ontario to advertise legal services when the rules were changed in 1987.

## Laugh

"I tell you, women drivers are a hazard to traffic. Driving to work this morning on the freeway, I looked over to my left and there was a woman in a red Mustang doing 85 miles per hour with her face up next to her rear view mirror putting on her eyeliner!

I looked away for a couple seconds, and when I looked back, she was halfway over in my lane.

It scared me so bad that I dropped my electric shaver in my coffee, and it spilled all over my cell phone!"



# Interaction



Ellen and Jory Sigismund

## special night for two

You could win a special getaway at the Elora Mill Country Inn & Restaurant created just for you. The winner will spend a night in a luxurious room, enjoying the magnificent views and excellent service the Elora Mill Country Inn is known for. Breakfast included.

## how to enter

Send your name and contact information by e-mail to [contest@sharelawyers.com](mailto:contest@sharelawyers.com)  
Deadline: September 21, 2005



The Elora Mill Country Inn & Restaurant,  
77 Mill Street West, Elora  
[www.eloramill.com](http://www.eloramill.com)

## winners had a ball

The winners of last issue's contest are Ellen and Jory Sigismund. They won two tickets to Les Miserables in Toronto on September 24th. Ellen sent this note in appreciation:

Dear DSA:

My husband Jory and I greatly appreciate the tickets for Les Miserables and we look forward to it immensely.

I wanted to let others know how extraordinary our experience has been with your firm. You went well beyond the normal call of duty, delivering more than the necessary legal support that arises in such circumstances and carrying it out with the utmost respect to our very young and thus fragile family.

David Share Associates' honesty and most of all their lack of self-interest is what separates them from the other firms I have spoken to and heard about. Dealing with people in need involves creativity, sensitivity and flexibility, and DSA is in a class with only a handful of other firms practicing the highest standards in the legal profession.

Sincerely yours, Ellen and Jory Sigismund. 

## You Said it!

"Very professional; used straight forward language without any legal jargon. I was kept informed of progress throughout the entire process. I received regular updates on my condition in relation to my case. Mr. Share and his associates have been very empathetic and extremely careful in considering my feelings when dealing with sensitive issues. The staff was very helpful and courteous and I received excellent service. I will gladly refer any friends/family who need legal representation."

— J.L. *Serious Car Accident*

"I found David Share Associates were very honest and helpful in handling my case. They tried their best to bring a fair conclusion to my case at the earliest even though the insurance company dragged on for a long time. The staff was helpful and very prompt in their response to my questions, verifications and claims."

— P.K. *Car Accident*

This newsletter is intended to supply general information only. We take care to ensure the accuracy of this information. However, as laws change, the reader should always check to ensure the accuracy and applicability of any information with regard to their own situation. The information in this newsletter cannot replace a thorough, complete review of your situation by competent legal counsel.



DAVID SHARE  
ASSOCIATES • LAWYERS

Head Office:  
David Share Associates  
3442 Yonge St.,  
Toronto, Ontario,  
Canada, M4N 2M9

Phone: 416-488-9000  
Toll-Free Phone: 1-888-777-1109  
Email: [legal@sharelawyers.com](mailto:legal@sharelawyers.com)  
Please visit our website at  
[www.sharelawyers.com](http://www.sharelawyers.com)