

SHARE PERSPECTIVES



A NEWSLETTER FOR CLIENTS AND FRIENDS OF SHARE LAWYERS

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Associate Lawyer

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FREE DISABILITY BOOKLET

Call (416) 488-9000 for your free copy of Disability Benefits Denied: What To Do When The Insurance Company Denies Your Disability Claim.

SETTLEMENTS

We have recently settled cases with:

- Industrial Alliance
- Great West Life
- Sun Life
- Blue Cross
- RBC and many more

IN PERSON:

Andrew Holmes

Accidental Death Deemed Suicide by Life Insurance Company; Claim Denied

Andrew Holmes, a 58-year-old Operations Manager from Windsor, Ontario, was found deceased on March 12, 2013, by his wife, Marie. Autopsy and toxicology reports concluded that the cause of death was a lethal combination of pain killers and anti-anxiety medications, which caused an unintentional overdose.

HIS WIFE WAS HIS BENEFICIARY

A short while after Andrew's funeral, Marie, who had been a home-maker throughout her marriage, put in a claim for Andrew's life insurance money. She waited anxiously for a response so that she could pay off the mortgage and the bills that had been piling up since she lost Andrew.

INSURANCE COMPANY INVESTIGATES CLAIM

Since Andrew had purchased his life insurance policy only 14 months prior to his death, his claim fell within the two-year contestability period. Marie was assured by their financial advisor that the insurance company's request for Andrew's full medical records was standard procedure at this point, but they were blindsided when the insurance



Andrew's death was incorrectly ruled a suicide by his insurance company, leaving his wife to cope.

company finally responded with a denial. According to them, Marie would not be receiving the \$250,000 life insurance benefit because Andrew's death was caused by suicide.

Marie was not only shocked, she was furious that the insurance claims manager accused Andrew of killing himself. It was an insult to his memory and a poor excuse not to pay her what was rightfully hers.

Not knowing where to turn, she asked her financial advisor for help. He handed Marie a brochure from Share Lawyers, assuring her that if anyone could help her fight the insurance company's denial, Share Lawyers could.

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TEAM PROFILE: Samantha Share, Associate Lawyer



If you ask Samantha why she chose to become a lawyer, she'll respond, "I always wanted to help people who could not speak out for themselves." Her work at Share Lawyers allows Samantha to fulfill her lifelong goal of helping others by giving vulnerable and disabled people a voice.

As Associate Lawyer, Samantha's role includes attending motions and conducting examinations for discovery as well as settlement negotiations.

Samantha also consults with new clients who are looking for legal representation with their insurance claim matters.

"I enjoy assisting clients at all stages of their case, from the beginning intake, and throughout the legal process," she says.

Samantha was admitted to the Ontario bar in 2012. She started her law career articling and then working for a large downtown insurance defence firm before joining Share Lawyers in 2013.

Outside of the office, Samantha enjoys playing on her volleyball team and exploring the city on long walks. In her downtime she can also be found curling up with a good book. [SP](#)

QUOTABLE:

"Life isn't about finding yourself. Life is about creating yourself."

- George Bernard Shaw

IN PERSON: ANDREW HOLMES (continued from page 1)

HOW SHARE LAWYERS HELPED

Marie met with David Share for a free consultation. David was compassionate, professional and patient with Marie, who was overcome with emotion when she discussed the loss of her husband and the financial stress caused by the insurance company's refusal to pay her the benefit.

Marie immediately felt that she had an ally in David and was impressed with his 27 years of experience in insurance denials, so she asked David to take on her case.

The staff and team of lawyers at Share Lawyers went through Andrew's insurance policy and medical records with a fine-tooth comb. All evidence, including reports from Andrew's family physician, physiotherapist and psychiatrist,

pointed to the same conclusion that was noted in the medical examiner's report: the drug overdose was accidental and the suicide clause did not apply in this case.

The insurance company could no longer ignore the facts. They agreed to settle with Marie and paid her the full amount of the life insurance claim plus a portion of her legal fees. They did not, however, acknowledge any wrongdoing on their part and did not pay any additional damages or penalties.

Marie was grateful to Share Lawyers for defending her rights at a time when she felt vulnerable and alone. She used the money to pay off her mortgage and car loan. Today, Marie is working part-time at a retail store and enjoying a new chapter in her life. [SP](#)

[All names and identifying details have been changed to protect the confidentiality of all involved.]

ASK A LAWYER:

Life Insurance - Beneficiaries & Contestability

Q: My mother passed away due to complications from liposuction surgery. I am her life insurance beneficiary, but I have been denied the benefit monies because the insurance company says it does not cover death caused by cosmetic treatment or surgery. Is there anything I can do?

A: Ensure that you have a copy of the actual policy and review the clause that they are relying upon. Often the clauses are open to interpretation and you should have the policy wording reviewed by a lawyer experienced in dealing with life insurance claims.

Q: What is a contestability period in life insurance policies?

A: The standard contestability period under Ontario law is 2 years. This means that once the policy is in force for a period of greater than 2 years, it can only be cancelled or voided in the event of a fraudulent misrepresentation. If the death occurs within the first 2 years, a simple error in answering the questions on the application for the life insurance can result in the claim being denied and the policy being rescinded. It is important to have the specific facts in every case reviewed by an experienced lawyer in life insurance claims to determine whether a claim denial has been properly made by the insurance company. [SP](#)

Laugh!

During a science lesson, a teacher picked up a magnet and said to her second-grade class, "My name begins with the letter M, and I pick things up. What am I?"



A little boy answered, "You're a mommy."

DID YOU KNOW?

Suicide a Common Exclusion in Life Insurance Policies

Most life insurance policies have a two-year suicide exclusion period. It is meant to prevent suicidal individuals from purchasing a life insurance policy in order to guarantee a big payout for their loved ones or clear their debts after they are gone.

Insurance companies believe that if an individual really wants to take their own life, they will not wait two years to do it; therefore the two-year timeframe is sufficient enough to protect the insurer against such deliberate and fraudulent claims.

After the two-year exclusion period is up, the insurance company must pay out benefits even if death is caused by suicide.

Community Donation Program

The Share Lawyers Community Donation Program honours clients who refer friends or family to Share Lawyers with the case accepted and client served.

For this issue a donation has been made to the Canadian Mental Health Association

In honour of:

- Darren P.
- Nesrin B.
- Joanne K.
- Denise B.
- Cindy T.
- Marisa FB.
- Kathy NG.

This is one more way for Share Lawyers to thank those who refer friends or family.

FAMILY NEWS



- Vice President Steven Muller recently enjoyed a magical trip to Disney with his wife and three children.
- Law Clerk, Tarun Singh, celebrated 5 years with Share Lawyers on September 8.
- Senior Law Clerk, Volker Triebe, will be celebrating 15 years with the firm on October 6.
- Share Lawyers welcomed Alison Gilmour to the team as an Associate Lawyer in April 2014.

INSPIRATION:

“Don’t be discouraged. It’s often the last key in the bunch that opens the lock.”

-Anon.

You Said It!

COMMENTS FROM ACTUAL CLIENTS

Great experience. Staff was always helpful and kept me informed as to what was happening with my case. Communication was excellent. I would recommend your firm to anyone.”

- Paula T., long-term disability claim

“Your support and guidance was the only thing that made this difficult process tolerable. Thank you for all your help.”

- Graham C., long-term disability claim

“Shira, David, thank you. You answered every one of my phone calls professionally and emphatically. Your firm was essential in ultimately getting the LTD benefits that were owed to me.”

- Chris M., long-term disability claim

Refer a Friend

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.

Please recommend Share Lawyers to your family and friends with long-term disabilities who struggle with private or group insurance claims.

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No Fees Unless We
Win Your Case