



CAMPISI LLP

Personal Injury Lawyers
CHAMPIONS WITH HEART.

**AFTER A CAR ACCIDENT
ACCESS YOUR LEGAL RIGHTS**



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This booklet is meant to assist people who have been seriously injured in a motor vehicle accident on or after June 1, 2016 understand the compensation available in Ontario and to provide information to help facilitate making an insurance claim.

This pamphlet is not nor is it intended to be legal advice, but merely conveys general information related to legal issues commonly encountered. Legal advice requires knowledge of your personal circumstances, and can only be obtained through a personal interview with a lawyer.

“ I was injured in a single vehicle accident and sustained a fractured ankle. It did not heal well, and I went on to develop debilitating chronic pain. I had a legal representative, but as the fight with the insurance company got really tough, they referred me to a law firm and Joseph Campisi was my lawyer. Joseph was very caring, not only about me but also how my case affected my family. Joseph worked tirelessly on my case as the insurance company kept on appealing the decision that Joseph won at arbitration. We won for the last time at the Ontario Court of Appeal. My case is now well known in the legal community and it was featured in many legal publications. Throughout this whole ordeal, the only thing I can be thankful for is that Joseph was my lawyer, his care, compassion and experience made all the difference. ”

~ **Anna Pastore, Catastrophic Injury**

“ My father was in a horrible crash and he suffered a severe brain injury as well as serious fractures. Joseph Campisi came highly recommended and he promised us that he would be relentless in representing my father. He kept his promise. Joseph cared about my dad's recovery and made sure that the funding was there so that my dad received the best treatments and medical equipment that he needed. The rehabilitation team always spoke highly of Joseph and told us that we were lucky to have him as our lawyer. I think that the fact that Joseph is an insurance law professor made a difference because even the insurance company's lawyer respected Joseph's abilities. ”

~ **Nika M., Brain Injury**

“ I feel fortunate that I was referred to Cesar Carranza. I suffered a spinal cord injury when I fell off a trailer. From the initial meeting when Cesar came to the hospital, he alleviated most of my troubles and I was able to focus on getting better. Cesar and Joseph settled my case quickly, and I felt supported through the whole process, not only by them but also by an awesome medical and rehabilitation team that they assembled. Before settling the case, Cesar gave a range of how much he thought he could resolve the case for, which was close to the policy limits, and I told him that if he got me that, I would kiss his rear end. At the end, Cesar settled my case for the policy limits. With regards to my offer, he settled for a hug and a hand shake. I would not hesitate to recommend Cesar and Joseph to anyone who has suffered a spinal cord injury. ”

~ **Bruno, Spinal Cord Injury**

97%

CUSTOMER
SATISFACTION
RATE

16

LANGUAGES
SPOKEN

24/7

LEGAL ADVICE
AND SUPPORT

<15

NEW CASES
TAKEN ON
EACH MONTH

THE CAMPISI DISTINCTION

Clients first. Excellence always.

At Campisi LLP, these aren't just words. It's what enables us to look after our clients the way we would want our families to be represented and cared for. It's what keeps us up at night, looking for ways to get you quicker and better settlements. It's what makes us strive to be leaders in our field.

It's why we respect you and treat you with dignity, doing everything in our power to make your life easier. Client's first. Excellence always. More than words, it's what we live by.

Campisi LLP offers its clients a guarantee of satisfaction with its legal services. We make this promise because of our confidence in our lawyer's skills, experience, judgment and their commitment to delivering high quality, client-focused service. Our customer service guarantee is based upon an open, candid relationship with clients. We pledge to provide services that effectively address each client's specific objectives. In return, we ask our clients to tell us promptly if they are dissatisfied in any way with our services, giving us the opportunity to correct any problem and improve the lawyer-client relationship.

Although a law firm cannot guarantee that it will win a lawsuit or achieve a certain result, we can and do promise to put our clients first, working with them to identify, address, and effectively pursue their objectives. To ensure that we provide this level of dedication, we framed our guarantee in these terms:

We guarantee that as a client of Campisi law you will receive cost-effective legal services delivered in a timely manner. We promise to involve you in strategic decisions and to communicate with you regularly. We cannot guarantee outcomes, but we do guarantee your satisfaction with our service. If at any time Campisi Law does not perform to your satisfaction, we ask that you inform us promptly. We will then resolve the issue to your satisfaction.



"We represent clients as if they were family - with true caring and tireless support.

With our legal expertise and understanding of complex medical and insurance systems, we help clients receive the fair compensation they deserve."

~ Joseph Campisi LLP



**Client suffered mild traumatic brain injury;
under observation for five days in hospital -
developed post-concussion syndrome.**

**Total compensation
exceeded \$1.15 million.**

CAMPISI WINS CASES

Below are just some of the outstanding results we have achieved for our clients:

Client fractured their ribs and received burns to their legs (13% of body).

Total compensation exceeded \$2.5 million.

Client received 2nd and 3rd degree burns to their face, neck and chest area (18% of body).

Damages recovered exceeded \$3.5 million.

Client fractured their sternum and spine – subsequently diagnosed with post-concussion syndrome (no evidence of traumatic brain injury during four-day hospitalization).

\$1.8 million in total compensation recovered.

Client experienced post-concussion syndrome although there was no initial evidence of traumatic brain injury.

Total compensation exceeded \$2.2 million.

Client hospitalized with mild traumatic brain injury overnight – led to post-concussion syndrome.

Recovered \$1.05 million in total compensation.

Client experienced chronic pain following a broken collarbone.

Total compensation exceeded \$1.1 million.

Client suffered relatively minor physical injuries – unclear whether the collision caused client's subdural hematoma (brain bleed).

Total compensation exceeded \$2 million.

Client suffered a traumatic brain injury – at fault for collision.

\$1.5 million in compensation recovered.

Client broke nose in collision – no other lasting physical impairments.

\$400,000 in damages recovered.

Past results are not necessarily indicative of future results and the amounts recovered and other litigation outcomes will vary according to the facts in individual cases.

All of these clients trusted Campisi LLP to represent them. Although we cannot guarantee that all claims will lead to exceptional results like these, clients can trust Campisi LLP to invest the same passion, effort and expertise in every case.

With Campisi LLP on their side, our clients know they are in good hands and this means they can focus on their recovery.



WHEN YOU OR A LOVED ONE HAVE BEEN INJURED

When you have suffered a serious injury in a car accident, the following actions need to be taken as soon as possible:

- Seek medical assistance
- Write down the names, addresses and telephone numbers of those people who were involved in the accident, as well as any witnesses.
- Let your family doctor know that you have been injured.
- Report the accident to your car insurance company as soon as possible after the accident, or if you don't have one, to the insurance company of the car that hit you.
- Report the accident to your employer or school, and if you have disability insurance available, find out what steps must be taken to inform that insurance company of your injuries.
- Report the accident to any other insurer you may have, for example mortgage or debt forgiveness through credit cards.
- If the police did not come to the scene of the accident, report the accident to them.
- Keep receipts of all accident related expenses.
- Your family should keep a record of dates and times that they have spent caring for you.



URGENT HINT: Even if you think you are at fault, you could still be a victim of negligence and should consult with a lawyer. Possible causes include ice or snow covered roads, defects on the road surface, improper road design or sightline obstructions. Lawsuits against cities and municipalities require that notice of the pending lawsuit be submitted 10 days after the accident. It is therefore urgent that you consult with a lawyer to take the steps necessary to protect your rights.

MYTH: “My insurance premiums will go up if I make a claim.”

FACT: Your premiums do not go up because you make an accident benefits claim. Your premiums may go up if your insurance company determines that you were more than 25% at fault for the accident. Premiums will increase if you are more than 25% at fault and your insurance company does not provide you with accident forgiveness.

MYTH: “I can handle my insurance claim on my own.”

FACT: If your injuries are minor and your recovery is expected to be straightforward, this may be true. However, if you have suffered serious injuries you should have legal assistance. The accident benefits process is adversarial: you want to obtain all the treatment, assistance and income support you need; your insurer wants to pay as little as possible. It is also not a level playing field. You are likely not familiar with the complex Accident Benefits system, while insurance adjusters receive extensive training on the law and how to handle claims. Often insurance companies deny claims to accident victims without real justification. There have been many cases of “special awards” and punitive damages imposed against insurers that acted callously or unreasonably withheld benefits. A lawyer can help protect you from such behavior. In addition, if you wish to pursue a lawsuit against the person who caused the accident, you will need a lawyer to navigate that process.

MYTH: “I can’t afford a lawyer.”

FACT: Most personal injury lawyers offer a free consultation. If they take your case, they generally won’t charge anything up front, and will base their fee on what you recover from the insurance companies. When your case settles, the insurance companies may also contribute an additional amount to help pay your lawyer’s bill.

OVERVIEW OF AVAILABLE COMPENSATION IN ONTARIO

Being involved in an accident can be overwhelming. Not only do victims have to deal with physical limitations and difficult emotional issues, but also with unplanned financial issues: income loss, the cost of medical and rehabilitation treatment, nursing care, baby-sitting, etc.

1. Private or work insurance

If you have short-term or long-term disability benefits available through your job or a private policy, you should apply for those benefits immediately. That insurance policy is considered the “first payer”, and your car insurance will only cover what your disability policy does not.

2. No-fault benefits

Ontario has an accident benefits system that is meant to provide you with peace of mind.

The accident benefits system is intended to provide you with fast access to essential benefits when you are injured, regardless of who is to blame for the accident itself – hence they are often referred to as No-Fault Benefits.

3. Fault-based lawsuits

In addition to the accident benefit claim, you may also sue the persons responsible for the accident for the losses caused by their negligence. This is called a tort claim and includes compensation for:

- Your pain and suffering;
- Economic losses such as some of the shortfall between your immediate income loss and the accident benefits you receive;
- Economic losses incurred by family members as a result of the accident;
- The cost of future medical treatment and care;
- The cost of future attendant care;
- The negative effects of your injuries on your future ability to earn money in the job market;
- The cost of housekeeping and caregiving needs;
- Loss of shared family income;
- Out of pocket expenses;
- Loss of care, guidance and companionship suffered by your immediate family.



HINT: You may be entitled to no-fault benefits if you were injured in a snowmobile, ATV, or other recreational vehicle.



The legal procedures and the law surrounding a tort claim are very complicated and you should seek the advice of a lawyer. Some of the basic facts of which you should be aware include the following:

1. You can sue for compensation even if you are partially at fault – your compensation will be reduced to take into account your own liability.
2. Over 95% of these lawsuits are settled without going to trial.
3. Your compensation is usually paid for by the insurance company of the at-fault persons, not out of that person's pocket. If the person at fault has no insurance, your own insurer will pay some or all of the compensation owed to you.
4. In most cases, if you were driving without insurance, you cannot sue, even if you were not to blame at all for the accident. However, you are still entitled to most no-fault benefits
5. Unless you sustain a permanent and serious impairment or serious scarring, you cannot claim compensation for pain and suffering.
6. For accidents occurring in 2021, even if you do suffer a permanent and serious impairment, the first \$39,754.31 of any compensation for your pain and suffering will not be paid to you, unless your pain and suffering award exceeds \$132,513.28. These amounts increase every year by the Consumer Price Index for Canada.

As with the accident benefits claim there are strict time limits:

- You must notify the person or people who caused the accident of your intention to sue within 120 days of the accident.
- If the City or municipality is negligent you must notify them within 10 days of the accident of your intention to sue.
- You must sue the at-fault parties within 2 years of the accident.



HINT: You do not have to speak to the insurance company of the other people involved in the accident. As what you say could affect your right to compensation, it is a good idea to have a lawyer with you if and when you decide to provide a statement to them.

ACCIDENT BENEFITS OVERVIEW

These benefits are available to you, the injured person, and your spouse and certain other family members if they are traumatized and or debilitated because of your accident and injuries. You and your family can make a claim for disability and rehabilitation benefits.

You have access to these benefits regardless of:

1. Whether you were at fault for the accident;
2. Your legal status in Canada;
3. Whether you were a pedestrian, cyclist or passenger;
4. Whether you were injured in another province of Canada or the United States;
5. Whether the accident involved an automobile, snowmobile, ATV, motorcycle or dirt bike.

You may not be able to claim some accident benefits if:

- You were injured during the course of your employment, unless certain conditions are met. In this case, if you cannot or choose not to claim accident benefits, you may claim benefits through the Workplace Safety and Insurance Board system. Check with a lawyer before you decide which benefit system you will make a claim under.
- You were a passenger in a car that you knew had no insurance;
- You were a passenger in a car and knew that the driver did not have a license or that the car was being used without the owner's consent;
- You made or knew of a misrepresentation made to the insurance company about the insurance contract;
- Your use of the car results in criminal charges, or refusal to provide a breath sample. (unless you are later acquitted).

If the insurance company can establish that these exclusions apply to you, you will not receive Income Replacement Benefits, Non-earner Benefits, Education Benefits, Visitor Expenses, or House-keeping benefits. It is important to speak to a lawyer to ensure all your rights are protected.



NOTE: The amounts in this pamphlet are the minimum policy amounts for accidents which occurred on or after June 1, 2016. If you have purchased optional coverage, the maximum amounts of the benefits may be greater. Check your policy to see if you have optional coverage.

OTHER CONSIDERATIONS

There are other situations where someone who is injured may have a right to sue for his or her losses. Some examples are:



**ATV &
SNOWMOBILE
ACCIDENTS**



**SLIP & FALL
CLAIMS**




**BOATING
ACCIDENTS**



**ACCIDENTS
ON OTHER
PEOPLE'S
PROPERTY**



**INSURANCE
DISPUTES**



**BRAIN INJURY
AND
SPINAL CORD
INJURY CLAIMS**



**OTHER
INJURY
CLAIMS**



CATASTROPHIC IMPAIRMENT

What is a “catastrophic impairment”?

The exact definition of “catastrophic impairment” depends on the date of your accident. The definition of “catastrophic impairment” is one that results in but may not be limited to: paraplegia, quadriplegia or tetraplegia, certain amputation or other impairments causing total and permanent loss of use of one or more arm(s) or leg(s), loss of vision in both eyes, certain brain injuries, significant or extreme mental and behavioural disorders, or certain other combinations of impairments that result in 55% or more impairment of the whole person. A determination must be made by medical experts

DESCRIPTION OF ACCIDENT BENEFITS AND HOW TO CLAIM THEM

If you are planning to claim any benefits, you will need to complete the “Application for Accident Benefits” or OCF-1 form and submit it to the insurance company within 30 days of receiving the application forms. You only need to complete one OCF-1 form.

You will need a health care practitioner to fill out a Disability Certificate (OCF 3) and once completed submit it to the insurance company. The insurer will from time to time request an updated Disability Certificate in order to determine whether you continue to be entitled to a benefit. When they do this, you will have 10 business days to return a completed Disability Certificate to them, or your benefits can be suspended.



HINT: The doctor may charge you or the insurance company for the completion of the certificate. If you pay the doctor, send the bill to the insurance company with the Disability Certificate and they must reimburse you for the expense.



All Accident Forms are available for download on our website at
www.campisilaw.ca/motor-vehicle

WHERE DO I SEND MY APPLICATION FOR ACCIDENT BENEFITS?

If you have auto insurance of your own, or are named on any policy (for example, your spouse's or parent's), you apply to your own insurance company for benefits – even if your car was not involved in the accident.

If you are not named on any car insurance policy, then you apply to the insurance company that insures the car you were in during the accident. If that car doesn't have insurance, or if you weren't in a car at the time (you were walking or biking), you apply to the insurance company of the car in the accident. If none of the cars in the accident were insured, you apply to the Motor Vehicle Accident Claims Fund (MVAC). Visit www.ontario.ca/page/apply-motor-vehicle-accident-claims-fund for more information.



TIME LIMITS: To access Accident Benefits you must act fast as there are strict time limits.

7 DAYS

You must inform the accident benefits insurance company of the accident, and that you were hurt within 7 days.

30 DAYS

You must send in a complete accident benefits application within 30 days after it was provided to you by the insurance company. If you take longer, the insurance company can delay your benefits for 45 days and may be able to deny you benefits altogether.

10 DAYS

The insurance company is entitled to information needed to determine your entitlement. You have 10 business days after they request such information to provide it, or they can suspend or deny your benefits.

2 YEARS

If your insurance company denies you benefits to which you are entitled, you must apply to the License and Appeals Tribunal within 2 years of the denial.



ACCIDENT BENEFIT TABLE

TYPE OF BENEFIT	BENEFIT OWED	DETAILS
WEEKLY BENEFITS Income Replacement Benefit or Caregiver Benefit or Non-Earner Benefit	<p>70% of your gross weekly income.</p> <p>Up to \$250 weekly, plus \$50 for each additional person requiring care.</p> <p>\$185 or more weekly.</p>	<p>Up to a maximum of \$400 per week, unless you have purchased a higher optional coverage. Not payable for the first 7 days. Qualifying test changes after 104 weeks.</p> <p>For assistance looking after children, elderly parents or other dependants under your care prior to the accident. This is available only if you sustained a catastrophic injury or you purchased this optional benefit.</p> <p>Available if you do not qualify for the Income Replacement Benefit. Commences 4 weeks after the accident and it is payable for 2 years maximum.</p>
Housekeeping and Home Maintenance Expenses	\$100 weekly maximum.	Only available if you suffer from a catastrophic impairment or if you purchased optional benefits.
Educational Expense Benefits	Maximum of \$15,000.	Available to students of any age or level whose injuries have prevented them from continuing their education.
Visitor Expense Benefits	No limit.	<p>Available to certain members of your family for expenses incurred visiting you during treatment or recovery. Payable for 2 years for non-catastrophic injury.</p> <p>If you have sustained a catastrophic impairment, this benefit is available for life</p>
Damage to Clothing	No limit.	Available to you if your clothing, eye glasses and medical devices were damaged by the accident.
Transportation Expense Benefits	No limit.	Covers transportation costs including mileage and parking for medical appointments further than 50 km per trip. There are no distance limits if you suffer from catastrophic injuries.

TYPE OF BENEFIT	BENEFIT OWED	DETAILS
Funeral and Death Benefits	Varied.	<p>Up to \$6,000 for funeral costs.</p> <p>Up to \$25,000 death benefit to spouses or dependants if no spouse.</p> <p>Additional \$10,000 death benefit to all surviving dependants and supported former spouse.</p>
Medical and Rehabilitation Benefits and Attendant Care	<p>Maximum of \$3,500 if you sustain minor injuries. Attendant Care not available.</p> <p>Maximum of \$65,000 for non-catastrophic impairment for 5 years or until 28 years of age if you were younger than 18 at the time of accident.</p> <p>Maximum life time of \$1,000,000 for catastrophic impairments.</p>	<p>Covers cost of services, medical treatments and expenses that are “reasonable and necessary” for recovery including:</p> <ul style="list-style-type: none"> ■ Medications ■ Physiotherapy ■ Counselling (Social Workers or Psychologists) ■ Occupational therapy ■ Speech therapy ■ Assistive devices like wheelchairs ■ Home or vehicle modifications ■ Dental treatments ■ Cost of assessments ■ Case Manager (for catastrophic impairments only) <p>Other optional benefits listed in your insurance policy</p> <p>Covers cost of personal care services that you need due to your injuries. Attendant care services may be performed at home or while you are still in the hospital, and include assistance with things like personal grooming, dressing, mobility, exercise and bathing.</p>



PLEASE NOTE: Some benefits available to you may be limited if you were knowingly driving without insurance, or without a valid licence, or if you are convicted of a criminal driving related offence. Attendant care, medical benefits and caregiver benefits are not affected

BENEFITS EXPLAINED

Electing A Weekly Benefit

Income Replacement Benefit (IRB), Non-Earner and Caregiver benefits are 'Weekly Benefits'. You cannot simultaneously claim all three weekly benefits. If you qualify for more than one, your insurer must send you a form on which you choose which benefit to receive.

Income Replacement Benefits

If you were employed at the time of the accident and you are unable to work due to your injuries, you may be eligible for Income Replacement Benefits (IRB) to compensate you for lost salary. You qualify if you were employed at the time of the accident; or you had worked for at least 26 of the 52 weeks prior to the accident; or were receiving Employment Insurance (EI) benefits at the time of the accident.

To receive Income Replacement Benefits, you must have a substantial inability to perform the essential tasks of your pre-accident job(s). If you continue to be disabled from work for two years, the test changes, and you will only receive the benefit if you are completely disabled from engaging in any job for which you are suited by education, training or experience.

The insurance company will pay 70% of your gross pre-accident income, to a maximum of \$400/week, less any short-term or long-term disability benefits you may be entitled to through work or private insurance.

Non-Earner Benefit

This benefit applies to people who do not qualify for IRB's. For example, if you are unemployed, a student, or a homemaker, you may be eligible. The Non-Earner Benefit of \$185 weekly is only available starting four weeks after the accident, if you continue to be completely unable to carry on a normal life as a result of the accident. You must be at least 18 years old to receive the benefit and it will be paid for a maximum period of two years.

Caregiver Benefits

You may be entitled to Caregiver benefits only if you purchased this coverage as an additional benefit or if your injuries are deemed Catastrophic. If you were caring for a dependent, such as child, an elderly parent or disabled sibling before the accident without pay, and after the accident you have to hire help because your injuries prevent you from looking after them, the insurance company will pay up to \$250 a week of the cost of that hired caregiver, and up to an additional \$50 a week for each additional dependent.

To receive the benefit, you must have been the primary caregiver for the person, and you cannot receive a care giving benefit if you were being paid to care for that person before the accident. This benefit is only meant for expenses that arose as a result of the accident, and not for pre-existing expenses.



HINT: If you have STD/LTD benefits that reduce your Income Replacement Benefit to little or nothing, you might want to choose the caregiver benefit. Please consider that this must be an "incurred" expense. Please visit page 16 for more information

Housekeeping And Home Maintenance Expenses

You may be entitled to Housekeeping benefits only if you purchased this coverage as an additional benefit or if your injuries are deemed Catastrophic. The insurance company is obligated to cover the costs of paying someone to do the household work that you previously did yourself, if your injuries prevent you from carrying out your normal duties at home and someone else does them for you.



This benefit covers up to \$100 per week for up to two years. If you have a catastrophic injury, there is no limit on how long you can receive this benefit. You must also prove that the expense is “incurred”.

Attendant Care Benefits

The accident benefits insurer may be required to pay for personal care services that you need due to your injuries. These services can be performed by the person of your choice, including a family member, provided that the definition of “incurred” expense is met.

Attendant care services may be performed at home or while you are still in the hospital, and includes assistance with things like personal grooming, dressing, medication, mobility, personal hygiene, exercise, and bathing.

There is a monthly maximum of \$3000 for attendant care. The combined maximum payable for attendant care and medical rehabilitation benefits for non catastrophic injuries is \$65,000 and there is maybe claimed up to 5 years . For catastrophic injuries, the monthly maximum is \$6000, and no time limit and the combined maximum payable for attendant care and medical rehabilitation benefits for is \$1 million.

Definition of Incurred

Housekeeping, Caregiving and Attendant expenses must be “incurred” in order to be payable. This means that they must meet all of the following criteria:

1. The injured person received the services
 2. The injured person has paid or has promised to pay for the service
 3. The person who provides the services
 - a. Was engaged in an occupation or business which normally provides that service
- OR
- b. Sustained an “economic loss” as a result of providing the services to the injured party. The benefit payable in this instance is the economic loss.

To apply for Housekeeping, Caregiving and Attendant benefits, in addition to the OCF-1 form described on page 13, you must send the insurance company receipts of your payments to the caregiver, or invoices for the services provided, both of which should include details of what the service provider has done, the hours worked, and the hourly rate. You must also send proof that the expense meets the incurred criteria.



For example, you may need to send proof of the occupation of the service provider or copies of their pay stubs before and after the accident.

Damage to Personal Items

If your clothes or medical devices (such as eyeglasses or hearing aids) were damaged in your accident, the insurer must pay for these losses or replace them.

Damage to or loss of personal items like jewelry must be claimed from your personal or home insurance policy, although most home policies will have an exclusion for items damaged in motor vehicle accidents. If that is the case with your policy, this type of damage can be compensated through any tort claim that you initiate.

We have included a sample form on page 18 to help you keep track of these expenses.



HINT: Carefully consider when choosing a rehabilitation company: if there are more than one equally qualified to treat you, choose the closest one. Some companies will provide transportation.

Visitor Expenses

Certain family members and roommates can claim their expenses for visiting you during your treatment or recovery. This could include expenses such as airfare, accommodations, transportation, meals and parking at hospital.

We have included a sample form on page 19 to help you keep track of these expenses.

Transportation Expenses

If you have a catastrophic injury, the insurance company must pay for all your transportation to medical appointments.

If you have not sustained a catastrophic injury, the insurer must reimburse you for your transportation for any distance greater than 50 km for any single appointment. This includes money spent on gas, public transit, or taxis.

We have included a sample form on page 20 to help you keep track of these expenses.

Special Considerations For Paediatric Injury Cases

When a child has suffered a serious injury, the aftermath is emotional and stressful. It is easy to become overwhelmed with all the decisions that need to be made related to treatment and costs of care. An experienced personal injury lawyer can help ease the burden and ensure that your child and your family's needs are taken care of and that you are protected for the future.

To ensure your child's legal rights are protected and they receive the very best representation, we will conduct a thorough inquiry into the unique circumstances of your child's case.

The following questions will be taken into consideration:

- Has your loss of income been taken into account for the time you have missed work and will continue to miss work in the future due to your child's treatment and care needs?
- What will your child's estimated future loss of earning capacity be? We take into consideration the parents work, education and past work experience and the education of other children in the family to make this estimate.
- Will the cost of respite care for you and supervision for your child be calculated correctly?
- What financial structures and arrangements should be put into place in the event that your child outlives you?
- Will the court approve the settlement you agree to on your child's behalf?

WHAT IF THE INSURANCE COMPANY REFUSES TO PAY?

If the insurance company refuses to pay a benefit you have applied for - usually after it has received a medical report from its doctor and decided the expense is not reasonable or necessary, or you do not meet the disability test for entitlement – it must tell you the reasons for its decision. If you think the insurance company is wrong, you must apply within two years of the denial to the License and Appeals Tribunal.

MAKE THINGS EASY FOR YOURSELF

The following suggestions will help you to protect your interests, keep track of your claims, and make it easier for you to claim benefits and compensation:

- Keep a record of the names and telephone numbers of all the health care professionals: doctors, specialists and therapists involved in your medical care following the accident.
- Keep receipts for all your expenses related to your accident and injuries. If possible, keep copies of the receipts when you send them to the insurance company for reimbursement. If that is not possible, keep good records of what expenses you send to the insurance companies and when, and what their response is. This will help you keep track of what is owed to you.
- Keep records of the time your family or friends spend caring for you, doing your housework or helping around the house because you are injured. Record what they do, how long it takes, and who does it.
- You can do this on separate forms, or in a diary, which can also be used to keep track of how you are feeling from day to day. If the accident was not your fault, write "For my lawyer" on the front of the diary to protect your privacy later.

DAMAGED ITEM TRACKING FORM

ITEM DESCRIPTION	REPLACEMENT COST + HST	RECEIPT: YES OR NO



PLEASE NOTE: Other items may be claimed in tort or against home insurance.

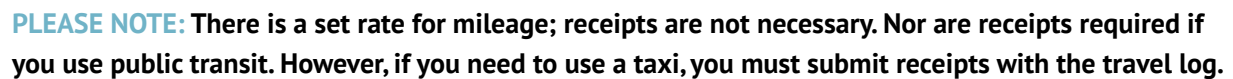
VISITOR EXPENSE TRACKING FORM

NAME									
RELATIONSHIP TO INJURED PERSON									
EXPLANATION									
EXPENDITURES									
DATE	DESCRIPTION	MILEAGE (KM)	PARKING	AIR, BUS OR RAIL	TAXI	LODGING	MEALS	OTHER	TOTAL

PLEASE NOTE: There is a set rate for mileage; receipts are not necessary. Nor are receipts required if you use public transit. However, if you need to use a taxi, you must submit receipts with the travel log.

AFTER A CAR ACCIDENT | Access Your Legal Rights

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TRANSPORTATION TRACKING FORM

DATE	APPOINTMENT PURPOSE	METHOD OF TRANSPORTATION	ROUND TRIP DISTANCE	ADDITIONAL COSTS (PARKING, BUS)	TOTAL
June 1 2014	Physiotherapy 122, Coxwell Ave, Toronto	car	51 km @ .38/km	\$4.00	\$23.38



PLEASE NOTE: If you drive or are driven by a friend or family member, there is a set rate for mileage; receipts are not necessary. Nor are receipts required if you use public transit. However, if you need to use a taxi, you must submit receipts with the travel log.

[illegible]

“ I can't thank Joseph Campisi enough. I was involved in a serious car accident and I suffered serious orthopaedic injuries which prevent me from ever returning to the job that I had at the time of the accident. I was referred to Joseph Campisi by a friend who works at a law firm. I had heard about other people's cases taking many years to resolve, but Joseph was able to resolve it after a couple of years. Joseph and his team were always accessible, even on evenings or weekends. The settlement far exceeded my expectations and it will provide financial security for me and my family. ”

~ **Omar C., Vehicle Accident**

“ I was struck by a car as a pedestrian and suffered catastrophic injuries. I was lucky that I was cared for at a great trauma hospital otherwise I probably would have died. Our family lawyer highly recommended that I contact Joseph Campisi Personal Injury Lawyers. Joseph, Cesar and the entire team were better than family in steering me through the months that followed. I recommend this firm without issue. I have never had a better experience working with lawyers or legal staff who were more professional, effective, or nice. I don't wish my particular circumstances on anyone but if you ever find yourself in the same position you cannot have a finer personal injury lawyer helping you than Campisi LLP. Unquestionably the best! ”

~ **Peter, Google Review**



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