

THE fine PRINT

SUMMER 2013

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Beware - You Likely Don't Have Enough Insurance

Many people buy automobile insurance without ever looking at their policy. Actually, the first time they inspect their coverage and their benefits is *after* they have been in an accident. Unfortunately, by that time, it is far too late.

We not only purchase automobile insurance because the law requires us to, but also because we want to be *protected* if we are in an accident. It is for this second reason that drivers should be made aware of the various coverages available under their policies.

There are two important aspects of every automobile policy in Ontario that drivers should be familiar with. The first is third party liability insurance. The second is accident benefits.

Third Party Liability Insurance

Third party liability insurance protects you in the event you injure someone in an accident. If you are sued, your insurance company will protect you up to your available liability limits. The minimum available limit in Ontario is \$200,000, though \$1 million is the norm.

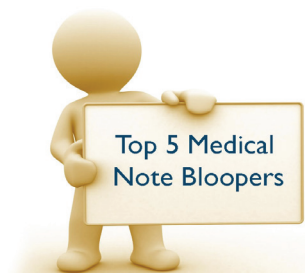
The cost of increasing your third party liability limits will vary with your insurer and will also depend on various factors such as your location, your driving record, and how the policy is rated. In most cases, however, the cost of increasing your third party liability limits from \$1 million to \$2 million is only \$50 to \$70 annually if you are located in Toronto. It will be cheaper if you are elsewhere in the province.

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Listed Top 10 in Canada

McLeish Orlando LLP has been named one of the top-10 personal injury boutiques in Canada by *Canadian Lawyer* magazine. Canadian Lawyer's editorial team began the process of selecting Canada's top-10 personal injury boutiques by creating a long list of the most notable players in their respective fields, the article says. An insurance defence lawyer comments: "They would be at the top of most people's lists... That's where I would send my family members."

www.mcleishorlando.com



Over the years we have seen thousands of medical notes from doctors to occupational therapists and sometimes these notes have us on the floor laughing. We have compiled a list of our Top 5 Medical Note Bloopers to humour you. We hope you don't make these same mistakes when writing with your clients.

1. Patient has chest pain if she lies on her left side for over a year.
2. The pelvic examination will be done later on the floor.
3. Large brown stool ambulating in the hall.
4. Patient has two teenage children but no other abnormalities.
5. Discharge status: Alive but without permission.

Beware - You Likely Don't Have Enough Insurance - con't...

You may want to consider increasing your third party liability limits. Not only will it afford you greater protection in the event you injure someone in an accident and are found to be at fault, but it will also protect you if you are injured through the fault of another and that other person cannot be identified (e.g. hit-and-run) or does not have sufficient insurance coverage to compensate you for your injuries. You may not be aware that your automobile policy nearly always includes an optional family protection endorsement (called the OPCF-44R endorsement) which allows you to claim against your own insurer in the event you are injured by an unidentified, uninsured, or underinsured driver.

Given that most drivers only carry \$1 million in third party limits, the extra coverage under your own policy would prove crucial if you were seriously injured in an accident.

Accident Benefits

A person who is injured in a motor vehicle accident may claim statutory accident benefits through his or her own auto insurer. These benefits are available to an insured person regardless of who is at fault for the accident. In the case of non-catastrophic injuries, the standard accident benefits are:

- Income replacement benefits to a maximum of \$400 per week.
- Medical and rehabilitation benefits to a maximum of \$50,000 total.
- Attendant care benefits to a maximum of \$3,000 per month/\$36,000 total.

In the case of "catastrophic" injuries, the limit for medical and rehabilitation benefits is increased to \$1,000,000 total, the limits for attendant care benefits are increased to \$6,000 per month/\$1,000,000 total, and housekeeping benefits are available at \$100 per week for life.

Many people are unaware of accident benefits at all, let alone the specific benefits available to them, and that they have the option of increasing those benefits and purchasing optional benefits. As in the case of third party liability limits, the cost of increasing the standard benefits limits is relatively low.

Below is a table summarizing the cost of optional accident benefits from Chubb Insurance, provided by Oslyn Hones, an insurance broker with The Hull Group:

Optional Coverage	Benefit	Increase in Premium Per Policy
Income Replacement Benefit	\$600 per week	\$120
	\$800 per week	\$240
	\$1000 per week	\$375
Death and Funeral Benefit		\$15
Caregiver, Housekeeping and Home Maintenance Benefit		\$35
Dependant Care Benefit		\$15
Medical/Rehab	\$100,000	\$30
Attendant Care		\$10
Medical, Rehabilitation (to \$1.100 M) and Attendant Care Benefit (to \$1.072M)	\$1.100M and \$1.072M	\$160

Drivers seeking a peace of mind following an automobile accident should consider speaking to their broker.

In the Community

Helmets on Kids



In the month of June, McLeish Orlando LLP was a lead partner in Cycle Toronto's Bike Month 2013 and hosted the 4th Annual Toronto's Helmets on Kids. Hundreds of young cyclists will be safer on Toronto streets, thanks to this year's campaign launched at Blake Street Junior Public

School. The firm donated 500 helmets to children, as part of a campaign aimed at stopping a dangerous trend.

Staggering Statistics:

- In 2012, 51 cyclists between the ages of 5 and 14 were injured in cycling collisions in Toronto. Of those, only 13 were wearing helmets;
- Between 2006 and 2011, an average of 80 cyclists, between the ages of 5 and 14, were injured each year in cycling collisions in Toronto;

Toronto's Helmets on Kids campaign was launched in 2009 by McLeish Orlando LLP. It is part of a province-wide Bike Helmets on Kids program started by members of the Ontario Trial Lawyers Association (www.otla.com). Over the past four years, the firm has donated helmets to more than 2,000 public school students across Toronto. The Ontario Safety League, Toronto Police, Eastview Boys & Girls Club, Cycle Toronto, Cycle Solutions, the Brain Injury Society of Toronto, the Ontario Trial Lawyers Association and Ward 30 Councillor Paula Fletcher supported this year's campaign.

McLeish Orlando LLP also provided the children with safe cycling tips that included the following:

- Obey traffic signals and the rules of the road;
- Ensure your bicycle has a bell, as well as reflectors and lights for night use;
- Always yield to pedestrians, and use your hand signal for lane changes.

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5 Car Seat Safety Tips

According to the Ministry of Transportation (MTO), car crashes are the number one cause of death for Canadian children. Field data shows that more than 90% of baby car seats are not used or installed correctly which can lead to long-term injuries or death.

It is important that parents be aware that properly installed child seats can significantly reduce the chance that the child will be seriously injured or killed in the event of a collision.

Top 5 Safety Tips from Transport Canada

1. Always ensure that you are using the proper seat that corresponds to the child's weight and height. There are four car seat stages as outlined in the chart below.

2. Canadian vehicles manufactured on or after September 1, 2002, come with lower universal anchorage points (UAS). Consult the manual before using the UAS system to determine where the anchorage points are located and ensure that the correct method is used as advised by the car seat manufacturer.
3. Ensure that the car seat is not expired beyond the seat's useful life date. Transport Canada website provides a list of life span and expiration dates of car seats sold in Canada. (http://www.tc.gc.ca/media/documents/roadsafety/KKS_checklist.pdf). Use caution when buying or using a pre-owned child seat. Ensure that

the car seat has a Canadian motor Vehicle Safety Standards (CMVSS)

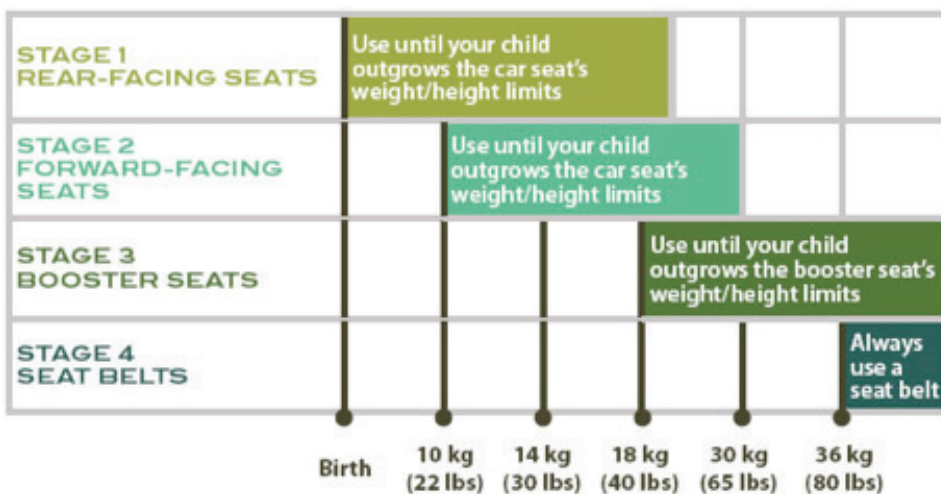


sticker. One of the most common errors is not tightening the seatbelt or harness enough. A snug harness means that only one finger should be able to fit between the harness and your child at the collarbone.

4. Always replace a child seat that was in a car that had a crash. Even if your child was not in the child seat when the crash happened, the child seat could be damaged.

Your local OPP detachment, Toronto Police Services or the St. John's Ambulance will hold periodic clinics for parents to ensure that their child seats are properly and safely installed. Below is a list of private companies that specialize in car seat installation.

- www.babycarseatexperts.ca
- www.buckleupbaby.ca
- www.childcarseatsafety.ca
- www.safeandsoundcarseats.ca
- www.kid-watch.com
- www.carseatinstallers.com
- www.seatsforkidscanada.com



For more information on Child Car Seat Clinics visit <http://www.tc.gc.ca/eng/roadsafety/safedrivers-childsafety-seat-clinics-1058.htm#on>

Event Calendar

- MAY 27** **BIKE MONTH 2013 - Bike To Work Day**
McLeish Orlando LLP was the lead sponsor of Cycle Toronto's Bike Month 2013. Encouraging safer cycling in the City of Toronto.
- JUNE 6** **Ontario Bar Association's The Experts on Expert Evidence: Building a Winning Case at Trial**
Rikin Morzaria presented on Future Care Cost Reports/ Practical Considerations and John McLeish participated on a panel demonstration - The Accident Reconstruction Expert Witness: Examination Based on a Hypothetical Question.
- JUNE 8** **Cycle Toronto Rides for Richmond Adelaide Protected Bike Lanes**
McLeish Orlando LLP was a part of the 6 km bike ride to raise awareness and promote Cycle Toronto's campaign for bike laneways on Richmond and Adelaide.
- JUNE 11** **McLeish Orlando's 4th Annual Toronto's Helmets On Kids Event**
The firm donated 500 helmets to the children of Blake Street Junior Public School. Toronto's Helmets on Kids campaign was launched in 2009 by McLeish Orlando LLP. Over the past four years, the campaign has donated helmets to more than 2,000 children across Toronto.
- JUNE 12** **Brain Injury Society of Toronto's Brain Injury Awareness Month**
The member firms of the Personal Injury Alliance are proud to support the Brain Injury Society of Toronto's Brain Injury Awareness Month. It was a fun filled afternoon at Nathan Phillips Square with live entertainment.
- JUNE 12** **OBIA/BIST's Mix and Mingle**
The Ontario Brain Injury Association and Brain Injury Society of Toronto's annual Mix and Mingle was a huge success, the member firms of the PIA were proud to be a Platinum Sponsor for the cause.
- JUNE 13** **Catastrophic Impairment: A Look Into the Future**
McLeish Orlando and the PIA member firms were proud to host the annual

Practical Strategies Conference at the Carlu. Over 250 people attended the full day conference and enjoyed a night of cocktails and mingling.

- JUNE 15** **Hamilton Brain Injury Association's 8th Annual 5K by the Bay**
McLeish Orlando is proud to support the 8th Annual 5K by the Bay Walk and Run for Brain Injury Awareness Month.
- JUNE 20** **Brain Injury Association of Peel and Halton Une Affaire de Chocolat**
McLeish Orlando was proud to be the Silver Sponsor for the Brain Injury Association of Peel and Halton's Une Affaire de Chocolat.
- JUNE 25** **Bike Month 2013 - Wrap Up Party**
McLeish Orlando was proud to be the lead sponsor for Cycle Toronto's Bike Month. The Wrap Up Party was held at the Gladstone Hotel to mark the end of Bike Month but the beginning of safer streets.
- SEPT 21** **Brain Injury Society Toronto's 5K Run, Walk and Roll**
The PIA member firms are proud to be a Gold Sponsor for the 3rd Annual 5K Run, Walk and Roll event. The proceeds from this event will support the programs and services provided by BIST.
- SEPT 22** **Spinal Cord Injury Ontario's Wheelchair Relay Challenge**
Join us at this year's Spinal Cord Injury Ontario Wheelchair Relay Challenge. This year's Toronto event will be held at Ontario Place (Parking Lot #2).
- SEPT 26** **Brain Injury Association of Waterloo Wellington Hawaiian Mix & Mingle**
McLeish Orlando LLP is proud to sponsor the annual Mix & Mingle. Join us in your hawaiian shirts and grass skirts to support the programs and services the Brain Injury Association of Waterloo Wellington have to offer.

In the Community con't...

PIA Practical Strategies Conference – Catastrophic Impairment: A Look into the Future

This year's Practical Strategies Conference was a huge success. With over 250 delegates in attendance the conference was designed to provide information on the unique advocacy required for proving a spinal cord injury case and the latest developments for spinal cord injury rehabilitation, provide a forum for discussion of models of care and treatment strategies. The event raised more than \$24,000 which was donated to Toronto Western Hospital and St. Michael's Hospital.

Martella Family Seeks Justice after Fatal TTC Bus Crash

An emotional press conference was held on July 3rd to announce the lawsuit against the TTC for the late Wendy Martella. Wendy was struck earlier this year on January 23 she was crossing at the intersection of Eglinton and Sinnott Road when the TTC bus driver, Ms. Angelidis, made an unscheduled stop in the middle of the intersection to pick up a passenger, failed to notice the traffic light had turned red and drove through the intersection, killing Ms. Martella. McLeish Orlando LLP was retained by the Martella family to bring justice to them. The family is filing a lawsuit that is part of the family's bid to hold the driver and the TTC accountable for their failure to follow the safety procedures that were put in place. To stay updated, visit: blog.mcleishorlando.com/blog/martellacase

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