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MCLEISH ORLANDO^{LLP}
LAWYERS

“Known leaders in personal injury claims,”

– Canadian Lawyer

THE MCLEISH ORLANDO DIFFERENCE

EXPERTISE. McLeish Orlando LLP is a firm of experienced lawyers dedicated to helping people who have been seriously injured and family members who have lost a loved one through the negligence of others. Our lawyers have successfully represented people who have suffered brain injuries, spinal cord injuries and serious orthopaedic injuries. Our goals are to achieve a just and speedy resolution for you and your family and to shelter you from the stress and anxiety of dealing with insurance companies.

INDIVIDUALIZED ATTENTION. We limit the number of cases we take on so that we can give each client the time, energy and resources required to achieve fair compensation.

SPECIALIZED TEAM. Every case is handled by a specialized team consisting of a senior lawyer, an associate lawyer, an accident benefits co-ordinator, a law clerk and a legal assistant. Our approach emphasizes our strong belief in continuous client contact.

STATE OF THE ART TECHNOLOGY. Our firm has developed leading edge legal software so that clients' files are scanned, organized and instantly available to all team members.

MAXIMIZING MEDICAL RECOVERY. Selecting a professional case manager is critical to achieving the best possible medical recovery. The case manager is responsible for assembling and co-ordinating the rehabilitation team. A strongly committed team of rehabilitation professionals is essential in returning you to a normal life. Over the years, we have developed an extensive network of case managers and rehabilitation professionals. As a result, we are able to assemble the best rehabilitation team based on the specifics of your case.

RESULTS. We have achieved an enviable record of success for our clients and have earned the respect of judges, mediators and insurance companies. We are a firm that other lawyers recommend to their clients.



CHOOSING A PERSONAL INJURY
LAWYER IS ONE OF THE MOST
IMPORTANT DECISIONS AN INJURED
PERSON WILL MAKE.

CHOOSING A LAWYER

CHOOSING THE RIGHT LAWYER. Finding the right lawyer after you or a family member has suffered a serious personal injury is one of the most important decisions you will ever have to make. You need to make this decision at a very difficult time in your life, without any previous experience. Here are some tips to help you make the right choice:

- Ask a lawyer you know for the names of lawyers who have the very best reputations for representing individuals who have suffered serious personal injuries.
- Ask for a free initial consultation.
- On the initial consultation, ask the following hard questions and make sure you are comfortable with the answers and the lawyer.

THE HARD QUESTIONS YOU SHOULD ASK BEFORE HIRING A LAWYER

- Do all members of your firm devote 100% of their time to representing individuals who have suffered serious personal injuries?
- Do you limit the number of clients you take on so that you can devote all the time necessary to my case?
- How will you keep me informed and up to date on my case?
- Are the lawyers in your firm routinely asked by the Law Society, the Canadian Bar Association and other legal organizations to teach other lawyers the latest and most innovative techniques in personal injury law?
- Have you or members of your firm published text books on personal injury law and practice?
- Does your law firm have the financial resources to finance my case without a retainer?
- Will you handle my case without ever sending me an account for fees or disbursements until my case is successfully concluded.
- Do you utilize the most modern and advanced computer software systems so that all documents in my case are organized, scanned and instantly available to all members of my legal team?



HELP FOR WHAT LIES AHEAD

ACCIDENT BENEFITS

WHAT CAN I CLAIM FOR ACCIDENT BENEFITS?

INCOME REPLACEMENT BENEFITS

(i) Disability Test at the Time of the Accident for the First 104 Weeks Thereafter

- The injured person was employed on the date of the accident and suffers a substantial inability to perform the essential tasks of that employment, or
- The injured person was not employed, but worked at least 26 of the 52 weeks before the accident (or was receiving EI at the time of the accident) and was 16 years old or more (or was excused from attending school under the Education Act at the time of the accident) and suffers a substantial inability to perform the essential tasks of the employment in which the person spent the most time during the 52 weeks before the accident.

(ii) Disability Test After 104 Weeks

- The injured person suffers a complete inability to engage in any employment for which he or she is reasonably suited by reason of education, training or experience.

(iii) Amount

- Nothing for the first 7 days.
- The amount of benefits for the first 104 weeks is 70 percent of gross weekly income after deducting applicable collateral benefits, to a maximum of \$400.00 per week.
- After 104 weeks, the amount of the benefits is the greater of weekly income benefits or \$185.00 per week, if the injury prevents the injured person from engaging in any occupation or employment for which he or she is reasonably suited by education, training or experience.

(iv) Indexation

- For income replacement benefits, there is no indexation, except where optional coverage has been purchased.

NON-EARNER BENEFITS

(i) Disability Test

- A non-earner benefit is payable if there is a complete inability to carry on a normal life.

(ii) The Insurer is not Required to pay a Non-Earner Benefit:

- For the first 4 weeks after the onset of the complete inability
- Before the insured person is 18 years of age
- For more than 104 weeks after the accident; or
- If the insured person is eligible to receive and has elected to receive either an income replacement benefit or a caregiver benefit

(iii) Amount

- \$185.00 per week is payable starting 4 weeks after the accident

CAREGIVER BENEFITS

(i) Disability Test at the Time of the Accident and for the First 104 Weeks Thereafter. The injured person must have suffered a catastrophic impairment.

- The injured person must be residing with an individual in need of care and the injured person was the primary caregiver for the individual in need of care and did not receive any remuneration for providing the care.
- The injured person must suffer a substantial inability to engage in caregiving activities that he or she was engaged in at the time of the accident.

(ii) Disability Test After 104 Weeks

- The injured person must suffer a complete inability to carry on a normal life.

(iii) Amount

- \$250.00 per week payable for the first person in need of care.
- \$50.00 per week payable for each additional person in need of care.

MEDICAL, REHABILITATION AND ATTENDANT CARE BENEFITS

(i) Non-Catastrophic

- \$65,000 for reasonable and necessary expenses, payable up to 5 years after the accident
- Maximum attendant care payable is \$3,000 per month

(ii) Catastrophic

- Up to \$1,000,000 for reasonable and necessary expenses, payable over a lifetime
- Maximum attendant care payable is \$6,000 per month.

EDUCATION BENEFITS

- The injured person must be enrolled in an educational program at the time of the accident and unable to continue the program.
- \$15,000.00 for lost tuition, books, equipment, or room and board incurred before the accident.

EXPENSES OF VISITORS

- Payment of all reasonable and necessary additional expenses incurred as a result of the accident in visiting the injured person during treatment or recovery.
- Limited to specific family members including a spouse, children, grandchildren, parents, grandparents, siblings and some others.
- No payment after 2 years unless a catastrophic injury has been sustained.

HOUSEKEEPING AND HOME MAINTENANCE

- Payment of all reasonable and necessary additional expenses for housekeeping and home maintenance, if there is a substantial inability to perform these services and these services were performed by the injured person before the accident.
- Up to \$100.00 per week.
- No payment unless a catastrophic injury has been sustained.

DEATH BENEFITS

- \$25,000.00 for spouse.
- \$10,000.00 for dependents.
- \$6,000.00 maximum for funeral expenses.



“My experience working with John McLeish, far exceeded my expectations. McLeish Orlando’s knowledge, skill and attention to detail made the process of my lawsuit far much less traumatic.”

– Julie Enns

WHAT CAN I CLAIM IN MY LAWSUIT?

PAIN & SUFFERING

LOSS OF ENJOYMENT OF LIFE

(i) Must Meet “Verbal Threshold”

- The injured person must prove that he or she has suffered a “permanent”, “serious” impairment of an “important” physical, mental or psychological function.

(ii) \$37,938.33 (2018)* Deductible in Certain Circumstances

- If the award is \$126,610.07 (2018)* or less.

LOSS OF INCOME EARNING CAPACITY AND COMPETITIVE ADVANTAGE

(i) Loss of Income Up to Date of Settlement or Trial

- Can recover 70% of gross income loss less disability benefits, less income replacement benefits.
- Not payable before the injured person turns 16.

(ii) Future Loss of Income Earning Capacity and Competitive Advantage

- Can recover 100% of gross income.

LOSS OF HOUSEHOLD AND HOME MAINTENANCE CAPACITY

- Payable if the injuries interfere with the injured person's ability to perform skilled project work and household and home maintenance chores.

FUTURE COST OF CARE

- Payable if the injured person meets the verbal threshold.
- Payable for future health care expenses.

LOSS OF SHARED FAMILY INCOME

- Payable if the injuries reduce the chances of getting married, or increase the chances of separation or divorce.

OUT OF POCKET EXPENSES

- Covers expenses not covered by accident benefits.

*Adjusted annually based on inflation.

FAMILY LAW ACT CLAIMS

LOSS OF GUIDANCE, CARE AND COMPANIONSHIP

- Subject to \$18,991.61 (2018)* deductible if the award is \$63,304.51 (2018)* or less.
- No deductible applied in cases of death of a family member.

LOSS OF INCOME

- Covers loss of income sustained by a family member in caring for the injured person, or loss of income resulting from the death of a family member.

VALUE OF NURSING, HOUSEKEEPING AND OTHER SERVICES

- Covers the value of services provided by a family member to the injured person.

OUT OF POCKET EXPENSES

- Covers expenses not covered by accident benefits.

*Adjusted annually based on inflation.



NINE STEPS IN A LAWSUIT

1. Initial Interview
2. Investigating & Securing Evidence About the Accident
3. Lawsuit Started
4. Gathering of Important Documents & Photographs
5. Examination for Discovery
6. Damages Work-Up
7. Mediation
8. Pre-Trial Conference
9. Trial

NINE STEPS IN A LAWSUIT

Ensuring a successful resolution of your personal injury case requires going down the right road. Here is how we do it.

1. INITIAL INTERVIEW

Our first meeting is to inform and help you understand what needs to be done. Our goal is to make sure we get your case started on the right foot in order to maximize the chances of success.

2. INVESTIGATING AND SECURING EVIDENCE ABOUT THE ACCIDENT

Immediately after the initial interview, we use our investigative team to gather and protect important evidence. This includes obtaining photos of the vehicles and accident scene, obtaining witness statements and conducting a forensic analysis.

3. LAWSUIT IS STARTED

Shortly after the initial interview, we start a lawsuit by issuing a Statement of Claim with the Superior Court of Justice and serving a copy on the defendants. We issue and serve the Statement of Claim at this early stage, as we understand that successfully resolving your case as soon as possible is important to you.

4. GATHERING OF IMPORTANT DOCUMENTS AND PHOTOGRAPHS

We obtain important documents and photos from you and other sources early in the process as this will enhance the value of your claim, while at the same time avoiding unnecessary delays.

5. EXAMINATION FOR DISCOVERY

This procedure takes place in an office where the lawyers for the insurance companies ask you questions about your background, the accident and your losses. We, in turn, ask the defendants questions. Present at your examination will be a lawyer from our office, lawyers for the insurance companies and a reporter who will record all of the questions and answers and later provide a transcript.

6. DAMAGES WORK-UP

After examinations for discovery we obtain detailed reports from a variety of experts including engineers, doctors, psychologists, rehabilitation and vocational consultants, future care specialists, economists and accountants to prove all aspects of your case.

7. MEDIATION

Mediation is an opportunity to settle your case without having to go to court. It is an informal procedure where you will not be required to give evidence. We utilize the latest technology, demonstrative aids and advocacy techniques to present your case and enhance the likelihood of success.

8. PRE-TRIAL CONFERENCE

If your case is not settled at mediation, a pretrial conference is held. At the pretrial conference, the lawyers for all parties appear before a judge in a further effort to settle the case. Before the pretrial conference, we deliver compelling and comprehensive written submissions. At the conference itself, our experience, credibility and expertise have gained us an enviable record of success.

9. TRIAL

Even though over 97% of all lawsuits settle before trial, from the initial interview, we will have started preparing your case for trial. If your claim is one of the few that does go to trial, you can feel secure knowing that you are in the hands of leaders in trial advocacy. Our skill in the courtroom has resulted in many large verdicts over the years.



LET US BE THE STRONG VOICE
THAT SPEAKS ON YOUR BEHALF

TIME LIMITS

WHAT ARE THE IMPORTANT TIME LINES THAT MIGHT AFFECT MY RIGHTS?

7 DAYS to notify your insurance company that you intend to apply for accident benefits.

30 DAYS to complete your application for Statutory Accident Benefits through your own insurance company.

120 DAYS to notify the at-fault-driver that you intend to start a lawsuit.

2 YEARS to begin a lawsuit against all potential defendants.



FREE CONSULTATION
WE'RE LISTENING

FREQUENTLY ASKED QUESTIONS

1. WHAT HAPPENS WHEN I AM DISCHARGED FROM THE HOSPITAL?

If properly utilized, accident benefits can pay for a wide variety of items and services that an injured person requires. It is important that your lawyer provides you with the right occupational therapist or case manager who can make sure you receive the help you will require.

2. SHOULD I TALK TO THE INSURANCE COMPANY BEFORE I HAVE CONSULTED WITH A LAWYER?

No. All discussions with any insurance company should take place after you have consulted with a lawyer and been advised of your rights. Insurance company representatives fully understand if you provide your lawyer's name and telephone number and request that all initial discussions be with your lawyer.

3. HOW DO I COMPLETE ALL OF THE FORMS?

You shouldn't. Completion of the forms the correct way requires skill and experience. The omission or incorrect usage of a phrase or a sentence can have long term detrimental consequences. The forms should be completed by an accident benefits co-ordinator.

4. WHAT IF MY INJURIES PREVENT ME FROM WORKING?

You can receive income replacement benefits through your accident benefit insurance company. An income replacement benefit will pay 70% of your gross income up to a maximum of \$400.00 per week. You may also be entitled to receive short term disability benefits and/or long term disability benefits through either a privately held insurance policy or a group policy of insurance purchased by your employer. Lastly, you may apply to Canada Pension Plan for a disability pension in certain circumstances. In addition to these benefits, you are entitled to claim for remaining loss of income in your lawsuit.



*“Dale and his team have our family’s deepest gratitude for life!
We honestly could not imagine having gone through the process
without them!”*

– Family of a Seriously Injured Son

5. WHAT BENEFITS AM I ENTITLED TO IF I WAS NOT WORKING?

If you were the primary caregiver for someone in your home before the accident and you are not able to continue providing care after the accident, you may be entitled to caregiver benefits of \$250.00 per week. You may be entitled to an additional \$50.00 per week for every other person you were taking care of before the accident.

Even if you were not the primary caregiver for someone in your home, you may be entitled to non-earner benefits of \$185.00 per week beginning four weeks after the accident, if you are completely unable to carry on a normal life. You must be at least 16 years old to receive non-earner benefits.

6. WHAT IF I AM A STUDENT AND CAN'T RETURN TO SCHOOL?

If you cannot return to school, you are eligible for a lost educational expense not to exceed \$15,000.00 for expenses incurred before the accident for tuition, books, equipment or room and board.

7. WHAT IF I AM A PEDESTRIAN OR CYCLIST INJURED BY A MOTOR VEHICLE AND DON'T HAVE MY OWN INSURANCE?

You are entitled to receive accident benefits from the insurance company of the driver or the Motor Vehicle Accident Claims Fund. In addition, you may begin a civil lawsuit against the at-fault driver.

8. WHAT IF I AM AT FAULT FOR THE ACCIDENT?

You are still able to receive full accident benefits. If your injuries are serious, these benefits may be substantial.

9. DO I HAVE THE RIGHT TO CHOOSE MY OWN CASE MANAGER AND TREATMENT PROVIDERS OR MUST I ACCEPT THOSE ASSIGNED BY THE INSURANCE COMPANY?

You have the right to choose the person who will manage your care, treat your injuries and direct your rehabilitation. The right lawyer can help you make an informed choice.



“There are no words to express how much Patrick Brown’s caring, compassion and dedication have meant to our family. Without him, there would have been no accountability or closure respecting my husband’s tragic death in 2007. He and his team are a unique and amazing group of people, and they have touched our lives forever.”

– Linda Longauer

COMMUNITY RESOURCES

COMMUNITY RESOURCES AVAILABLE TO YOU

GOVERNMENT SERVICES

- **Canada Pension Plan (CPP)**
www.sdc.gc.ca/en/isp/cpp/cpptoc.shtml
Toll Free: 1-800-277-9914
P.O. Box 5100, Postal Station "D", Scarborough, Ontario M1R 5C8
- **Employment Insurance**
www.hrsdc.gc.ca/en/gateways/nav/top_nav/program/ei.shtml
Toll Free: 1-800-206-7218
25 St Clair Avenue East, 1st Floor, Toronto, Ontario M4T 3A4
- **Financial Services Commission of Ontario (FSCO)**
www.fSCO.gov.on.ca
Telephone: 416-250-7250 or Toll Free: 1-800-668-0128
5160 Yonge Street, P.O. Box 85, Toronto, Ontario M2N 6L9
- **Ontario Association of Community Care Access Centres**
www.oaccac.on.ca
Telephone: 416-750-1720
800 Bay Street, 7th Floor, Toronto, Ontario M5S 3A9
- **Ontario Disability Support Program (ODSP)**
www.mcSS.gov.on.ca/mcSS/english/pillars/social/programs/odsp.htm
Telephone: 416-314-5700
Ministry of Community and Social Services
Ontario Disability Support Program, Income Support
385 Yonge Street, 2nd Floor, Toronto, Ontario M5B 1S1
- **Ontario Works**
www.mcSS.gov.on.ca
Telephone: 416-325-5666 or Toll Free: 1-888-789-4199
Ministry of Community and Social Services, Client Services Unit
900 Bay Street, M1-57 Macdonald Block, Toronto, Ontario M7A 1N3
- **Wheel-Trans**
www.toronto.ca/ttc/special.htm
Telephone: 416-393-4111
Toronto Transit Commission
1900 Yonge Street, Toronto, Ontario M4S 1Z2

BRAIN INJURY

- **Brain Injury Association of America**
www.biausa.org
Telephone: 703-761-0750
8201 Greensboro Drive, Suite 611, McLean, Virginia 22102
- **Brain Injury Association of Niagara (BIAN)**
www.niagara.com/bian
Telephone: 905-984-5058
111 Church Street, St. Catharines, Ontario L2R 3C9
- **Coma Recovery Association, Inc. (CRA)**
www.comarecovery.org
Telephone: 631-756-1826
8300 Republic Airport, Suite 106, Farmingdale, New York 11735
- **Community Head Injury Resource Services (CHIRS)**
www.chirs.com/CHIRS
Telephone: 416-240-8000
62 Finch Avenue West, North York, Ontario M2N 7G1
- **International Brain Injury Association (IBIA)**
www.internationalbrain.org
Telephone: 1-703-960-6500
5909 Ashby Manor Place, Alexandria, Virginia 22310
- **National Resource Center for Traumatic Brain Injury**
www.neuro.pmr.vcu.edu
- **Ontario Brain Injury Association (OBIA)**
www.obia.on.ca
Telephone: 905-641-8877 or Toll Free: 1-800-263-5404
P.O. Box 2338, St. Catharines, Ontario L2R 7R9
- **Toronto Acquired Brain Injury Network**
www.abinetwork.ca
Telephone: 416-597-3057
550 University Avenue, Room 920, Toronto, Ontario M5G 2A2

SPINAL CORD INJURY

- **Canadian Paraplegic Association (CPA)**
www.cpaont.org
Telephone: 416-422-5644
520 Sutherland Drive, Toronto, Ontario M4G 3V9
- **The National Spinal Cord Injury Association (NSCIA)**
www.spinalcord.org
Toll Free: 1-800-962-9629
6701 Democracy Boulevard, Suite 300-9 Bethesda, Maryland 20817

ORTHOPAEDIC INJURY

- **American Academy of Orthopaedic Surgeons (AAOS)**
http://orthoinfo.aaos.org
Telephone: 202-544-4686
317 Massachusetts Avenue Northeast, Washington, DC 20003

WRONGFUL DEATH (OR ACCIDENTAL DEATH) BEREAVEMENT GRIEF COUNSELLING

- **Bereaved Families of Ontario**
www.bereavedfamilies.net
Telephone: 416-440-0290
36 Eglinton Avenue West, Suite 602, Toronto, Ontario M4R 1A1

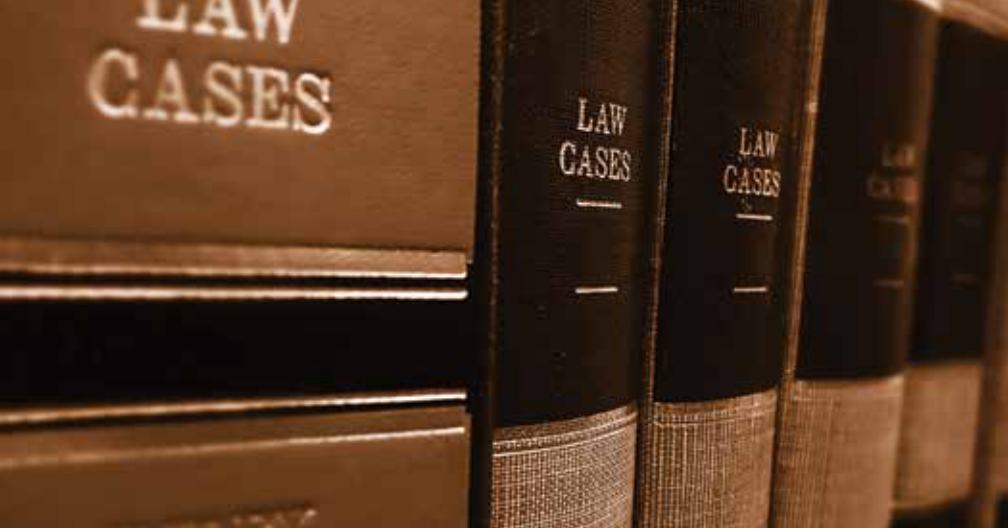
OTHER SERVICES

- **College of Physicians and Surgeons**
www.cpso.on.ca
Telephone: 416-967-2603 or Toll Free: 1-800-268-7096
80 College Street, Toronto, Ontario M5G 2E2
- **Meals On Wheels - GTA**
www.mealsonwheels.ca
Telephone: 416-962-9449
192 Carlton Street, 2nd Floor, Toronto, Ontario M5A 2K8
- **Mothers Against Drunk Driving (MADD)**
www.madd.org
Toll Free: 1-800-438-6233
511 East John Carpenter Freeway, Suite 700, Irving, Texas 75062
- **Ontario March of Dimes**
www.dimes.on.ca
Telephone: 416-425-3463 or Toll Free: 1-800-263-3463
10 Overlea Boulevard, Toronto, Ontario M4H 1A4



TAKING A THOROUGH AND VIGOROUS
APPROACH ALLOWS US TO GAIN MAXIMUM
BENEFITS AND COMPENSATION ON BEHALF
OF OUR CLIENTS

- **Ontario March of Dimes - Assistive Devices Program**
www.dimes.on.ca/programs/access_adp.asp?sect=access
Toll Free: 1-866-765-7237
291 King Street, 3rd Floor, London, Ontario N6B 1R8
- **The War Amps**
www.waramps.ca
Telephone: 416-412-0600
1 Maybrook Drive, Scarborough, Ontario M1V 5K9
- **War Amps - Adult Prosthetics Program**
www.waramps.ca/adult/home.html
- **War Amps - Life As A New Amputee**
www.waramps.ca/nac/amputee.html
- **War Amps - Programs & Services**
www.waramps.ca/programs.html



*McLeish Orlando's principal partners,
John McLeish, Dale Orlando and Patrick Brown
are consistently ranked Most Recommended by Lexpert.*

GLOSSARY OF TERMS

ACCIDENT BENEFITS. Benefits in the form of money or assistance provided to persons injured in a motor vehicle accident, regardless of who is at fault. Types of accident benefits including: non-earner, income replacement, attendant care, caregiver, medical, rehabilitation, funeral expenses, visitor expenses, housekeeping and home maintenance.

ADJUSTER. A person who investigates and/or adjudicates insurance claims on behalf of an insurance company.

AFFIDAVIT OF DOCUMENTS. A sworn document that sets out all documents that are now, or have been, in your possession or within your power or control and which are relevant to the issues in your lawsuit.

ATTENDANT CARE. A type of accident benefits an injured person receives to pay for assistance in his or her daily living. Assistance may take the form of cooking, cleaning, helping the injured person get dressed or supervising the injured person. In most instances, at least part of the costs for providing attendant care may be paid by the insurance company to the person providing the care, whether it be a health care professional or a family member.

CAREGIVER BENEFIT. A weekly benefit paid to an injured person who was the primary caregiver to a person in need of care before the accident. The caregiver benefit is designed to compensate the injured person for reasonable and necessary expenses incurred in caring for a person in need of care where the injured person is no longer able to perform his or her pre-accident caregiving duties.

CASE MANAGER. A rehabilitation professional who coordinates rehabilitation services following an injury.

CATASTROPHIC IMPAIRMENT. The most serious of personal injuries. Examples include injuries resulting in an impairment of 55% or more of the whole person, quadriplegia, paraplegia, amputation of both arms or limbs, loss of vision in both eyes, traumatic brain injury. A person having a catastrophic impairment becomes entitled to maximum of \$1,000,000.00 for medical/rehabilitation needs and attendant care plus housekeeping expenses, payable over the lifetime of the injured person.

DAMAGES. In a lawsuit, damages are the losses the plaintiff has suffered as a result of the defendant's conduct. These losses can take many forms including compensation for pain and suffering, loss of income or ability to attend or complete schooling, physical, mental or psychological impairments, loss of social or familial relationships, etc. Damages are also what a plaintiff seeks to recover in a lawsuit usually in the form of money to compensate for the losses.

DEDUCTIBLE. In lawsuits arising from a motor vehicle accident, after an award for compensation for pain and suffering is established in court or during the settlement negotiations, the defendant has the right by law to deduct an amount from the award, reducing the total award to be paid for pain and suffering. This is referred to as "the deductible".

DEFENDANT. In a lawsuit, a defendant is a person/persons and /or corporation that are being sued by a plaintiff. Examples of defendant corporations include an insurance company, a leasing company, a municipality, a tavern, a property owner, a hospital, etc. Most defendants in personal injury lawsuits are insured. A defendant's insurer will usually appoint a lawyer to act on behalf of the defendant.

DSM GUIDE. The "Diagnostic and Statistical Manual of Mental Disorders" is the handbook most often used by psychiatrists and psychologists to diagnose mental illness and disorder.

EXAMINATION FOR DISCOVERY. Examination for discovery is a process in which the lawyers may examine the plaintiff or defendant under oath. The examinations take place in a business office of an official court reporter. This process allows the lawyers to understand the plaintiff and defendant's answers and positions on the essential facts of the case.

GLASGOW OUTCOME SCALE EXTENDED. A medical test used to determine the existence and extent of brain impairment as a result of an accident. It measures the severity of brain injury based on a patient's outcome several months after the accident using structured interviews and all available medical information relating to the injured person.

HEALTH CARE EXPENSES. A category of accident benefits and tort entitlement, which includes medical, dental, and nursing expenses, as well as medication costs, prescription eye wear and other goods and services of a medical, rehabilitation, attendant care or non-medical nature which an injured person requires.

HOUSEKEEPING AND HOME MAINTENANCE. An accident benefit of up to \$100 per week that is paid to individuals who are no longer able to carry on their pre-accident housekeeping duties. The benefit is only payable to individuals who have suffered a catastrophic impairment.

INCOME REPLACEMENT BENEFIT. An accident benefit of up to \$400 per week that is paid to individuals who are disabled from their pre-accident employment for up to two years. After two years, the individual may continue to receive income replacement benefits if they are completely disabled from any employment.

INSURER EXAMINATION CENTRE/SECTION 42 ASSESSMENT. The insurer may appoint health care professionals of their choosing, to perform assessments in order to determine whether to pay a benefit. Legal advice should be sought before you decide whether you should submit to such an assessment.

OCCUPATIONAL THERAPY (OT). Therapeutic use of self-care, work, and recreational activities to increase independent function, enhance development, and prevent disability; may include adaptation of tasks or environment to achieve maximum independence and optimum quality of life.

LIMITATION PERIOD. When a person suffers an injury, the law imposes a time limit in which to issue a Statement of Claim. If one fails to issue the Claim within the time period allotted, all rights to compensation are lost.

MEDIATION. An informal settlement conference involving the lawyers, their clients, and a neutral third party mediator. A settlement cannot be forced upon the parties at mediation and nothing said at the mediation can be used against either party at a later date.

LOSS OF CONSCIOUSNESS. The loss of ability to perceive and respond, ranging from an altered state of awareness to total unconsciousness (coma).

NON-EARNER BENEFIT. An accident benefit paid to individuals who are no longer able to carry on a normal life and who do not qualify for an income replacement benefit. An example of someone who may qualify for a non-earner benefit or caregiver benefit is a person who was not employed at the time of the accident and who had not worked at least 26 of the previous 52 weeks.

PARAPLEGIA. Total or partial paralysis of both lower extremities, generally from the waist down. Total and partial paraplegia are catastrophic impairments.

PERSONAL INJURY LAW. The area of law that concerns persons who have been injured as a result of being in an accident. Accidents include motor vehicle accidents, slip and fall, medical malpractice, boating accidents, pedestrian accidents, assault, ATV or motorcycle accidents, etc.

PRE-CLAIM EXAMINATION. The accident benefit insurer may request an assessment by health care professionals of its choosing, before you even apply for benefits. The injured person has the right to refuse this assessment and may do so without penalty.

PLAINTIFF. In a lawsuit the person or persons who have sued another person(s), corporation or insurer (the “defendant”).

PHYSICAL THERAPIST (PT). A health profession concerned with promotion of health, with prevention of physical disabilities, with evaluation and rehabilitation of persons disabled by pain, disease, or injury, and with treatment by physical therapeutic measures as opposed to medical, surgical, or radiologic measures.

PRE-TRIAL CONFERENCE. A meeting between the lawyers and a judge of the Superior Court of Justice to try and settle the case without a trial and to narrow the issues for trial.

QUADRIPLEGIA. Total or partial paralysis of all four limbs; generally from the chest down. Total and partial quadriplegia are catastrophic impairments.

RANCHOS LOS AMIGOS SCALE. An evaluation used to measure the severity of deficit in cognitive function following a brain injury. A person is categorized from level one (no response) to level eight (purposeful, appropriate).

STATEMENT OF CLAIM. A document that begins a lawsuit and claims “damages” from one or more defendants based on the defendant’s negligent acts or omissions causing loss, injury or harm to the plaintiff. A Statement of Claim is generally prepared by the plaintiff’s lawyer.

STATEMENT OF DEFENCE. A defendant’s response to the Statement of Claim. It is usually prepared by the Defendant’s lawyer. Often, it will deny the allegations made in the Statement of Claim.

THRESHOLD. To succeed in a motor vehicle personal injury lawsuit with a claim for pain, suffering and loss of enjoyment of life, an injured person must prove that their injury meets a threshold test. This means that the injury must be either a permanent, serious disfigurement (like a scar) or a permanent, serious impairment of an important physical, mental or psychological function. There are many court decisions which help a lawyer specializing in personal injury law to advise you about whether your injuries “meet the threshold”.