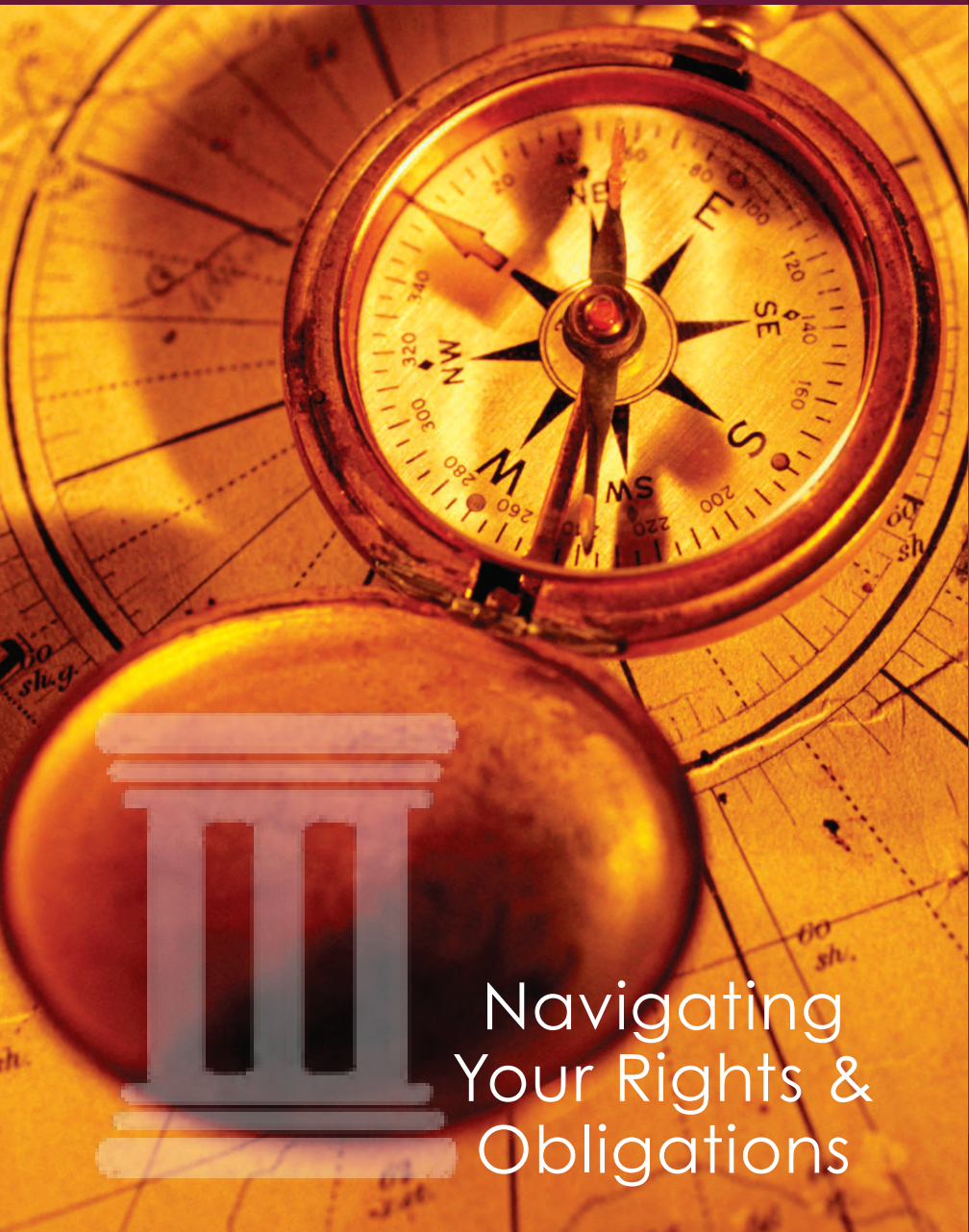


What Do I Do Next?

A Guidebook for Accident Victims



Navigating
Your Rights &
Obligations



A Guidebook for Accident Victims

This booklet has been specifically designed to provide support information for anyone who may have been involved in an accident.

An injury of any kind is an emotionally and financially stressful time for all involved. Determining your rights and obligations after an accident is a confusing and overwhelming process. This Guidebook has been designed to serve as a roadmap to help you navigate the complexities surrounding your individual case. It will assist you in learning your legal rights and the challenges you may face on your road to recovery.

Pace Law Firm wants to ensure that you are well informed on some of the issues you will face in the coming weeks. It is important to know the steps that you must take to protect your rights and to make the important decisions that get you the compensation you are entitled to. To help alleviate stress, Pace Law Firm will help guide you through this process on a contingency fee basis, meaning you pay no legal fees until your case is settled.

Do's & Don'ts

Taking the First Steps:

After any motor vehicle accident, the immediate focus should be on your physical and emotional recovery. There are, however, some important first steps that must be taken to ensure that matters pertaining to your personal and professional life are managed while you are recovering.

Here are some important “Do’s” to remember following a motor vehicle accident:

Following a Motor Vehicle Accident, You Should:

- Inform the police of the accident and record the attending officer’s name and badge number;
- Keep family members close by and meet with your trusted team of healthcare providers;
- Record the names of any witnesses and all those directly or indirectly involved in the accident;
- Contact your family doctor;
- Contact your insurance company within 7 days;
- File your completed accident benefits application within 30 days;
- Report your injury to your employer or school;
- Inform your key contacts including your bank manager;
- Record the names of all attending healthcare professionals;
- Keep all receipts for related expenses including those incurred by family members helping the injured person;
- Keep a record of all your health problems; and
- Check for health and injury coverage provided through your employer, health and benefit carrier, credit card company or any other source.

Accidents happen suddenly and without warning, and the process of recovery can be long and difficult. It is important to remember that you are not alone. Hiring a legal expert to protect your rights and claim your rightful compensation will help to guide you through this process. You will receive a free consultation and, if required, a lawyer may visit you at home or in the hospital. You will not be required to pay any legal fees or associated expenses until your case has been won or settled.

Accident Benefits

Motor Vehicle Accident Benefits

Accidents happen suddenly and without warning and the process of recovery can be long and difficult. It is important to remember that you are not alone. Hiring a legal expert will help to protect your rights, file a claim for rightful compensation and guide you through the process. Most law firms offer a free consultation and often, a lawyer will visit you at your home or in hospital. Most personal injury lawyers will not require you to pay any legal fees or associated expenses until your case has been settled or won.

The Critical Time Periods for Motor Vehicle Accidents are as Follows:

- 7 days to contact and inform the accident benefits insurer;
- 30 days to file your completed application for accident benefits;
- 120 days to give written notice of your intention to sue the at-fault parties; and
- 2 years to commence a lawsuit against an at-fault driver or party.

Accident Benefit Entitlements:

Income Replacement Benefits (IRB).* You are entitled to a percentage of your net income if you are unable to perform the essential tasks of your occupation or employment during the first 104 weeks of disability, within certain limits. Thereafter, you can continue to receive these benefits as long as you are continuously disabled from any occupation for which you are reasonably suited by education, training and experience.

Non-Earner Benefits (NEB). You are entitled to this if you are not employed and suffer from a complete inability to carry on a normal life as a result of the injuries from the accident. Non-earner benefits are not payable for the first six months after the accident.



Caregiver Benefits.* You are entitled to this if you are the primary unpaid caregiver of a person in need (with whom you are residing), plus an additional sum for each additional person in need of care.

Medical & Rehabilitation Benefits (Above OHIP).* You are entitled to this for up to ten years after a non-catastrophic injury, or for the rest of your life in the case of a catastrophic injury. Catastrophic injuries are specifically defined under the law.

Attendant Care Benefits (for personal care).* You are entitled to this for up to two years after a non-catastrophic injury. The maximum monthly benefit is doubled and payable for life in the case of a catastrophic injury.

Lost Educational Expenses. You are entitled to this if you are a student.

Death Benefits. You are entitled to this if you are the spouse of the victim. An additional sum is given to each of the victim's dependents as well as to the person upon whom the victim was a dependant. You are also entitled to funeral expenses.

Travel Expenses. Family members, or those living with the accident victim, are entitled to compensation for their visiting costs during treatment and recovery.

You should know that you can elect, as part of your own automobile insurance policy, to purchase optional increased coverage amounts for income replacement and most other benefits at additional cost.

** Available only if purchased through additional Insurance coverage.*



Q & A

Q. What is a “personal injury”?

A. The following is a list of some of the most common examples of defined personal injuries and the events that may result in injury:

- Motor vehicle accident injuries;
- Paraplegic or quadriplegic injuries;
- Amputation resulting from an accident;
- Brain injuries;
- Spinal cord injuries;
- Injuries arising from motor vehicle accidents;
- Disability benefit claims arising from personal injuries (if you are being denied benefits from a previous accident, you are entitled to your benefits, excluding WSIB);
- Slip and fall accidents on municipal or private property resulting in a personal injury; and
- Injury resulting from an assault.

Please note this is not a complete list. If you feel you have been wrongfully injured and are entitled to financial compensation, please call Pace Law Firm toll free at 1.877.236.3060.

Q. How will I pay for your services?

A. At Pace Law Firm, we fully understand the emotional and financial stresses that occur when coping with a serious injury. To help alleviate any additional stress, we offer our services on a contingency fee basis. We will cover all the expenses associated with your case. You will not pay any legal fees or associated expenses until your case is settled.

We provide this fee structure to our clients to ensure that all claims have access to the legal system. Insurance companies have deep pockets, and if clients were forced to pay legal fees on an hourly basis, insurance companies would defend every claim until our clients ran out of money. Our fee structure ensures that our clients' claims are properly addressed, or are given their day in court if reasonable compensation has not been offered.



Q. Are all personal injuries subject to the same rules and processes?

A. No. If you are injured in a motor vehicle accident, there are very specific rules that apply and specific processes that must be followed. An early determination of the jurisdictions and forum issues is critical in order for you to take the necessary steps within the prescribed time limit. In every case, the injured party is responsible for submitting an application for the benefits and compensation to which they are entitled.

Each type of injury has its own time limitation and notice requirements. Failure to meet deadlines or to provide the proper notice can be detrimental in your efforts to pursue the claim.

For more information, please visit the Pace Law Firm website at www.pacelawfirm.com.

Q. What is no-fault automobile insurance?

A. In Ontario, the legislative system seriously limits your rights to sue and recover damages for injuries sustained as a result of a motor vehicle accident, even if you were not the “at-fault” driver. At the same time, this system makes available a set of mandatory benefits (“Accident Benefits”) that insurers must pay to injured parties, including “at-fault” operators, passengers in vehicles and injured pedestrians.

The process of recovering damages and benefits through insurers is anything but simple. The formal application, required documentation and supporting materials can overwhelm even seasoned legal professionals who are not familiar with this area.

Q. What if the insurer refuses to pay a benefit I have applied for?

A. There are a number of dispute resolution processes including mediation, court or binding arbitration and a court action. Your options and prospects of success should be discussed with a lawyer familiar with the options and practices relating to each one.



GLOSSARY

The Team

A number of individuals, each with a unique area of expertise and each representing an area of practice important to your recovery will become involved in your case throughout the process. These professionals, from the doctor to the members of your Pace Law Team, work together as a group to help you and your family through this process and achieve the very best possible outcome and quality of life. This is a brief description of the various professionals involved, and their functions:

Doctors

The doctor and medical team are responsible for your care while in the hospital. They will make decisions regarding medical treatments and recommendations for your ongoing recovery. Depending upon the severity of your injuries, you may be visited by several doctors and other specialists in various fields of medicine. Resident doctors or interns who work under the supervision of your doctor or specialist, may also visit you.

Registered Nurses

Besides your doctor, the registered nurse is the healthcare provider and team member with whom you will have the most contact. He or she is responsible for providing daily care, as well as any other treatments or medications prescribed by the doctor.

Case Managers

A case manager is the main day-to-day contact involved in your recovery. He or she will coordinate all of your clinical and rehabilitation needs.

Clinical Leaders/Managers

The clinical leader/manager oversee the coordination of your healthcare team and supervises the specifics of your medical treatments and procedures while in the hospital.

Physiotherapists

A physiotherapist will test your physical abilities after an accident and provided post-accident treatment and rehabilitation. He or she will prescribe therapy to help restore strength, flexibility and other basic physical abilities that may have been affected by the injury you have sustained.



Psychologists/Family Counselors

A psychologist or family counselor will treat any non-physical issue and will help you manage any emotional and psychological effects that may arise as a result of your accident.

Social Workers

A social worker provides counseling and support and will help you and your family with the emotional and practical issues most commonly faced after an accident.

Vocational Rehabilitation Professionals

Vocational rehabilitation is a set of professional services offered to individuals with mental, physical or psychological disabilities. The vocational rehabilitation professional may work on behalf of your employer, the insurer or as part of the hospital and recovery team. His or her goal is to ensure that you receive effective treatment to help you with impaired work capacity and improve your quality of life.

Occupational Therapists

An occupational therapist will help you return to your day-to-day life and resume your daily activities at home and at work, including any rehabilitation that may be required.

Insurance Adjusters

The insurance adjuster represents the insurance company and will communicate with you and your Pace Law Team. The adjuster may want to ask you questions regarding the accident and review benefits to which you may be entitled. We encourage you not to sign any documents or answer any questions without first consulting your lawyer.

Pace Law Team

You will be provided with a tailored team of experts to address the individual needs associated with your specific case. The team will include a legal expert, accident benefits specialist, medical advisors and an expert legal and administrative support team. A member of your Pace Law Team is always available to speak to you and provide regular updates on the progress of your claim.

Important Links

Government of Ontario

www.ontario.ca

Ministry of Community and Social Services

www.mcscs.gov.on.ca/mcscs/english/index.htm

Ministry of Municipal Affairs and Housing

www.mah.gov.on.ca

Ministry of Transportation

www.mto.gov.on.ca

Ontario Disability Support Program

www.cfcs.gov.on.ca/mcscs/english/main

Workplace Safety and Insurance Board

www.wsib.on.ca

Workplace Safety and Insurance Tribunal

www.wsiat.on.ca

Canada's National Occupational Health and Safety

www.canoshweb.org

Ontario Ministry of Health and Long Term Care

www.health.gov.on.ca

OHIP

www.tormed.com/En/Info/ohip.html

Pace Law Firm

www.pacelawfirm.com

INFORMATION:

Doctor:
Address:
Phone:

Medications:
When to take:

Therapist:
Address:
Phone:

Lawyer:
Address:
Phone:
Website:

NOTES:



PACE LAW FIRM

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Phone: 519.376.1212

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Phone: 705.444.0031

Kitchener

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