



INJURED VICTIM'S GUIDE *to* FAIR COMPENSATION

Practical advice you can use right now
to recover the money you deserve

By BRENDA HOLLINGSWORTH & RICHARD AUGER



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Provided as an educational service by AUGER HOLLINGSWORTH

We provide this information to help you understand the process of resolving a personal injury claim. Please realize that these tips and suggestions work most of the time, but nothing works every time. This is why it is important that you have your claim reviewed by an experienced personal injury trial lawyer. This document is not a substitute for legal advice.

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INTRODUCTION TO THE THIRD EDITION

In September 2007, Richard and I self-published the first edition of the *Injured Victim's Guide to Fair Compensation*. We were convinced that there was a significant need for information about the personal injury process that was designed specifically for residents of Ontario. We were right.

In the past several years we have filled thousands of orders for the book. Many of our readers have gone on to become our clients. We are grateful for their confidence in us. We are also grateful to have clients that are educated about what lies ahead, partly through reading the book.

We are also gratified to know that many other readers of the book were able to handle their injury cases on their own, without a lawyer. When injured victims are treated fairly it raises the bar for everyone.

We are very pleased to offer this revised version of the *Injured Victim's Guide to Fair Compensation*. We hope it gives you the information you need about your accident and your entitlement to fair compensation.

- Brenda Hollingsworth

29 TIPS FOR GETTING A FAIR SETTLEMENT FOR YOUR MOTOR VEHICLE INJURIES

While at the accident scene:

1. Make sure that you get appropriate medical care promptly. Call 9-1-1. Let trained medical professionals evaluate your injuries and take you to the hospital if needed.
2. When you speak to the police about the accident, tell the truth but only the truth. Many accident victims speculate about the extent of their injuries or the cause of the accident at a time when they are upset and may lack information. Anything you say to the police, even if it is only conjecture on your part, may show up in a police report. Limit your statement to the facts you know. Ask the attending police officer for his or her badge number.
3. If your injuries permit, get as much information as you can about any other vehicles involved in the accident. Get the driver's name, the car owner's name, the make, model, year, colour and condition of the vehicle, the vehicle's license plate number, the driver's and owner's addresses, and the name of the driver's and owner's insurance companies. Much of this information is usually on the police report. Get a copy of the police report and keep it in a safe place.
4. Make notes about the accident scene, either at the scene or as soon as you can after leaving. Write down:
 - the approximate address or cross street
 - the direction the cars were traveling
 - the direction any vehicle was turning
 - the position the vehicles were stopped following the collision
 - the weather conditions, including whether the roads were clear
 - the time of day and the position of the sun
 - the road conditions (unusual pot holes, debris)

- any traffic signals or signs including speed limit postings
- the identification of any witnesses including names, addresses and telephone numbers.

A photo is worth a 1000 words. Remember, many of us now have telephone cameras and can capture the scene that way.

5. Find out where any of the vehicles in the accident were towed, in case you need to find out more about the damage to any of the vehicles involved.

Not everyone is going to be able to take steps 1 to 5 at the time of an accident. If you can manage, great! If not, your personal injury lawyer can help you collect the information you need.

After you leave the accident scene:

6. Seek medical treatment promptly. Even if you do not go to the hospital immediately after the accident, go to your family physician as soon as possible. Tell your doctor about all of your medical problems. Ask your doctor to record them. If your symptoms persist after the initial visit, return to your doctor and request referrals to specialists who can help you with your recovery.
7. Contact your insurance company and tell them that you had an accident. Request accident benefit forms. Make sure you meet the deadline to complete the forms. (You should consider meeting with a lawyer before giving a sworn statement to any insurance company or adjuster.)
8. Take inventory of personal property lost due to the accident. Broken glasses and watches or cut away shoes may be replaceable through your accident benefits.
9. Keep all medical appointments and always tell your doctors about all of your areas of pain. You should never exaggerate your symptoms, but you should also not minimize your ailments when talking with your doctors. This is not a time to be stoic. Make sure you tell your

doctor about each and every symptom, including emotional concerns, fears and anxieties. This is important to your treatment. If you see any other doctors or therapists, make sure that you tell both your current doctor and your lawyer immediately.

10. Do not talk to anyone about the accident, except your doctor or lawyer. You should always know who is talking with you. In Ontario when you are in a motor accident, you will deal with at least two insurance companies: yours and the other driver's. If there are more drivers, there will be more insurers. Be careful about speaking with the insurance companies and their adjusters or lawyers without notifying your lawyer so that he/she may be present if necessary.
11. Keep any legal advice you receive to yourself. If you are considering filing a law suit as a result of the accident, remember that your doctor's records will likely become part of the record on the law suit. While your lawyer and doctor are on the same team (yours!), you should generally not repeat to your doctor what your lawyer tells you about the law suit in case it is recorded in the doctor's notes and is then disclosed to the insurance company's lawyer.
12. Conduct a complete investigation. It is extremely important that you or your lawyer collect all witness statements, police reports, medical reports and anything else related to your accident. Your case may require hiring private investigators or accident reconstruction experts. The other party's insurance company will collect all sorts of information that may be used against you. You could be at a serious disadvantage if you do not conduct a thorough investigation soon after the accident.

Don't sign anything related to your accident until you have discussed it with an experienced personal injury lawyer.

13. Get photographs of all-important elements in your case as soon as possible - and record the date the photos were taken. For example, if you are in a car accident, you should take photographs of your car and the car that hit you, the accident scene and your injuries. If you are bruised, make sure the lighting is adequate and that the bruising is

apparent in the pictures. Photos are vivid evidence of what you experienced. Sometimes, a picture is worth a thousand words, and juries find photos to be powerful proof of your injuries. If you have taken pictures, tell your lawyer and provide him or her with the photographs or negatives. If an investigator is necessary, we have several who work with us to conduct all aspects of the investigation.

14. Don't have your car repaired until you have taken photos of the damage. You don't want to rely on photographs taken by the other party's investigator. These people are trained to minimize the damage appearance in the photos. Take your own photos or tell us and we will obtain photos that properly show your damages.
15. Don't sign a release for your medical records to any insurance company. Many accident victims make the mistake of signing a release for one or more insurance companies before meeting with a lawyer. This may give the insurance companies uncontrolled access to your medical records. A lawyer can help you respond to requests for this sensitive information in a way that meets your legal obligations, without hurting your case.
16. Never plead guilty to any traffic offence before you consult with your lawyer. If you are charged as a result of the accident, even if it is only a *Highway Traffic Act* ticket, ask your lawyer to evaluate your ticket or charge before the time and date set for the hearing. In the context of an accident, pleading guilty to a traffic offence and paying a ticket may have bigger implications than simply a few demerit points on your driving record.
17. Don't let the insurance adjusters pressure you into settling your case. Insurance company adjusters are trained to gather information that may be damaging to your case, and to settle cases for the lowest amount possible.

18. Know all your damages. In Ontario, some of your damages will normally be paid by your own insurance company. They include:

- the cost of medical treatment that is not covered by OHIP
- an income replacement if you cannot work due to your injuries
- the cost to have someone look after you
- the cost to have someone perform housekeeping tasks you can't do while you are injured
- the cost for psychological counseling caused by stress or some other aspect of the accident - and possibly other money you paid out or lost as a result of your injury.

Extra damages may be payable by the other party's insurance company. Most importantly, if you have a "serious" and "permanent" injury, you may qualify for damages for your pain and suffering. In some of these cases, your immediate family members may have claims too, because they have lost your care and company while you are injured.

19. Keep an accurate record of all expenses and hours or days lost from work due to your injuries. Your lawyer will get written documentation from your employer to verify the lost earnings. If your injuries are preventing you from returning to work or school, ask your doctor for a note confirming that you cannot attend.
20. Keep track of the time spent by friends and family to look after you and to take over your household and family obligations.
21. Keep all bills and receipts related to your accident. If you don't save your bills and receipts, you may not be able to prove the amount of your damages. If you cannot prove the amount, you cannot recover for these expenses. Be sure to save everything: hospital charges, pharmacy bills, therapy bills and all other bills you incurred because of your accident. If you buy over-the-counter pain medicine, heating pads, crutches, clothing to go over casts or braces, or similar items, you may be able to recover these expenses. Make sure you get a receipt for every bill you pay.

22. Know all your injuries. Many victims feel that if they don't hurt, they aren't injured. Yet injuries caused by accidents may not develop into symptoms for days - even weeks. Don't be too quick to rule out injuries just because they haven't yet appeared. This is why, at least early in your claim, you should not discuss your injuries or possible lack of symptoms with insurance company adjusters. (See secrets #6 and #8.)

We know some of these steps can be tough if you are injured... A personal injury lawyer can relieve you of most of the burden by assuming responsibility for many of these tasks.

23. Do not ignore the emotional toll of an accident. If you are having flashbacks, nightmares, anxiety, fear or sleep disturbance, you might benefit from a psychological assessment. Ask your family doctor for a referral if you need help in these areas. If your doctor or family members suggest this type of treatment, take them up on it.
24. Keep a journal of your accident-related experiences. Record sleepless nights, pain relief needs and limitations on your regular activities. Make a note of special events, hobbies or outings that you missed because of the accident.
25. Know your sources for insurance coverage. In many cases an injured victim can legally collect from two or three different insurance policies at the same time. Yet many accident victims don't know where to look for various insurance coverages. Your lawyer will help you determine whether you can collect from more than one policy.
26. Continue under your doctor's care until your doctor releases you. Many people stop going to their doctor when they feel better, before the doctor releases them from treatment. Make sure you continue going to the doctor until your doctor releases you! Your doctor knows the complications that could result from your injury. The type of injury may be complex and the mere fact that you are no longer in pain does not mean that your injuries have fully healed. If you are referred to treatment with a therapist who is not covered by OHIP, your own insurance company may pay for the service. Your lawyer

can help you access these benefits.

27. Consider and be prepared to file a law suit if the settlement offer is not fair. After your doctor releases you from treatment, prepare your case quickly and, if necessary, file your law suit. Insurance companies usually get serious about settling your claim if they see that they will have to start paying lawyers to defend your law suit. We will be more than happy to discuss the benefits and risks of filing a law suit and will make sure you understand all of the aspects before deciding to take this important step.
28. Ask a qualified, experienced personal injury trial lawyer to evaluate your case. You probably had a doctor evaluate your injuries. An experienced personal injury trial lawyer can help you by reviewing your file. He/she will carefully review the police report, doctors' statements, therapy bills, time lost from work and other information. Then, he/she can give you an informed opinion about the estimated value of your case. If you'd like us to evaluate your case, please don't hesitate to call.
29. If you decide to hire a lawyer, choose one who isn't afraid to go to court. Insurance companies and their lawyers keep tabs on plaintiff side lawyers. They know which lawyers will take them to court - the fighters. And they know which lawyers will not go to court - the settlers. The fighters usually get more money for their clients than the settlers. Make sure you discuss your case with a skilled personal injury trial lawyer.

CHAPTER 2

COSTLY MISCONCEPTIONS ABOUT INJURY CASES

MISCONCEPTION 1:

A lawyer requires a down payment to accept my injury claim.

FALSE. In our office, we accept most accident cases for a contingency fee. This means we get paid out of the money we recover for you. If you collect nothing, you pay no lawyer's fee. To start, you can talk with us for free. And if you hire our services, you pay no fee until your case settles and we recover money for you. We will be happy to talk with you about this at our initial meeting.

MISCONCEPTION 2:

I'll have to go to court to get what my case is worth.

FALSE. Most injury cases are settled before the case goes to court. Often, when the insurance company realizes you and your lawyer are ready and willing to go to court, the insurance company starts making reasonable offers for your injury claim. If we don't like the first offer, we make a counteroffer. Negotiations may continue until both sides agree on a certain amount. In most cases, injury claims don't require a court trial.

MISCONCEPTION 3:

I have to accept what my lawyer tells me.

FALSE. Anytime you feel confused -- anytime you don't understand what's going on -- you're entitled to and should get a second opinion. In the field of medicine, if your doctor suggests major surgery, you know it's wise to get a second opinion. Likewise, anytime you speak with one lawyer, you're perfectly free to confirm his/her advice by seeking a second opinion from another lawyer. We will be happy to review your case and provide a second opinion, even if you already have a lawyer.

MISCONCEPTION 4:

Once I settle my claim, I can get more money in the future if I have additional medical bills.

FALSE. Usually, once your claim is settled, it is over.

MISCONCEPTION 5:

My accident was over a year ago. I will never be able to collect all the information and evidence I need to obtain fair compensation. It is too late for my case.

FALSE. Certainly, the earlier you start work on your claim, the easier it is to collect information. However, as long as the limitation period for your claim has not expired, there is still time to make a claim. A skilled personal injury lawyer will be able to compensate for the elapsed time, using experienced investigators to pull together the information required. A lawyer will also tell you what the deadline date is for starting your case.

MISCONCEPTION 6:

I have only one year to file a law suit.

Probably FALSE. This can be a difficult question to answer. In Ontario, in most personal injuries cases, you have two years to file a law suit to protect your rights. However, there are cost penalties if you don't give notice within a shorter time frame.

Plus, if your claim is against a governmental entity (such as a city or the province), you may have only 10 days to protect your rights to make a claim, even if you are injured!

It is important that you know your rights. Otherwise, you may lose your right to bring a claim for your injuries and damages. Ask us and we'll help you determine the proper time frames.

MISCONCEPTION 7:

If I am partly at fault for causing the accident, I am not entitled to any money.

FALSE. Money is available to almost all injured accident victims in Ontario who have insurance, regardless of fault. The amounts for an "at fault" driver who is catastrophically injured can equal a million dollars.

THREE FACTS THAT MAY SURPRISE YOU

If you've been injured in an accident - even if you caused the accident - make sure you read this:

Don't assume that you cannot benefit from a lawyer's advice because you think, or the police think, that you caused the accident. Likewise, don't dismiss the possibility of recovering damages in a single car accident.

1. Very significant accident benefits are available for seriously injured drivers, regardless of who or what caused the accident. A personal injury lawyer can help you get the most money from your accident benefit claim.
2. Many different things can cause an accident. And those things may not be apparent to you or even to the traffic office who attends at the scene. A personal injury lawyer, using the appropriate experts, will be able to evaluate whether there was any other cause or contributing factor that resulted in the accident. Improper signage, road maintenance or vehicular malfunction issues are just three of many explanations for what could have caused or contributed to your injuries. In all likelihood, none of these were carefully considered by the police.
3. Even if the accident was technically your fault, it is possible that the extent of your injuries was increased because of your car. Seatbelt or airbag malfunction frequently makes injuries worse. Under the right circumstances, we can make a claim against the car manufacturer. Similarly, automobile design flaws leading to a roof that crumbles or a vehicle that is more likely to tip over may give rise to a claim for damages against the car company, even where the accident itself was caused by the driver.

IMPORTANT ANSWERS ABOUT STATUTORY ACCIDENT BENEFITS

I was in a car accident. Who pays my medical expenses?

Ontario has a “no fault” car insurance system. This means that there are certain benefits that are paid to an accident victim regardless of whether you were at fault in the accident, subject to some narrow exceptions. These benefits are called “Statutory Accident Benefits”.

What benefits are available?

Some of the compensation you can claim as Statutory Accident Benefits include:

- Income Replacement Benefit-- compensates for lost wages up to a cap.
- Caregiver Benefit -- compensates where the injured person was the caregiver for a family member.
- Non-earner Benefit -- compensates people who cannot carry on a normal life but who do not qualify for income replacement or caregiver benefits.
- Medical Benefit -- compensates for medical expenses.
- Rehabilitation Benefit-- compensates for rehabilitation expenses, including job retraining.
- Attendant Care Benefit-- compensates you for expenses when you need a caregiver.

The benefits available depend on the severity of your injuries and the type of coverage you bought.

You can also recover benefits for items damaged in the accident, such as glasses or clothing. Also, in some cases you can recover benefits for housekeeping, home maintenance, lost educational expenses and family visits.

Do I automatically qualify for the benefits?

The benefits are not automatic. You have to apply for them, using a system of forms that will be provided to you by the responsible insurance company upon request. Some of the benefits require your doctor or other health care provider to complete a certificate indicating that you need the services. A lawyer or law clerk can assist you with the forms if you find them difficult to complete.

What insurance company is responsible for my benefits?

If you have auto insurance, or are a listed driver on someone's auto insurance, your own insurance company will answer your claim for Statutory Accident Benefits.

If you do not have your own auto insurance, in most cases you will still be entitled to Statutory Accident Benefits. There are rules for virtually every situation. For example, if you were a pedestrian or a cyclist without Auto Insurance, your Statutory Accident Benefits will be paid by the insurance company that insures the car that hit you. If you were a passenger, the Benefits will be paid by the company that insures the car you were riding in.

In situations where there is no insured driver involved in the accident, there is a special fund available to provide benefits.

For more information about obtaining your Statutory Accident Benefits, contact Richard Auger or Brenda Hollingsworth.

BEYOND CAR ACCIDENTS – GETTING COMPENSATION FOR OTHER INJURIES

Most injuries happen because someone was careless. Other times, injuries are caused by intentional violent acts. Where your injuries are caused by someone's neglect or intention, you may be entitled to compensation. Some of the most common cases we handle include the following:

Slip and Fall

This is the generic term for any injury caused when someone slips, trips or falls because of a dangerous or hazardous condition on someone else's property. Property owners will be held responsible for your injuries if they were caused by the poor condition of the property and they were aware of the poor condition or should have been. Among other things, you may claim damages for pain and suffering, loss of income, loss of enjoyment of life, plus other expenses you may incur. Slip and Fall claims may be brought against stores, municipalities, office buildings, restaurants, homeowners, landlords and other property occupiers. Most property owners have liability insurance that covers this type of claim.

Assault and Battery

If you are injured because someone has applied force to your body without your consent, you may have a claim for assault and battery. Whether it is a barroom brawl, a mugging or a random act of violence, the perpetrator can be brought to both criminal and civil justice. A personal injury lawyer can help you determine if the perpetrator has assets or insurance that would respond to your claim. In some cases, a tavern or other establishment with insurance may bear some responsibility for your injuries. Most people do not realize that the Criminal Injuries Compensation Board can award a lump sum payment of up to \$25,000 to victims of violent crimes.

Some assault victims do not come forward because they worry that the fact that they had consumed alcohol disentitles them to compensation. Contact Richard or Brenda to dispel this and other

misconceptions you might have about your claim for assault.

Sexual Assault

Brenda and Richard represent people in law suits involving child molestation, rape or other forms of sexual abuse. For these victims, compensation may come from the abuser, where he has assets to pay. Otherwise, we seek damages from others who share responsibility for what happened, for example, schools, churches or children's organizations.

If you are a victim of sexual abuse, visit our website to read the article "Getting Fair Compensation for Victims of Sexual Assault", contact our office for a free copy of the Ontario Trial Lawyers Associations' booklet "Sexual Assault" and contact Richard or Brenda for a private consultation.

Dog Bites

In Ontario, the owner of a dog is responsible for damages resulting from a bite or attack by the dog in any situation. Brenda and Richard will help you obtain damages for your pain and suffering. In addition, victims of dog bites often require compensation to recover from the psychological impact of the attack. Your past and future care costs will also be claimed.

It would be impossible to list every cause of action available to injured Ontarians. If the cause of your injury is not listed here, give us a call for a personal consultation.

WHAT TO EXPECT IF WE START A LAW SUIT FOR YOUR COMPENSATION

Sometimes if you are the victim of an accident, you need to start a law suit to show the insurance company you are serious about fair compensation.

Brenda and Richard will explain the process to you in detail, at every step of the way. We will carefully prepare you for your involvement in your case. Want an overview of what to expect? Here are the steps you can expect to encounter on your way through the process:

STEP 1 **FACT FINDING AND LEGAL RESEARCH**

- At this stage Brenda and/or Richard will meet with you, review all of the facts surrounding how the accident happened and what your injuries are.
- We will review any documents you have in support of your case and collect names of witnesses.
- We will review your medical records and obtain written permission from you to obtain any medical or work records that are missing.
- We will also conduct research of the law to identify all of the claims available in your situation.

STEP 2 **PLEADINGS**

The Statement of Claim

- Brenda or Richard will draft the document that starts the law suit, called the “Statement of Claim”. This document sets out the amount of money you are claiming and all of the facts that support your entitlement to that money.

The Statement of Defence

- The other party will send us a statement of defence. We will review the other party's factual contentions and defences, and provide you with advice.

The Reply

- We may wish to prepare a final pleading to reply to any of the factual contentions or defences raised by the defendant.

STEP 3

MEDIATION

In many areas of Ontario, participation in a 3-hour mediation is mandatory. This requirement often comes early in the law suit, but can sometimes be delayed until after Step 4. Work our firm will do for you in the mediation includes:

Selecting a mediator and scheduling mediation

- Mediators have different styles, techniques and price points. We will give you advice on good choices for your case and we will work with the opposing counsel to ensure an acceptable mediator is selected.

Statement of Issues

- This is the document we give to the other party's lawyer and the mediator.
- Your mediation brief is an important document that makes a significant early impression in the law suit.
- We will excerpt key components of your medical records, police report, witness accounts and other evidence that tell a compelling story about your case.

Attending mediation

- We will prepare you to attend the mediation and will attend with you.
- We will do our best to negotiate a favourable resolution to your case at mediation, but we will not sell your case short.
- The Court imposed requirement is for a 3-hour mediation, but they often last longer. We will allocate the time necessary to your case if it looks like a settlement is possible.

The “fact-finding” steps in a law suit are called “discovery”.

Affidavit of Documents

- All parties in a law suit have an obligation to list and provide copies of all documents that are relevant to the law suit in a sworn affidavit. Auger Hollingsworth will prepare the list for you and will make requests for most of the documents for you.
- We will give you advice about what other documents you need to collect.
- In most accident cases the key documents are the medical records. Other important documents may be road or walkway maintenance records, vehicle repair records and your employment file if we are claiming a loss of income.
- We will also review the other parties’ affidavits of documents, which may include adjuster reports and other information relating to the insurance company’s investigation of your claim.

Examination for Discovery

- We will schedule, prepare for and attend the examinations for discovery.
- In this step, each party is questioned under oath by the other parties’ lawyers. The examination takes place in front of a court reporter and a transcript of evidence is prepared. No judge is present at this stage.
- If relevant questions are asked during the examination for discovery but the witness does not know the answer, the lawyers may agree that particular question can be answered in writing as an “undertaking”. Auger Hollingsworth will assist you in answering any undertakings given on your behalf and will ensure that opposing parties answer their undertakings.

STEP 5**PREPARATION FOR TRIAL**

All of the steps described above are part of Brenda and Richard's work-up to trial. In addition we will take the following steps:

- Identifying and interviewing any potential witnesses;
- Identifying whether any expert opinions would assist us and retaining and facilitating a report from those experts if appropriate; and
- Considering and undertaking any other potential fact gathering.

STEP 6**SETTLEMENT CONFERENCE**

This may be the first significant consideration of your case by a court official, a judge or a master. We will do the following:

- Schedule the settlement conference;
- Prepare the settlement conference brief. This is often referred to as the script for trial.
- Attend the settlement conference with you. We will present your case to the court and provide advice to you based on the court's assessment of the case and any offer to settle exchanged at that conference.

STEP 7**TRIAL**

Fewer than 5% of Ontario accident cases go to trial. However, you can be sure that if it is appropriate in your case, the lawyers at Auger Hollingsworth will take your case to trial.

PLUS...

Some of these steps will overlap. In addition to these steps, there can be interim proceedings called “motions”.

- We will consider bringing motions on your behalf if we feel a favourable outcome will shorten or strengthen your case.
- Motions can deal with simple issues such as whether one party has to produce a certain document to the other side.
- They can also deal with significant legal issues that effectively resolve the whole case.

In some parts of Ontario, including Ottawa, there are also meetings convened by the court called “case conferences”. These can occur at anytime, primarily to deal with issues such as scheduling. A typical case may have a number of case conferences which do often involve written submissions.

This overview is intended to provide general information about the typical law suit. We will discuss what to expect in your law suit when we meet in person or talk on the telephone.

HOW WE GET PAID, WITHOUT THE LEGAL JARGON

In our law office, your initial consultation is always free.

We handle most personal injury cases on a contingency fee basis. This means we receive a percentage of the amount we recover for you. If we do not recover money for you, we don't receive a fee.

In addition, we may consider handling your personal injury case on an hourly basis, if you wish. This means you pay us for each hour we work on your behalf. If you're interested in an hourly arrangement, please ask and we will be happy to discuss it with you.

From our experience, we have found that the contingent fee arrangement is what most of our clients want. This is because most injured victims cannot afford to pay the cost of hiring a lawyer by the hour.

You are legally responsible for the costs we pay on your behalf. (Lawyers call them disbursements.) You can choose to pay these costs upfront, on an ongoing basis. Or, if we have a contingency arrangement, we can advance the costs for you. Your decision will affect the percentage that we charge as our fee.

If we advance the costs for you, the money we advance will be deducted from the settlement amount. However, you'll be glad to know that we do not charge interest or any other fee for advancing this money. Also, we do not charge for phone calls, copies, faxes or postage, like many other law firms do. This is one more way we show you that we are committed to helping you get the money you deserve -- and to make sure justice is served.

Ontario lawyers have rules of ethics that they must follow. Their fees are also governed by the *Solicitors Act*.

AUGER HOLLINGSWORTH'S PERSONAL INJURY SERVICES

Ontario Trial Lawyers Richard Auger and Brenda Hollingsworth represent clients in cases involving:

- Personal Injury
- Wrongful Death
- Truck Accidents
- Bus Accidents
- Railroad Accidents
- Boat Accidents
- Bicycle Accidents
- Pedestrian Accidents
- Slips and Falls
- Farm Accidents
- Injuries to Children
- Brain Injuries
- Head Injuries
- Spinal Injuries
- Bodily Injuries
- Burns
- Products Liability
- Dangerous Products
- Explosions
- Gas Explosions
- Automobile Accidents
- Motorcycle Accidents
- Automotive Restraints
- Automotive Products Liability
- Defective Tire Liability
- Tire/Rim Mismatch
- Commercial Vehicle Liability
- Propane Products Liability
- Electrical Injuries
- Elevator Liability
- Nursing Home Injuries and Abuse
- Uninsured Motorist
- Underinsured Motorist
- Insurance Bad Faith
- Dog Bites and Attacks
- Manufacturers Liability
- Automotive Design Liability
- Automotive Crashworthiness
- Defective Products
- Health Care Liability
- *and all other accidents involving serious personal injury or death.*

20 QUESTIONS TO ASK BEFORE YOU HIRE A LAWYER

1. How long ^{have} you been practicing in the field of accident and injury law?
2. What percentage of your practice is devoted to accident and injury law?
3. How often do you go to court?
4. How many trials has your firm done?
5. Have you previously represented people with injuries similar to mine?
6. Do you have investigators and expert witnesses who will help in cases with my type of injury?
7. Can you refer me to a physician who can provide treatment for my injuries?
8. Will you handle my case on a percentage fee or contingency basis?
9. If I can't come to your office, will you come to my home or office?
10. Will you send me a free Injured Victim's Guide to Fair Compensation?
11. Will you discuss my case with me over the telephone?
12. Are you a member of the Ontario Trial Lawyers Association?
13. Have you ever represented insurance companies so you understand how they work?
14. What volunteer work do you do in the community?
15. Will you evaluate my case for me without cost or obligation?
16. If the insurance carrier doesn't offer a fair settlement, are you willing to fight for what is fair?
17. Will you send me free educational materials about injury cases?
18. If I hire you to handle my case, will you handle it personally -- or shuffle it down to a junior lawyer or clerk?
19. Will you handle my accident benefit case in addition to my claim for damages?
20. Can you provide services in French?

MEET BRENDA HOLLINGSWORTH

EMAIL: brenda.hollingsworth@ottawalawfirm.ca | TEL: 613-233-4529

Brenda Hollingsworth is a lawyer and owner at Auger Hollingsworth Professional Corporation and the head of the firm's personal injury practice. She is widely recognized as a leader in her field and an outspoken advocate for injured victim's rights.

Brenda's success as a lawyer and entrepreneur was preceded by her considerable educational achievements. In 1991, Brenda graduated with a Bachelor of Arts Degree with Honours in English at Queen's University in Kingston, Ontario. In 1992, she earned a Master of Arts Degree in English at the University of Ottawa.

Then in 1995, Brenda earned a Bachelor of Laws Degree (LL.B.) graduating *Magna Cum Laude* from the University of Ottawa Law School. In her class of 248 students, Brenda graduated 10th. In addition, Brenda won the Nelligan Power Award for mooting.

After graduation, Brenda started her law career with the Bay Street law firm Blake Cassels & Graydon LLP, where she worked in both the Toronto and Ottawa offices. She learned her craft alongside several of Canada's leading litigation lawyers and thereby gained significant litigation experience. Afterwards, Brenda worked in a personal injury boutique firm in Toronto called Genest Murray LLP, where she practiced both plaintiff and defence-side personal injury and class action law.

Since her call to the Ontario Bar in 1997, Brenda has been on a clear path to success. She joined her husband as a partner at Auger Hollingsworth in 2005. Brenda's practice focuses on personal injury litigation, primarily motor vehicle accidents and slips and falls. She is known for working tirelessly to secure meaningful compensation for her clients. She firmly believes that all of her clients deserve a lawyer who is informed, prepared and committed to their case. Brenda's attention to detail and ability to strategize consistently help her clients get favorable results.

Brenda regularly settles six and even seven figure accident claims. She is well known for her mastery of the law and superior oral advocacy skills. Although Brenda knows it is often in her clients' interest to settle their cases, she is



more than capable of representing her clients in mediation or in court. She has successfully represented clients at all levels of court in Ontario, as well as in Federal Court, before Senate Committee hearings and at numerous administrative tribunals.

Brenda's success as a lawyer and businesswoman has been recognized by the media and by various organizations. The Women's Business Network awarded her the Businesswoman of the Year award in the Professional category in 2009, a fact that was covered by several media outlets. Brenda was a recipient of the *Ottawa Business Journal's* 40 under 40 award in 2008. She has been named one of *Ottawa Life Magazine's* "Top 50 People in the Capital" in 2010, and one of the University of Ottawa's "Common Law's Celebrated Advocates" in the summer 2010 issue of the *University of Ottawa Common Law Bulletin*. In 2014, Brenda was chosen as one of Canada's Top Female Entrepreneurs by PROFIT/Chatelaine W100.

Brenda ensures that her legal skills and knowledge remain current by attending and presenting at continuing legal education programs every year. She is also regularly published in well-respected legal journals and magazines. She has served as an associate editor of Watson and McGowan's "Ontario Civil Practice", and delivered papers at the Ontario Trial Lawyers Association conference and Eastern Ontario Lawyer's conference.

Brenda is a member of the Law Society of Upper Canada, the Advocates' Society, the Ontario Trial Lawyers Association, the Defence Counsel Association of Ottawa and the County of Carleton Law Association. She is currently serving a three-year term on the Judicial Appointments Committee as a representative of the Law Society of Upper Canada.

Brenda currently resides in Ottawa with her husband Richard Auger and their two children, Zachary and Jordan.

MEET RICHARD AUGER

EMAIL: richard.auger@ottawalawfirm.ca | TEL: 613-233-4529

Richard Auger is a lawyer and owner at Auger Hollingsworth Professional Corporation. He is a tireless, results-driven lawyer who achieves success for his clients.

Richard practices medical malpractice, personal injury and wrongful death. He represents clients who have been injured or died as the result of a vehicle accident or medical mistake made by a doctor or nurse. Richard is also a skilled and experienced advocate at public inquiries and inquests. He has represented many key figures in national political proceedings. Richard further hones his advocacy skills as a seasoned criminal defence lawyer.



Tough Reputation

Richard is well known for his meticulous preparation, his fearsome cross-examinations and his relentless research of the law. Court opponents know that if a point of law arises on a case, Richard will have a complete case book and detailed knowledge of the pertinent law in the area. Richard appreciates that many cases are won by “out-preparing” the other side.

Unusual Perspective

Since his call to the Ontario Bar in 1997, Richard has represented clients in countless trials and administrative hearings on health and other issues. He has also represented clients charged with a wide range of offences. As a result, Richard is uniquely positioned among lawyers to respond to clients’ needs in both the criminal and civil litigation arenas, where most lawyers limit their practices to one area or the other.

Nationwide Recognition

Richard gained national recognition when he represented a key witness at the Gomery Commission of Inquiry into the Sponsorship Program. Richard was among the youngest counsel to act for a major player at the Gomery Inquiry. His involvement with the Gomery Inquiry followed on the heels of his work on the high-profile Computer Leasing Inquiry in Toronto, where he

also acted for a central figure.

More recently, Richard has played a central role representing Karlheinz Schreiber before the Parliamentary Ethics Committee.

Media Presence

Richard is a legal authority who speaks to reporters often. Since the firm's inception, Richard has conducted more than a dozen media interviews, including an interview on CTV's "Canada AM". He has been quoted in every major newspaper, including The Ottawa Citizen, The Globe and Mail, The National Post, The Montreal Gazette and The Toronto Star. This level of exposure is unparalleled among professional service providers of Richard's seniority.

Education

In 1991, Richard earned his undergraduate Honours Bachelor of Arts Degree in Law/Psychology from Carleton University in Ottawa. In 1995, Richard earned an LL.B. (Bachelor of Laws Degree), graduating Cum Laude from the University of Ottawa, Faculty of Common Law. Richard was called to the Bar of Ontario in 1997.

Awards

Richard was the recipient of the 2006 40 under 40 award by the *Ottawa Business Journal*. In addition, Auger Hollingsworth were the Bronze recipients of the Business of the Year award in 2006.

Experience

Richard gained experience as a lawyer by working in the well-known legal firms of McCarthy Tétrault and Greenspan Partners.

The exposure and access to Canada's leading civil and criminal practitioners provided him with unparalleled training in all aspects of litigation and are at the root of his success today. His tenure in these reputable firms also enabled him to develop keen preparation skills and sharpen his innate researching skills.

Richard is a firm believer in continuous learning and is a regular participant in professional development seminars focused on enhancing his litigation skills, including the various annual criminal lawyer conferences.

Richard has successfully represented clients at all levels of court in Ontario, including the Ontario Court of Justice, the Superior Court of Justice, the Ontario Court of Appeal, Federal Court, Commissions of Inquiry and numerous administrative tribunals. He works regularly as an agent for cases at the Supreme Court of Canada, as well.

As part of his commitment to legal excellence, Richard is a regular lecturer at the University of Ottawa Law School in the trial advocacy courses and is a past coach of the Law School's competitive trial team.

Most notably, Richard was an associate editor of *Ontario Civil Practice* from 2007 to 2009, the legal reference Bible used by all civil litigators in Ontario.

Richard currently resides in Ottawa with his wife Brenda Hollingsworth and their two children, Zachary and Jordan.

YOU'RE INVITED TO CALL OR EMAIL

"If you have questions about your injury claim -- or if you'd like to discuss your case -- please don't hesitate to call us. We will gladly speak with you over the telephone or in person, whichever you prefer. And your first visit is always free. You're welcome to call us anytime. We'll be happy to help you in every way!"

- - *Richard & Brenda*



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"We're pleased and proud to represent injured victims throughout Ontario."

STOP! Before you speak to the insurance company, sign any statement or hire a lawyer, read this book!

The authors, Brenda Hollingsworth and Richard Auger, are Ottawa-based personal injury lawyers who were concerned about the lack of information available to Ontario residents facing injuries from an accident. While there is a lot of material on the internet, it is hard to sort through which principles apply to Ontarians. Our laws are unique, especially in the motor vehicle realm.

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