

Personal Injury
Compensation
what you need to know



MORSE | SHANNON LLP
PERSONAL INJURY • COMMERCIAL LITIGATION

morseshannon.com

A man in a dark suit, white shirt, and light green striped tie is smiling and leaning on a light-colored reception desk. His right arm is extended across the desk. To the right, another person's arm in a dark suit is also visible, resting on the desk. The background is a plain, light-colored wall.

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First Steps

Start by contacting Michael Shannon at Morse | Shannon, renowned by colleagues and clients as an experienced veteran and passionate expert in personal injury litigation. Michael and his team will not only look after the legal aspects of a case but also the human aspect.

The initial consultation is always free.

What Needs to be Done First After Suffering a Personal Injury

When someone has been seriously injured in an accident, the situation is overwhelming. It is difficult to know what needs to be done first.

Where to start?

As soon as possible after suffering a personal injury, it is important to notify a number of people and record important information for future reference.

- Inform the police about the accident.
- Record full names and complete addresses of the involved parties and witnesses to the accident.
- Notify victim's insurer of the accident and record names and contact information along with any other relevant details.
- Contact a personal injury lawyer for initial consultation.
- Inform the injured person's family doctor.
- Record names and contact information of attending health care professionals.
- Keep track of receipts for all medical and related expenses to the accident.
- Keep track of time spent by family or friends caring for the injured person.
- Check if there is any other insurance coverage through work, school or private plans.

The advice of an experienced personal injury professional is invaluable in helping you with the legal process, and also in helping you prepare for what lies ahead.

Finding the Right Lawyer

A serious personal injury is an overwhelming and devastating experience, both physically and emotionally. Receiving the right legal advice and professional support can make all the difference. You need an expert with one focus — ensuring you receive the support you require and the compensation that you are entitled to.

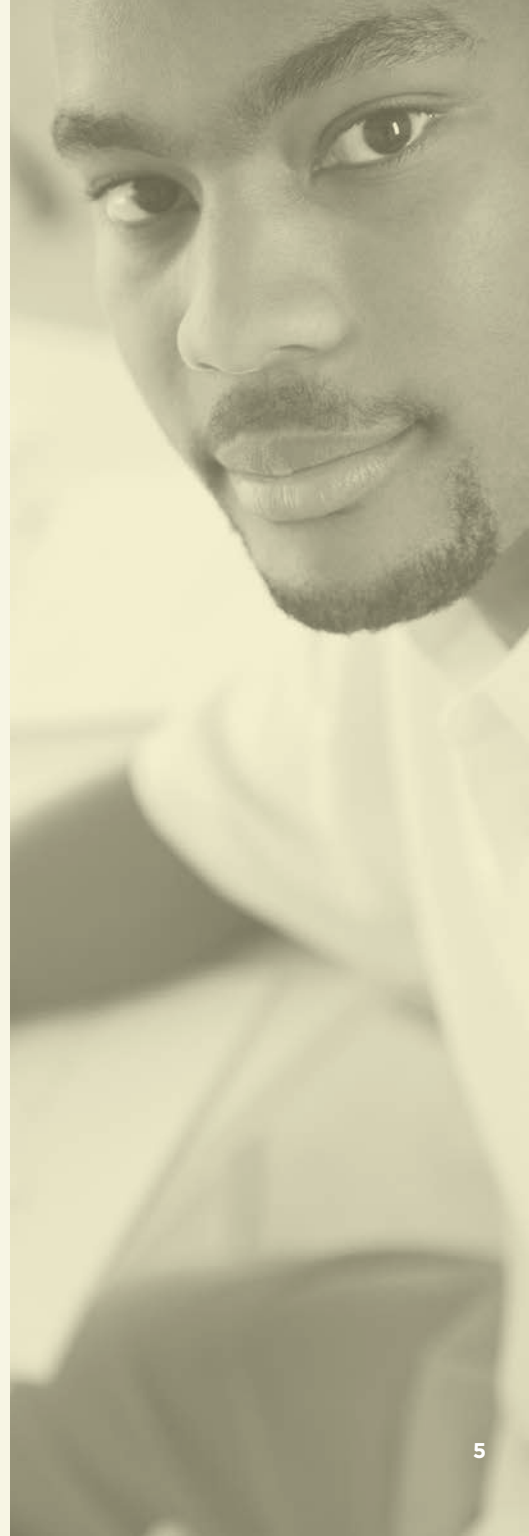
Personal injury expert Michael Shannon and the Morse I Shannon team can help every step of the way. With an impressive track record of successful results, both in and out of the courtroom, Michael brings over 25 years of experience, expertise and compassion to every case.

With 100% of his practice being devoted to personal injury litigation, and with access to the extensive resources of Morse I Shannon, Michael is capable and committed to achieving the best possible outcome for his clients during a painful and difficult time.

Michael is personally involved in each case. He helps navigate the legal challenges, and he develops a relationship with his clients, and their families, that extends outside the courtroom. To Michael, it's not just about a legal settlement — it's about helping people rebuild their lives as best they can.

What costs are involved?

It is understandable to have concerns about the expense of litigation. With Morse I Shannon, the initial consultation is free — and because the work on a client's case is done on a contingency fee basis, no payment is required if no compensation is awarded. During the first meeting, a complete explanation about the legal fees that could apply is provided.



Important Timelines

Did you know, you only have

7 DAYS

to notify the injured party's insurer that there has been an accident

30 DAYS

after receipt of application from the insurer to submit the application for accident benefits

120 DAYS

to notify the at-fault driver and owner of the intention to sue

2 YEARS

to sue the other driver

Not many people realize that after suffering a personal injury, several steps need to be taken almost immediately to ensure your right to any compensation. This is why it is essential to consult with a qualified and experienced personal injury expert, working at a respected law firm.

Michael Shannon and the Morse I Shannon team navigate the complex process of a personal injury claim.

Who Can Submit a Claim

Anyone who has been injured in an accident, may have the right to make a claim.

Claims can be made for seriously injured victims due to the negligent conduct of others in situations such as:

- Motorized vehicle accidents
- Medical malpractice
- Product malfunctions
- Slips and falls occurring on public or private property
- Assaults

Compensation can include the loss of income and medical/rehabilitation expenses, as well as monies for pain and suffering and loss of quality of life. It is an overwhelming situation to be in, and getting the right advice and professional assistance can make all the difference.

By consulting with Michael Shannon as soon as possible after the accident, a professional evaluation of the situation can be made to determine whether a claim for compensation is possible, what the potential claim might be, and what steps need to be taken in order to process it.

Any person injured in an accident may have the right to make a claim.



Accident Benefits and Compensation

How does someone get compensation?

There are two ways to obtain compensation due to an automobile collision:

1. Receive accident benefits through your insurer
2. Sue the at-fault driver

It is important to realize that an insurer may not explain all of the benefits someone may be entitled to. Getting the right legal advice is critical in determining and receiving the entitled support. A personal injury expert considers many different things while assessing a case, starting with determining whether a person is catastrophically injured, as defined by the legislation. (Being found catastrophically injured means that a person is eligible for far greater accident benefits than a person not designated as catastrophic.)

What are accident benefits?

Accident benefits through your insurer can cover a number of benefits, including:

- Replacing a percentage of an injured person's income
- Medical and rehabilitation expenses
- Attendant care expenses
- Funeral expenses
- Death benefits
- Lost educational expenses
- Housekeeping or handyman expenses

What are income benefits?

Income benefits mean that an injured person is entitled to 70% of their gross weekly income, up to a maximum of \$400 per week. If they are unemployed at the time of the accident, they may be entitled to a non-earner benefit of \$185 per week, payable six months after the date of the accident. If they were the primary caregiver for a person in need of care, then \$250 per week is entitled (plus \$50 per week for each additional person requiring care).

What is a catastrophic injury?

A person is considered catastrophically injured if they have suffered any of the following:

- Paraplegia
- Quadriplegia
- Permanent loss of a limb
- Total loss of vision in both eyes
- Brain impairment which is recorded 9 or less on the Glasgow Coma Scale (G.C.S.)
- Brain impairment, which is recorded 2 or 3 on the G.C.S.
- 55% whole body impairment pursuant to American Medical Association Guidelines — once your condition has stabilized or two years after the motor vehicle collision
- Class 4 or 5 impairment due to mental or behavioral disorder under American Medical Association Guidelines — once your condition has stabilized or two years after the motor vehicle collision

Being found catastrophically injured means that a person is eligible for far greater accident benefits than a person not designated as catastrophic.



Medical, Rehabilitation and Attendant Care Benefits

Non-catastrophic

If a person is not catastrophically injured, benefit entitlements are:

- A maximum of \$50,000 for medical and rehabilitation benefits payable for no more than 10 years
- A maximum of \$36,000 for attendant care payable over 2 years (maximum of \$3,000 payable monthly for 24 months)
- Expenses of family members and individuals who were living with you at the time of accident if they visit you during your treatment or recovery
- Lost education expenses up to a maximum of \$15,000

Catastrophic

If someone is catastrophically injured, then the benefits they are entitled to are greatly enhanced. Benefits can include:

- A maximum of \$1,000,000 for medical and rehabilitation benefits over a lifetime
- A maximum of \$1,000,000 for attendant care benefits over a lifetime (maximum monthly benefits of \$6,000 per month)
- \$100 per week for housekeeping and home maintenance for life
- Services of a case manager
- Expenses of visitors to the hospital
- Lost education expenses

In cases of death

Benefit entitlements are:

- \$6,000 maximum for funeral expenses
- \$25,000 death benefit payable to the spouse
- \$10,000 death benefit payable to each dependant

What Are the Rights to Sue an At-Fault Driver?

In addition to obtaining compensation through your insurer, an injured person can sue an at-fault driver for pain and suffering if the threshold test is met.

The **THRESHOLD TEST** to sue is:

- A family member has died as a result of the collision
- The injured victim has suffered a permanent serious impairment of an important physical, mental or psychological function
- The injured victim has suffered a permanent, serious disfigurement

If an injury meets the threshold test, then a person may be entitled to sue for any health care expenses not covered by the accident benefit insurer or government health care plan.

One can also sue for lost income. An injured person can sue for 70% of his or her income loss up to the date of trial, and 100% of their gross future income loss, for the remainder of what would have been their working life, if they continue to be disabled from work.

Family members are eligible to make a claim if there has been a death or the injured victim's injuries meet the threshold test.

You do not have to be catastrophically injured to sue.





JEROME MORSE

ROBERT PLATE

MICHAEL SHANNON

The Morse | Shannon Team

Morse | Shannon LLP is one of Canada's foremost leading specialty law firms of expert lawyers, practicing in personal injury and medical malpractice.

The name Morse | Shannon is synonymous with outstanding trial and appellate advocacy, never losing sight of the need for both excellent and cost effective advocacy on clients' behalf.

Michael Shannon and his team stand out in the field of personal injury litigation. Representing both adults and children, they have an outstanding track record of successful settlements.

Michael's extensive experience and exceptional reputation, combined with the commitment and dedication of his team,

provides clients with the best possible help to achieve the best possible outcome with dignity and respect.

Focusing on not only the legal aspects of a case, but also on the current and future needs of their clients, Michael and his team have built strong relationships with an extensive group of non-legal experts and professionals to provide the help and guidance clients require.

The expertise, consideration, support and compassion that Michael and his team bring to clients, not only makes a difficult situation a little easier, it can result in a better quality of life, which is the most important result of all.

Jerome Morse

PARTNER

Jerome Morse has been consistently and repeatedly recognized by the two most highly regarded lawyer rating services, Lexpert® and The Best Lawyers® in Canada, as one of the country's foremost trial counsel in his practice areas.

Jerome's practice areas include personal injury and fatalities involving motor vehicle collisions, medical (health care) malpractice, product liability, public authority, aviation and occupier liability; casualty, property and disability insurance litigation; professional negligence (physicians/lawyers/ engineers/ accountants); corporate commercial and commercial insurance (including directors and officers) litigation; banking litigation; and class actions.

Certified by the Law Society of Upper Canada as a specialist in the area of civil litigation, Jerome has conducted numerous trials in

Ontario, and also has privileges, and conducted litigation, in Nova Scotia, Alberta and Quebec.

Jerome is a Fellow of the American College of Trial Lawyers (ACTL). ACTL's qualification requirements approve membership as a Fellow only to trial lawyers "who are unquestionably and eminently qualified... outstanding and considered the best in a state [or province] ... [who have] high ethical and moral standards and excellent character ... and are actively engaged in trial work as their principal activity."

An author of numerous articles, Jerome is also a prominent lecturer at many conferences and seminars. He is also a member of several associations, including the Advocates' Society, the Canadian Bar Association, the Ontario Trial Lawyers Association, the Metropolitan Toronto Lawyers Association and the Toronto Medical Legal Society.

Jerome was also the past Head of the Trial Advocacy Program for the LSUC Bar Admission Course in London, a past member of the Board of Canadian Paralegic Association (Ont.), a past Director of the Toronto Medical Legal Society and a founding member of the Holland Reform Group.



Michael Shannon PARTNER

With over 25 years experience, Michael Shannon's dedication, compassion, determination and perseverance, have made him one of the most successful and highly regarded lawyers in personal injury litigation, respected by both his clients and peers. He has handled cases all over North America, conducted numerous jury trials and recovered in excess of \$100 million dollars on behalf of his injured clients.

Michael's practice areas include brain injuries, medical malpractice, motor vehicle accidents, wrongful death, spinal cord injuries, injuries sustained from slips and falls, aviation and occupier liability, and acting on behalf of people who have had their long term disability, travel insurance and life insurance claims wrongly denied.

Michael is consistently recognized as a leading personal injury practitioner in Canada. Since its

inauguration in 2006, Michael has annually appeared in the National Post's listing of Best Lawyers in Canada, and is recognized by Lexpert® and The Best Lawyers in Canada as one of the leading practitioners in personal injury law. Michael is also certified by the Law Society of Upper Canada as a specialist in the area of civil litigation.

Michael has published and lectured extensively in the personal injury area, chaired numerous personal injury conferences and belongs to several associations including the Board of Directors of the Ontario Trial Lawyers Association.

As an active member of the community, Michael generously supports a number of charitable events and initiatives that work towards preventing accidents and injuries or help victims and their families deal with personal injuries. Over the years, Michael's

involvement has garnered many acknowledgements and awards from numerous groups and associations, including the Canadian Paralegic Association and the Ontario Trial Lawyers Association.

Recently Michael was very honoured to celebrate the ribbon cutting ceremony that officially opened two rooms he generously donated to the Toronto Rehabilitation Institute in support of their Neuro Rehab Program.



Robert Plate PARTNER

Bob Plate has 17 years experience as a trial lawyer, with a wide variety of trial experience. He has been a local Agent for the Attorney General of Canada, counsel for several multi-national insurers regarding property and casualty claims and representing plaintiffs involved in serious injury claims. He has argued cases before the Provincial, Superior and Appeal Courts of Ontario often taking on complex and contentious legal disputes. In addition, Bob has successfully represented parties at the Financial Services Commission of Ontario regarding Accident-Benefit claims, at the Workplace Safety and Insurance Appeals Tribunal, and the Canada Pension Plan Review Tribunal.

Bob now exclusively represents victims who have been injured or suffered damages as a consequence of the negligence or deliberate acts of others. He has successfully concluded hundreds of personal injury cases

and medical malpractice cases and has considerable experience handling catastrophic and major loss claims including brain, spinal cord, chronic pain and psychological impairments. Bob has dedicated his practice to ensuring compensation and treatment for individuals injured in Ontario. Other lawyers often consult Bob for his expertise and experience regarding personal injury claims.

Bob has lectured to community groups, health care professionals and through the Law Society of Upper Canada on a wide variety of medical and legal issues.



What Clients Are Saying



Rose and Herman Silver

We were residing in Montreal when our son Mitchel, who lived in Toronto, was injured in an industrial accident and received catastrophic injuries to his spine. Mitchel became a quadriplegic and would need around the clock life support therapy for the remainder of his life. We had no choice but to sell our home in Montreal and move to Toronto. My husband was close to retirement and funds were at a minimum. We needed a lawyer to see if we could get some compensation for this tragedy and Michael Shannon was referred to us.

Michael came to the hospital to meet with our family and, from that day on, Michael alleviated some of the pressures and worries by enabling us to concentrate on Mitchel's health and not our finances. Michael proved to be a very passionate, compassionate and professional litigator who helped to make an unfortunate situation just a little bit better.

Kim McNeillie

The professionalism, consideration and time that Michael Shannon extended to myself and the compassion to the family will always be dearly appreciated. During our process, Michael and his team consistently upheld their well-earned reputation of professionalism and experience in every respect. Michael's personal commitment to my case, combined with his dedication and honesty, was more than reassuring on many occasions. Most of all, his calming disposition and his tireless effort to help people is how I knew I had the right representation.



Susana Cruz

From the first day on the case, I felt that Michael Shannon was the good lawyer that we were waiting for. Michael not only cares about my husband who suffered a traumatic brain injury, he also shows concern for the entire family. Michael maintained excellent follow-up with the case and family, and also worked well in consultation with the team members before making any decisions. Michael fought for the best settlement for my family, including financial security for the future, our children's education, the home we live in and the van that we will use in going to church and family activities.

Dr. Thomas A. Wright *MD, BSc(Med)* *FRCS (C) Senior Orthopaedic Spinal Consultant,* *Toronto Western Hospital, University Health Network*

I have known Michael Shannon for a considerable period of time, having been associated with his father, Paul Shannon. I have followed Michael's career in personal injury litigation and because my specialty is orthopaedic surgery and in particular, spinal disease, Michael has been a valued cohort. He is a wise counselor, a person who listens to his clients and gives them a feeling of complete ease. His office runs extremely efficiently and he instills confidence in not only his clients, but those who are working with him.



Pascal Ribreau and Laurie Anderson

Michael Shannon was highly recommended by a friend to represent us following a car accident that left me a paraplegic. My wife and I were impressed with Michael's experience, his background, and the easy rapport he established with us from that first meeting. We felt we could trust Michael and during the settlement process, that impression proved to be correct. The legal aspects of our case were handled in a neat, efficient manner, and the human element — an inevitable component of a catastrophic injury case — was treated with dignity and compassion.

Lynn Boag

From our very first phone call, I knew that Michael Shannon was “our knight in shining armour”, “our angel of mercy”. Michael is, and has always been, supportive, compassionate, approachable and in every sense of the word, a humanitarian. His extremely accommodating and resourceful nature allowed us to communicate via phone/fax/e-mail where travel would have been problematic. Michael is an honest, generous, hard-working man that we have come to know as our friend.

A family man first, Michael is also a people person, a progressive thinker and a highly skilled lawyer. We have been blessed to have Michael at the helm defending us under the Charter of Human Rights and Freedoms. Had it not have been for his due diligence, my dreams would have not come to fruition. My disability has allowed me to see and approach life and challenges knowing that there is often more than one way to get the job done. I am so fortunate to know Michael Shannon, who purports the same philosophy.



Susanne and Michael Cuffy

When life gets tough, when tragedy hits, that's the time when you need somebody to lean on. Someone who understands what you are going through, who listens and cares, has knowledge and wisdom, and can make the legal and emotional process less painful. That is what Michael Shannon did for us.

After my husband's motor vehicle accident which resulted in a serious head injury, we were lucky to end up in Michael's confident hands. From the first firm handshake, to the last advice on how to manage our settlement, Michael delivered above our expectations and hope. He was true to his word and made us feel supported every step of the way. As a result of Michael's hard work, he negotiated a settlement for us that enabled us to continue focusing on recovery and our life goals. It gave us a second chance in life and for this we are forever grateful to Michael.

Dr. John Tracey

M.B., B. CH., M.A., F.C.F.P. — Family Physician

I first met Michael Shannon when he was preparing a personal injury case for a patient of mine. I was impressed not only with his understanding of complex medical matters, but also to the fine degree of diligence and high standards he aspired to in preparation of this case. I have never seen a lawyer as well prepared. I personally used Michael's services when I was unfortunate to receive a crush injury in a motor vehicle incident. Just as my patients had experienced, I was very pleased with Michael's compassion, openness and thorough professionalism.



Peter and Sophie Vardalos

We are very grateful for everything that Michael Shannon has done for us during what was an extremely difficult time.

Having just arrived in Toronto four days prior to Peter's accident, not only did we not know the city very well, but we also didn't know of anyone who could represent us legally. Having lived in Winnipeg all our lives, and operated a business built successfully by word of mouth from our customers, we decided to ask around to see who could help. Fortunately for us, Michael came highly recommended as "one of the best in Canada".

Although we were nervous, sleep deprived and extremely emotional, it was comforting to know that we had Michael representing us. We never felt that we had to question his strategy or tactics, and appreciated the consideration shown to witnesses

and, most importantly, to our family and friends. The professionalism in the courtroom was outstanding.

Not only did Michael and his team provide the legal assistance we required, but also the emotional support to help us through it all.

In order to better assist you, special arrangements can be made in a language of your choice to ensure effective communication.

Para melhor atendermos voce, providências especiais poderão ser feitas com um advogado à sua escolha para assegurar uma comunicação eficiente.

Pour vous rendre un meilleur service, il peut y avoir des arrangements spéciaux avec l'avocat de votre choix, afin d'assurer une communication effective.

Para poder asistirle mejor, podemos hacer arreglos especiales con un abogado que usted escoja y así asegurar una comunicación más efectiva.

Per rendere un servizio migliore, si voi organizzare con un avvocato di vostra scelta predisposizioni speciali per assi curare una comunicazione efficace.

De giup qui vi, chung toi co the dan xep de ban chon mot luat su, va su lien lac voi qui vi se co hieu qua hon

آپ کے ساتھ بہتر تعاون کی خاطر مؤثر گفت و شنید کیلئے آپ کے پسند کے وکیل کے ساتھ خصوصی انتظامات کئے جا سکتے ہیں

ਬਿਹਤਰ ਤਰੀਕੇ ਨਾਲ ਤੁਹਾਡੀ ਸਹਾਇਤਾ ਕਰਨ ਲਈ, ਤੁਹਾਡੀ ਪਸੰਦ ਦੇ ਕਿਸੇ ਵਕੀਲ ਨਾਲ ਖਾਸ ਪ੍ਰਬੰਧ ਕੀਤੇ ਜਾ ਸਕਦੇ ਹਨ ਤਾਂ ਜੋ ਪ੍ਰਭਾਵਸ਼ਾਲੀ ਗੱਲਬਾਤ ਨੂੰ ਯਕੀਨੀ ਬਣਾਇਆ ਜਾ ਸਕੇ।

보다 나은 서비스를 드리기 위해 원활히 의사 소통을 할수있는 변호사를 고객님의게서 직접 선택할수 있도록 특별히 준비해 드립니다

Чтобы помочь Вам наилучшим образом, мы готовы привлечь выбранного Вами адвоката для обеспечения эффективности общения.

為您提供更佳服務，可特別安排您所選用的律師，以確保有效溝通。

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Upang lubos kayong mapaglingkuran, maaari kayong makipag-usap sa abugadong napili ninyo para masiguro at saka epektibo ang pakikipag-usapan

بجھت ارائے خدمات بہتر بہ شما، ترتیب خاصی دادہ میشود تا بتوانید بصورت مؤثر، با وکیل منتخب خود ارتباط برقرار کنید.

MORSE | SHANNON LLP

PERSONAL INJURY • COMMERCIAL LITIGATION

Providing you the best possible help
to achieve the best possible outcome

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