

WESTSIDE

LETTER

What's in a name?

To the editor:

The Peachlanders attending the Primary School last week heard the announcement by our federal MP of an additional grant of \$52,000 for the outfitting of the Visitor Information Centre.

Besides that happy surprise, the usual photo op session, and the absence of any heat, it was a great opportunity to get a preview of the renewal underway.

A photo could never capture the scope and solidity of the spaces revealed. It was something to see through all the exposed uprights of real 2 x 6s (milled right in Peachland by the McDougall sawmill), and to note the joinery of the peaked supports over the windows.

We were told that the architects are still trying to figure a way to keep a small section of a wall exposed to show off the distinct diagonal application of boards.

The closeness of the view of the lake, the window light and lofty ceiling heights are all stunning.

The tour identified the allocation of spaces for the anchor tenants, and revealed the hallway space for use by the arts community.

I hope that this project will be established as a public, inclusive place, and that any notions of "ownership" of this or that area will be avoided.

Envisioned as the centrepiece of our town's public facilities, in my view its success depends more than anything else on its openness and wide community access.

Understandably, the operational functions and finances will challenge our capacity and management.

It was special to tour the project at this stage, and to anticipate its completion.

With the May long weekend set for the opening, is there time to launch an open contest for a name to identify the building?

The name should be something that would communicate "a space" that shows off all community endeavours and tells its stories.

**Dora Stewart,
Peachland**

SPORTS

Previews • Profiles • Summaries • Scores

ACCIDENT INJURY CLAIMS

Lawyers learn from clients about anatomy

A first aid course is the full extent of my formal medical education.

However, over the years of handling car crash injury cases, I have benefited from extensive "on the job training."

Every one of my clients is a case study. I take a detailed history and review clinical records.

My clients fill me in on what the family doctor and specialists recommend for treatment and I hear about the benefits of various modalities of care.

Near the conclusion of a case, I obtain and review medical reports of therapists, doctors and specialists.

I have an anatomical model in my office that would stand up proudly against that of any specialist in this province.

My "on the job training" has prepared me well to perform one of the most important aspects of my work as a personal injury lawyer—to ensure that absolutely no stone is left unturned in the pursuit of as full a recovery as is possible.

Leaving any stone unturned gives the defending insurance company a way out of paying fair compensation.

ACHIEVING JUSTICE



Paul Hergott

It gives them what I refer to as the "magic pill defence."

Nobody, including the members of a jury, likes to think about an injured victim having to suffer pain and functional limitations for the rest of his or her life.

It's a disturbing thought. If I accept that a person is never going to recover, then I have to accept that if I, too, was rear-ended and suffered the same injuries, I might not ever recover, either.

I would have to accept that if my wife and child suffered the same injuries, they also might never recover.

It's easier for us to believe in a cure. It's easier for us to look for and believe in a "magic pill."

It's 4 1/2 years after the crash and physiotherapy and chiropractic care have failed to bring about a cure, but some other therapeutic option has not been fully explored.

Some specialist has suggested active release therapy, or botox injection therapy as possible options.

As unlikely as it may be with chronic symptoms having set in, maybe one of those options will make all the difference and bring about a full recovery.

Sometimes the "magic pill" is time. No stone left unturned in the therapy department, but time will bring about healing.

It's already three years since the crash, and symptoms haven't improved at all for the last six months, but just give it more time and there might be some further recovery.

To do this job right, a lawyer must play doctor to ensure that every magic pill is swallowed before the case gets close to trial.

Leave a magic pill on the table and there is likely to be a travesty of justice arising from the hopeful optimism in the courtroom that a magic pill will cure the injured victim.

Optimism for recovery leads to compensation being assessed on the basis of a temporary injury, not a permanent one.

The injured victim,

who has faced misplaced optimism ever since the first doctor out of the gate told her she would be fine in a couple weeks, is left victimized yet again.

Once a case has been settled, or there has been a court judgment, there is no going back for the shortfall in compensation after the magic pill didn't work.

So there's "Doctor Paul," doing my best to anticipate all the magic pills the defence insurer might come up with and to ensure those pills are taken as early as possible so that they've had time to work their magic.

My "doctoring" includes preparing my clients to make referral requests of family doctors who don't have the luxury of time nor resources to fully review the patient's condition and clinical history on a regular basis.

It also includes making private referrals of my own to specialist to get opinions for use in prosecuting the claim, which opinions almost invariably include treatment recommendations that can be passed on to the treatment team for implementation.

I tread carefully, knowing that any involvement of a personal injury lawyer in care may be perceived by some doctors as meaning that the patient is more concerned about their injury claim and less concerned about getting better.

I try to stay under the radar as much as possible because that perception could not be further from the truth.

The reality is that my goals, and the goals of my clients, are aligned with those of the treatment team. We all want the patient to recover from his or her injuries as quickly and fully as possible, pulling all the stops.

Doing so has the added benefit of ensuring that we're not left with the kind of unfair result that can arise from pursuing care in an incomplete or non-exhaustive way.

This column is intended to provide general information about injury claims. It is not a substitute for retaining a lawyer to provide legal advice specifically pertaining to your case. Paul Hergott is a lawyer at Hergott Law in West Kelowna.

paul@hlaw.ca

Input sought on Memorial Park upgrades

The District of West Kelowna is creating a plan that will recommend upgrades at Memorial Park, located adjacent to Johnson Bentley Memorial Aquatic Centre in downtown Westbank.

The Memorial Park Plan will focus specifically on improving existing outdoor spaces at Memorial Park and enhancing the summer outdoor concert series, Music in the Park.

Memorial Park is a gathering place for key cultural events in the district, and also features a skateboard park, connections to trails and a playing field.

As part of the planning process, the district is inviting the public to participate

in a short survey to share impressions of the park today and ideas for the future.

The Memorial Park Plan Ideas Survey takes about five minutes to complete and is available on the district's homepage, www.districtofwestkelowna.ca. A hard copy of the survey may be picked up at Municipal Hall, 2760 Cameron Rd.

The survey will be available until March 6; results will be shared at a public open house March 14, from 4 to 7 p.m. at Westbank Lions Hall.

For more information about the project, contact the district's parks planning department at 778-797-8830.

Global OKANAGAN

5.00, 6.30, & 11.00
YOUR NEWS!

Via Cable:
 Shaw Cable - Channel **211** HD
 Shaw Cable - Channel **4** SD
 Telus Optik TV - Channel **6** SD
 Omega Cable, Big White - Channel **6** SD
 Eastlink Osoyoos/Oliver - Channel **13** SD
 Eastlink Princeton - Channel **4** SD

Via Satellite:
 Shaw Direct - Channel **326** SD
 Bell ExpressVu - Channel **654** SD
 Telus Satellite - Channel **654** SD

Free over the air via antenna in HD:
 Kelowna - Channel **27** HD
 Penticton - Channel **32** HD
 Vernon - Channel **20** HD

Analog free over the air via antenna in SD:
 Osoyoos - Channel **8** SD
 Naramata/Penticton - Channel **7** SD
 Enderby - Channel **16** SD
 Salmon Arm - Channel **9** SD
 Canoe - Channel **6** SD
 Revelstoke - Channel **9** SD

Shaw)

www.globalokanagan.com

West Kelowna's Full Service Small Animal Hospital

Rose Valley Veterinary Hospital

Veterinary Medical & Surgical Service
 Vaccinations & Examinations
 Onsite Ultrasound, Lab & X-Rays

Veterinary Pharmacy • Grooming Facility
Cat Only Boarding Facility • Open Monday to Saturday

250-769-9109

112 - 2476 Westlake Rd., West Kelowna V1Z 2V2

www.kelownavet.ca

Bring your new pet in for a **FREE** exam