

## NEWS

## LAW

## When it comes to legal accountability, money talks

My last column had to do with assigning legal liability (blame) for a camping injury to my 10-year-old daughter's finger.

I did a tongue-in-cheek analysis of blame, admitting that Santa Claus wasn't the "plump, jolly culprit" who idiotically put a dangerously sharp pocket knife into her hands as a Christmas gift, it was me.



ACHIEVING JUSTICE

Paul Hergott

I concluded with the notion that a child suffering a permanent injury or sexual abuse might achieve "a cathartic jus-

tice beyond compare" by bringing a lawsuit against neglectful or abusive parents.

A reader signing herself "Sick of this crap!" sent me a responding e-mail.

She described my way of thinking as "typical of injury lawyers" and said that insurance and liability costs have gone through the roof because of it.

She noted that it's lawyers like me who "have sapped so much creativity away in everyday life in our society and instead of self responsibility we listen to you people looking for the mighty buck."

She concluded by thanking me for "showing just what a leach your business is."

At the root of the matter, she's bang-on correct.

There would be no need for liability insurance if each of us had sole responsibility for our own safety and had no ability to seek fair financial compensation from others when injuries occurred.

That's the "mighty buck" she referred to.

Our legal system is based on fair and balanced compensation for actual losses.

An injury puts you into a hole, the hole representing your actual losses (injuries, pain and discomfort, income loss, treatment expense, etc.).

Our legal system provides a mechanism (lawsuit) to require those responsible to fill that hole. There's no way to really, truly fill the hole by turning back time and making it that the injury did not occur, so the only thing to fill the hole with is financial compensation.

Drivers, businesses, manufacturers and the insurance companies who protect them, don't readily step up to the plate to provide fair financial compensation, which gives the "injury" lawyer the job of forcing them to.

Insurance premiums are set at a level high enough so that there will be enough money to fill

any holes (sometimes craters) caused by the insured driver, business, automobile manufacturer, home owner, etc.

I believe in accountability. I believe that those causing injuries by their negligent driving, dangerous business premises, malfunctioning manufactured items, etc., should be accountable to their victims.

I believe that if you create a hole, you should have to fill it. This is no different than if you borrow money, you should have to pay it back.

I also believe that money talks.

A business is much less likely to incur the expense to repair a loose tile, ensure the pool deck isn't slippery, fix a dangerous design flaw in a car seat, and take all other manner of steps to avoid causing injuries if they could not be held accountable for the injuries they cause.

The dollars spent by ICBC to make roads safer is not spent out of the

goodness of its heart, it's to reduce the number of "holes" they have to fill.

Grocery stores aren't some of the safest places on the planet because the huge corporations owning them care about their customers, it's because they want to reduce the number of "holes" they have to fill.

The same goes for strict engineering standards for the construction of homes, bridges, schools and playgrounds.

In a sense, and in my view this isn't a stretch at all, we can thank so called injury lawyers for our remarkably safe environment.

Unfortunately, it seems that the high cost of automobile insurance is not enough to talk to drivers.

Every crash that I deal with would have been prevented simply by the offending driver paying more attention to the road ahead.

Perhaps paying in advance with liability insur-

ance premiums for your share of what it costs to fill holes due to your negligent driving doesn't talk like it should.

Maybe accountability in advance isn't accountability at all. Perhaps there should be a significant financial penalty that goes along with causing a crash, far beyond a \$100-\$200 traffic ticket.

Apart from personal accountability, our driving attitudes need to change.

We can each of us pull our weight to help change the attitudes around us.

We need to live and breathe the reality, in my view, that "One crash is too many."

*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.*

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## FUTURE SHOP - Correction Notice

In the July 4 flyer, page 13, please be advised that the Olympus TG-3 16.0 Megapixel Digital Camera With Case (WebID: 10299240) may be limited in stock in the red. The black is still available for purchase. We sincerely apologize for any inconvenience this may have caused our valued customers.

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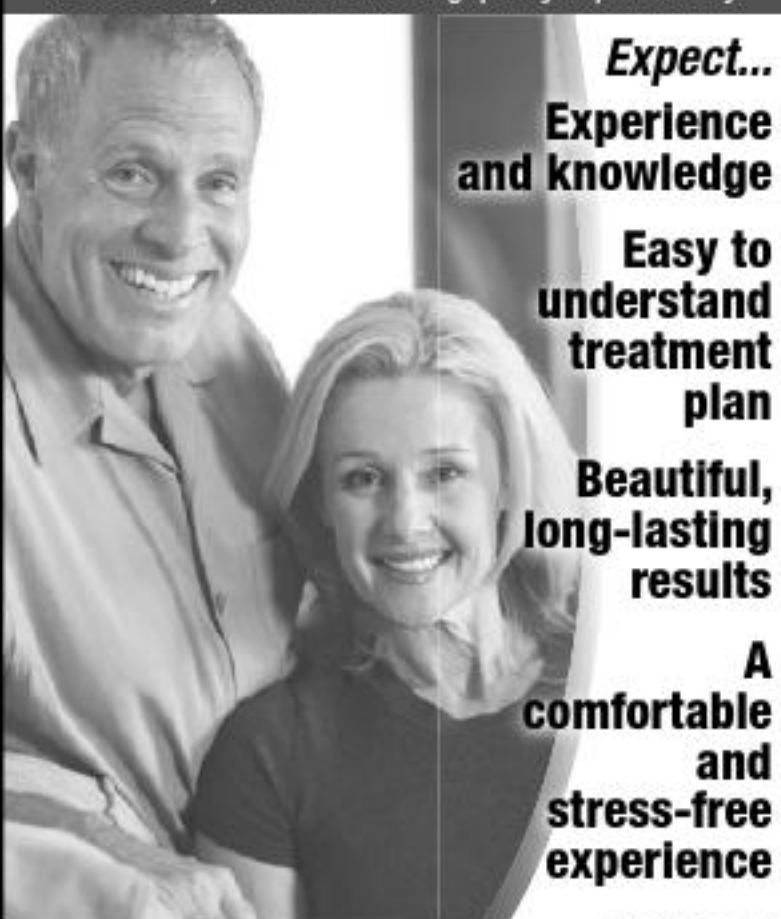
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# Arts Vest program coming back to Kelowna

Business for the Arts Kelowna has confirmed a second year of its successful artsVest program in Kelowna for 2014-2015.

The program will be delivered with funding from Canadian Heritage, Business for the Arts, TELUS and the City of

Kelowna.

ArtsVest is a matching incentive and sponsorship training program, designed to spark new business sponsorship of arts and culture. The goals are to leverage public sector dollars to build partnerships with the arts com-

munity, stimulate new business investment in the arts, train arts and cultural organizations to approach the business sector with a partnership plan, activate municipal cultural plans and build local cultural assets and showcase what is possible when business

invests in the arts.

In 2013-2014, 74 businesses in the Central Okanagan partnered with 22 arts, culture and heritage organizations generating \$299,240 in business sponsorship and a total financial benefit of \$393,257. Each match-

ing dollar in the community generated \$3.69 in business sponsorship and combined with the initial matching dollar brought \$4.69 back to Central Okanagan's cultural economy.

In total, 77 partnerships were formed between arts organizations and businesses and 64 of the businesses had never before sponsored the arts.

Workshops for the 2014-2015 program will be held July 16 at the Laurel Packinghouse. Eligible organizations intending to apply to the 2014-2015 artsVest BC—Kelowna program must attend a workshop. Returning applicants are invited to a special feedback session about the previous year's program starting at 10 a.m.

Registration for workshops is required. To register, call 250-469-8811 and quote the workshop number below:

Returning Applicants: July 16, #139136, from 10 a.m. to 4 p.m. at the Laurel Packinghouse  
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## Advertising Consultant

The Kelowna Capital News is a community newspaper with a distribution of over 46,000 copies serving the communities of the Central Okanagan every Tuesday, Thursday and Friday. We are currently looking for an advertising consultant to look after new business development for our community, online and feature publications. The ideal candidate must be motivated and take the initiative to build relationships to help grow their clients' business. You must be able to work well under the pressure of deadlines and be a team player able to drive and increase revenues.

The Kelowna Capital News is part of the Black Press Group, the leading independent newspaper publisher in Canada. If you are interested in a rewarding challenge and would like to be part of a successful team please submit your resume with cover letter to:

Karen Hill  
Publisher, Kelowna Capital News  
2495 Enterprise Way Kelowna, BC V1X 7K2  
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Closing date for submissions: July 18, 2014

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