

NEWS

Basis of civil lawsuit not aided by need to hide injuries

I shared my "black arts" tactical advice last week for anyone pursuing an ICBC claim, simply to live your life.

My advice might have come as a bit of a surprise, coming as it did from a personal injury lawyer.

I think that the role of a personal injury lawyer might be misunderstood. My role is not to end up with the largest settlement or court judgment possible. If it was, I would be giving the direct opposite advice.

The longer you stay away from work, the more income you lose and the more likely you will lose income in the future. The longer you delay returning to home and yard duties, the more will be spent for help with those tasks now and into the future.

Holding back from your activities and social outings will increase the chance that you will develop depression that will further disable you.

The more significant your losses, the larger the amount of money that will be required to compensate you for those losses, and therefore the bigger your claim.

If the goal was to maximize your claim, then we would achieve that goal by maximizing your losses.



ACHIEVING JUSTICE

Paul Hergott

I would be discouraging your from, rather than encouraging you to "live your life."

The thing is, you are no further ahead with that bigger claim. In fact, you end up significantly behind. One way you end up behind is that your life is more miserable than it might have been had you been encouraged to "live your life."

Another way is pure dollars and cents—you recover only two-thirds of each dollar of compensation for your losses because your lawyer is paid the other one-third.

The more your losses the more you end up "in the hole."

A lawyer owes his or her allegiance solely to the best interest of the client. I don't see my role as a personal injury lawyer as ending up with the biggest settlement or court judgment possible because that is in my best interest (biggest fee), not in my client's best interests.

Rather, I see the role

of personal injury lawyers as doing whatever we can to facilitate as full and speedy a recovery as possible, and as early and fully a return to "normal life" as can be achieved.

We then require ICBC or whatever other defending insurance company to pay fair financial compensation for the losses that could not be avoided.

Will ICBC or another defending insurance company try to use your early return to work, or early return to other activities, against you when negotiating the value of your claim? Of course they will.

By following my "live your life" advice, the seriousness of your injuries and level of ongoing pain, as measured through the lens of an ICBC surveillance camera, might make you appear much less injured than you really are.

The surveillance camera doesn't follow you home after soldiering through a day working through pain, and see you laying on the couch with a heating pad instead of spending quality time with your family, for example.

Will that surveillance camera view of your case leave you with less than fair financial compensation for your loss? Heck,

no. We live in a real life world of relationships.

The people around you are witnessing the fully reality, not the snip-pet that can be captured on video.

Your immediate family, co-workers, supervisors and those you struggled to maintain your social relation-

ships with will all see how hard you have struggled and the true "behind the scenes" impacts.

Your medical team—i.e. your doctor, therapists, chiropractor and specialists—are all witnessing your efforts to do your very best to recover.

By following my "live your life" advice

you will build credibility, keep your losses to a minimum, and there will be plenty of evidence that your personal injury lawyer can use to ensure that

you are fully and fairly compensated for the losses you have been unable to avoid.

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