

A consumer information product  
of Ches Crosbie Barristers  
Accident and Injury Law

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169 Water Street  
St. John's, NL A1C 1B1

(709) 579-4000 PH  
(709) 579-9671 FX  
Toll Free (888) 579-3262  
email - ccb@chescrosbie.nf.net

Visit our website  
for more information  
[www.ChesCrosbie.com](http://www.ChesCrosbie.com)

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## Ches Crosbie Calls For Consumer Protections Reform

The settlement of a class action lawsuit against Money Mart, Dollar Financial and several named directors was up for court approval in a hearing on May 26. The class action settled for a value of \$5 million.

St. John's class action lawyer Ches Crosbie said that the value of the settlement for consumers was reduced by the risk that the courts would enforce arbitration clauses and the class action would be stayed. The government needs to look at legislation to **protect consumers against arbitration** clauses, which can be used to prevent access to justice, he stated. Governments in other provinces have already acted.

## Follow Through With Your Medical Treatment

You've been injured in an accident. The accident was caused by someone else, so you have a claim against that person's insurance company.

The full extent of your injuries may not be obvious immediately after an accident. Some people may feel that they did not sustain a serious injury, only to discover weeks or months later that what they initially thought was a minor injury has worsened and may require significant medical treatment. Because of this possibility, one of the things you should do after an accident is see a doctor for a full evaluation. Depending on the type of injury, it may be best to consult with a specialist. Be certain to tell your doctor about all of your symptoms, no matter how minor they may seem. You should see this doctor as soon as possible after your accident, so the doctor can properly



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document the full extent of your injuries. This documentation is important because it creates a clear record of your injuries and treatment, which is essential in a legal claim. Immediately after the accident, it may be difficult even for the most experienced doctor to tell you how long you will require medical treatment. Depending on your injuries, you may need follow up care for the first few weeks or months after you leave the hospital. For extremely serious injuries, you may need long term or even life long care. Because it is often difficult to predict your needs early in a case, it is important for you to be vigilant about your health. If you notice a change in your symptoms, you should be certain to tell your doctor about it. You should also, of course, actively participate in your own recovery by following your doctor's orders, taking your medications and undergoing

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## How to Choose a Lawyer from a Radio Ad

Ask yourself this question if you've ever heard those lawyer commercials: "How do I know that this law firm is right for me just based on the 15 second or 30 second ad I just heard?"

Here's another question you should ask: "What information has been provided to me that helps me distinguish this law firm from any other law firm I've seen advertised on TV, in the newspaper, or on a billboard?"

In all likelihood, you will be unable to answer those questions.

Here's another question: "What information has the law firm provided to you that helps you understand how they can solve your legal problem?"

Other than telling you that they've been in business for 'x' years and that they handle personal injury law, why are they any different from the other law firms you also heard about on your way to work? The

problem is with the message and not the law firm. In the span of 15-30 seconds, it is impossible for anyone to provide you with any useful information to help you distinguish intelligently how one particular lawyer can help you compared to another lawyer. You should know that lawyers in Newfoundland and Labrador are not allowed to compare themselves to other lawyers in their advertising. For example, a lawyer cannot say we're better than John Smith's law firm because...

*Does this mean that you should not go to any lawyer who advertises on the radio?* No, because there may be a lawyer who advertises by radio ads that might be the perfect person to represent you. Here I should make full disclosure: I sponsor Bill Rowe on VOXM. On the other hand, you don't have any real information to help and guide you to make an intelligent decision about whether that lawyer is right for you. That's why I offer free, useful information like my book *7 Deadly Sins That Can*

*Wreck Your Injury Claim* so consumers can judge for themselves.

*The bottom line?* Radio ads fail miserably to provide you with any useful information that will help educate you when deciding whether a particular law firm is right for you. You need to know that any law firm you go to has the ability, experience and the drive to help you in your particular case. *How do you find that information out?* Not with a 15 second radio ad; that's for sure. Check out law firms' websites for valuable information aimed at empowering consumers, and check out any free reports or books they offer. Make an informed decision.

Many other law comments and articles appear at Ches Crosbie's Injury Law Blog available at [www.ChesCrosbie.com](http://www.ChesCrosbie.com). Check out some of Ches' newest blog entries like "More Legal Changes to Improve Pedestrian Safety" and "What is Whiplash and What Should you do if you Sustain Whiplash?"



## Win a Prize!

### Where in the World is Ches Crosbie?

Ches has decided to dance his way around the world. If you know where this picture was taken, contact us and receive a prize!\* Check out his dance moves in video on **YouTube** at *Where in the World is Ches Crosbie*.

*\*Prize will be awarded to the first correct response.*



Ches Crosbie is finally setting up his Facebook profile! Look him up to discover more interesting information and to learn what he's been up to.

## Follow Through.. Cont'd from page 1

whatever rehabilitation or treatment your doctor recommends.

Your lawyer will also need to know about changes in your condition and how they affect your life, so he or she can explain the full extent of your injuries and damages to the insurance company and ask for the fairest settlement of your claim. To help your lawyer, you should keep a written record of your medical treatment and how your life has been affected by your injuries. This will also help you refresh

your memory later, in case your claim goes to trial months or years after the accident.

When your treatment is completed or your doctor feels you have reached maximum medical improvement, your lawyer may request additional medical records, to better understand how the injuries will affect you in the future. Sometimes your lawyer may want to consult with a separate specialist hired for the sole purpose of reviewing your records and giving opinions about your injuries in trial if necessary. This may occur if there are problems

proving your injuries, or serious questions about the extent of your injuries and future prognosis.

In any event, the lesson to be learned by all personal injury accident victims is to diligently follow through with your treatment. Follow your doctors' orders and recommendations. Everything you do or don't do during your treatment will be scrutinized by the other party's insurance company or a defence lawyer if the case goes into litigation.



### CHES SAYS:

#### Do You Know What Live Video Surveillance by a Defence Investigator and Social Networking (Internet) Websites Have in Common, and How They Can Affect Your Personal Injury Lawsuit?

If your accident case is big enough, and your claim of injury serious enough, usually there comes a time when the lawyers for the defence will hire a private investigator to have you watched, followed, and videotaped.

This tends to happen towards the end of a lawsuit, after you, the hurt plaintiff, have testified at an oral deposition about how badly you've been injured and about all the things you can't do and the activities in which you can no longer participate.

Maybe you're back at your job because it does not require much physical exertion; maybe you're still out of work. Defence lawyers live to make mountains out of molehills, so they look for the slightest indication that you're not injured – even if you can do something a single time and not more than once. There is no way to show your pain the next day or that you need a heating pad and painkillers that evening from overexerting yourself.

An investigator can videotape you without getting out of their car. He or she tries to catch you running to cross the street or maybe running to catch a bus, or carrying bags of groceries. Maybe you're in a laundromat or at the gym. The most dramatic surveillance videos I have seen show injured accident victims engaging in sports – playing hockey or golf or even just bicycle riding.

I wish to make two points here, with a third point to follow. First point, be truthful when testifying about your limitations. There are very few can'ts after an accident. Frequently, an

injured person may still be able to engage in most of their pre-accident activities, but not as strong or as long or as vigorously. So if it's truthful, say yes, I can do it. But not too much or too long or too often, and it hurts like heck afterwards.

Second point, accident victims be aware that if you go outside you can be followed and be the subject of video surveillance. Video cameras are small and powerful and easy to conceal.

My third point follows and links back to the title of this article.

*MySpace, Facebook, etc.* By now you've no doubt read about companies that check out prospective employees' social networking sites over the Internet. Is the job applicant shown in photos doing something incompatible with the company's values? Is she using drugs? Or is he in a state of undress? Or making obscene gestures? Or showing a gang or prison affiliation? These occurrences are all too common these days.

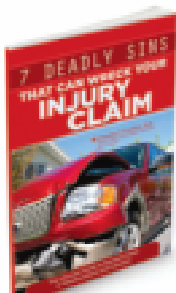
Be especially careful if you're an accident victim. Be wary about posting photographs to a website that are inconsistent with your claims of physical limitation. And if you can't engage in sports, don't show your blue ribbon for winning a swim meet or a hockey trophy, and so forth.

The best policy if you're claiming injury from an accident is to tell the truth. And be aware and on your guard in what you do.

Related Issue: Check out my blog entry "*Warning for Injury Clients About Social Media*" at [www.chescrosbie.com](http://www.chescrosbie.com). Also, see "*Facebook Being Used Against Personal Injury Victims*" by John McKiggan at [www.halifaxpersonalinjurylawyerblog.com/](http://www.halifaxpersonalinjurylawyerblog.com/)

## **FREE Information for Accident Victims**

Think most lawyer ads aren't helpful?  
So do we.



### **7 Deadly Sins That Can Wreck Your Injury Claim**

7 Deadly Sins That Can Wreck Your Injury Claim covers a wide array of accident claims topics such as, who should pay your medical bills and lost wages. The book also details how to work with a claims adjuster, medical treatment considerations, and how to determine if you really need the assistance of a lawyer.



### **Why Most Medical Malpractice Victims Never Recover a Dime**

Why Most Medical Malpractice Victims Never Recover a Dime is 50 pages of information that will give you good, solid information about malpractice lawsuits, and help you to improve your odds of winning in the tough, hard fought world of medical malpractice.

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