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THE LEGAL RESOURCE GUIDE

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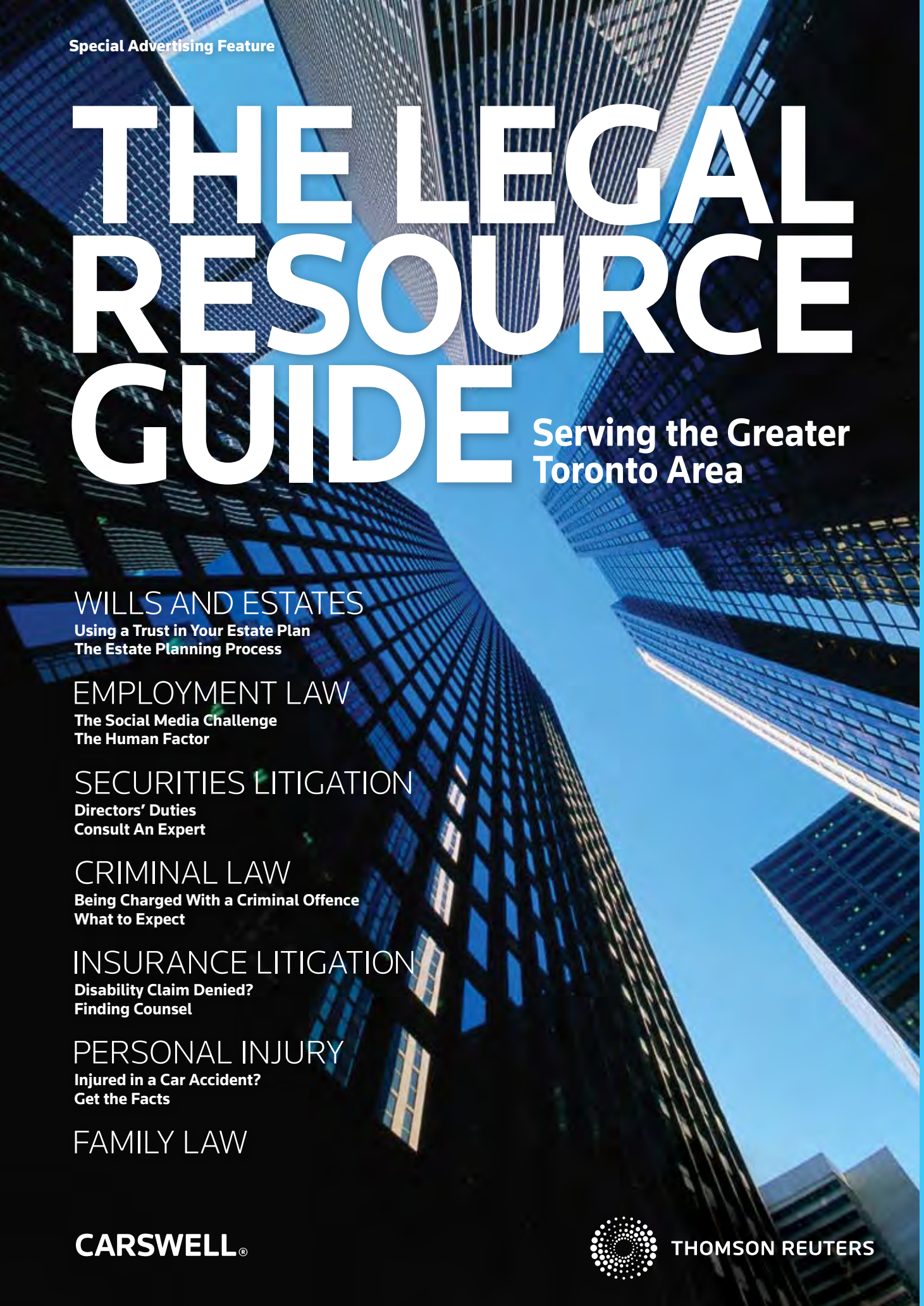

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FAMILY LAW

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A note from
Carswell, a Thomson Reuters business

WHEN DO I CALL A **LAWYER** AND WHOM DO I CALL?

There are exceptions of course, but generally people tend not to hire a lawyer until they need one. We don't have the same "preventative" idea that we do with doctors. And yet on certain issues, for example if you are a company heading into the world of new social media (see p. 7), obtaining proactive legal advice may indeed be the "ounce of prevention that saves a pound of cure."

When it comes to life's more difficult legal challenges, however, such as the telephone call that comes from your son or daughter at the police station, few people are prepared. We at Carswell, a Thomson Reuters business, can't fully prepare you for that call, but we can provide you with information from lawyers about their services, and in some cases, from those who have written in these pages, we can also provide you with lawyers' perspectives on those difficult challenges.

Even if you are not hiring a lawyer before you need one, to be better informed in advance will lead to a more effective hiring decision. Hiring a lawyer, in an era when the practice of law has become increasingly specialized, means you need to have some idea of what type of lawyer you need. Examples include an employment lawyer if you think you have been wrongfully dismissed, a personal injury lawyer if you have been injured, and a criminal lawyer if that telephone call comes. We trust that once you have read this Carswell special edition, you will begin to understand these practice areas.

Carswell is the go-to company when it comes to providing legal information. Good luck with those legal challenges!

Robert Freeman
Vice President, Strategic Market Groups/Publishing
Carswell, a Thomson Reuters business

USING A **TRUST** IN YOUR ESTATE PLAN

MARGARET R. O'SULLIVAN
O'Sullivan Estate Lawyers

A trust is one of the most powerful tools available to assist in wealth preservation and management.

Use of a trust can achieve a variety of objectives, such as ensuring succession of property to your children and grandchildren or other family members, including for "blended" families. A properly structured trust can manage property for persons who by virtue of age, infirmity, physical or mental disability or special needs require assistance to manage their property.

One of the ways in which use of a trust is becoming increasingly popular is as a "will substitute." A trust can be used as an alternative to a will to distribute property on death. Because the property held by the trust passes directly to your beneficiaries and not through your estate, Ontario Estate Administration Tax – often referred to as "probate fees" – of 1.5% of the value of your estate can be minimized. Among other benefits, a trust can also ensure confidentiality of your estate plan – since it is a private document, unlike a probated will, which becomes a public document – and ease of administration of your assets on death.

Trusts, whether inter vivos (established during one's lifetime) or testamentary (established under a will and taking effect only on death), are also used to minimize tax by a variety of means. The following are two examples of trust planning for family income-splitting, the first using an inter vivos trust, the second using a testamentary trust under your will.

A trust is becoming increasingly popular as a "will substitute"

Under Canadian tax legislation, the income of an inter vivos trust is taxed at the highest marginal tax rate. However, if an income-producing asset is held by an inter vivos trust, and provided the trust is properly structured and funded from a tax perspective, the trust's income and capital gains may be flowed through to the beneficiaries of the trust and taxed in their hands at their marginal tax rates. If they have lower tax rates, tax savings will result. For example, using an inter vivos "family trust", particularly if you are a high-rate taxpayer, is a tax-efficient way to fund certain children's and grandchildren's expenses, including school and university fees, as opposed to using your after-tax income.

It is also possible to income-split using multiple trusts under your will. Since testamentary trusts are taxed at the same graduated tax rates as an individual person, there are tax savings if multiple trusts for your family members are created under your will.

Based on current tax rates, up to approximately $125,000 of income can be taxed in the trust at a lower marginal tax rate than will be the case if a high-rate beneficiary inherits property directly, as opposed to from a trust, and he or she earns investment income on his or her inheritance; annual tax savings of approximately $20,000 per trust per year can be achieved by use of a testamentary trust. As well, if a testamentary trust provides discretion to the trustees to distribute income among a group of beneficiaries, such as children and grandchildren who have little or no other income, further significant tax savings can result.

In considering the advantages of establishing a trust, the costs associated with its establishment and continued management should be considered, which will vary depending upon the terms of the trust and the time period for which it will operate. Before taking any action involving your individual situation, you should seek legal and tax advice to ensure it is appropriate to your individual circumstances.

O'SULLIVAN
ESTATE LAWYERS

THE **ESTATE PLANNING** PROCESS

MARGARET R. O'SULLIVAN
O'Sullivan Estate Lawyers

The foundation of any estate plan is an up-to-date will and powers of attorney for property and personal care. These are the key documents that you sign at the end of the estate planning process, although your situation may also warrant other legal documents, such as a family trust agreement, buy/sell agreement for your cottage or other assets, or marriage contract. Before you meet with your estate planning lawyer, he or she will wish to review your personal circumstances and assets, your current will and powers of attorney and any other documents that might affect your estate planning, such as any separation agreement, shareholder agreement or trust agreement. At your meeting, your estate planning lawyer will wish to discuss your estate planning goals and advise on how best to achieve them, and in a tax-efficient manner. Your lawyer and his or her team will then prepare the necessary estate planning documents to implement your estate plan for your review, and for discussion with you, after which they can be finalized and signed. Optimally, your estate planning documents should be reviewed at least every three to five years to ensure they are still current and reflect your wishes. They should also be updated if there is any material change in your circumstances, such as to your finances or health, if you marry (marriage under Ontario law revokes any existing will, with certain limited exceptions), if a beneficiary dies, a marital breakdown, or if you or a beneficiary relocate to a new province, territory or country.

Optimally, your estate planning documents should be reviewed at least every three to five years

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THE **SOCIAL MEDIA** CHALLENGE

Protecting your organization in the web's wild west

STEPHEN J. SHAMIE
Hicks Morley Hamilton Stewart Storie LLP

The use of various social media channels has exploded and many organizations are scrambling to deal with situations they never would have envisioned even five years ago.

Two issues in particular are proving to be troubling: derogatory or critical statements by employees about their employer or other employees, called "attacks from within," and illegitimate posts by third parties about an organization, called "attacks from without."

Employee Expression: Private No Longer

While employees may think that what they say about their employer on a social media site such as Facebook is private, the traditional legal view is that this is a publication and not a private activity.

The problem is that it feels private to employees. So many comments are posted and some inevitably go viral, causing harm and disruption within the workplace. To discourage this from happening, there are a couple of steps that employers can take. Advise employees that publishing something through social media channels is not private, and that they are accountable for statements they make. Employers should also develop an internet publication policy that makes the above absolutely clear.

Does it Affect a Legitimate Company Interest?

When questionable materials are published by an employee on a social media site, and you are unsure of whether the employee should be sanctioned, ask yourself one question: "Is the conduct likely to significantly affect a legitimate company interest?"

Of course, the question of whether something affects a legitimate company interest can be tricky to determine, and there are a thousand factors that can tip the balance one way or the other. This can make borderline cases very hard to call.

Here are a few ways in which an employer's interests may be seen to be legitimately affected:

- Interferes with duty to other employees. You have a duty to provide a safe and harassment-free workplace to other employees. If an employee is posting threatening or derogatory material against one or more employees – and the employee continues to work alongside these coworkers – this likely will conflict with a company interest.
- Interferes with job duties. Another link to your interests is based on an interference with job duties. For example, a teacher must be a model of tolerance and respect in the classroom. Intolerant public expression may conflict with that duty.
- Causes harm to reputation. If an employee publishes negative comments directly about their employer, this could cause harm to the employer's reputation and affect a legitimate company interest.

Attacks from Without

The issue of illegal expression by outsiders is more challenging, in that you do not have a direct means of control. While you can appeal to the organization hosting the content, your ultimate appeal is to the court.

When an illegal expression by an outsider has the potential to affect a company interest, you have several responses (or a combination of responses) to consider:

- Ignore the material, but continue to monitor the situation.
- Develop a public affairs response.
- Demand that the third party take down the illegal material.
- Demand that the third party host take down the illegal material.

Taking action can be costly in a number of ways. A public relations battle can aggravate the situation and give attention to someone who may not be worthy of it. And demands that lead to court action can be an expensive and time-consuming undertaking.

For these reasons, the "ignore and monitor" approach is often a good strategy for businesses. But no two situations are alike. This is why getting legal advice before you respond is one of the best ways of ensuring that your response is principled, consistently applied and in your organization's long-term best interests.

Hicks Morley
HUMAN RESOURCES LAW AND ADVOCACY

THE **HUMAN** FACTOR

Why your organization needs a human resources lawyer

STEPHEN J. SHAMIE
Hicks Morley Hamilton Stewart Storie LLP

Expert human resources advice benefits an organization at every stage of the employment cycle.

At the hiring stage, you may need advice on employment contracts, criminal background checks, or the legality of drug testing a potential employee.

Day to day, there are a number of human resources issues that require legal advice, including managing poor performance and absenteeism; developing policies relating to hours of work and overtime; creating programs and strategies to prevent harassment, bullying or workplace injuries; and maintaining benefit and pension plans.

There also are issues that can arise when changing employment terms or during a termination of employment, such as determining the appropriate severance package or notice, ensuring employees do not use confidential information to compete against you, or guarding against class actions if a larger number of employees is involved.

In the end, there are two ways of approaching human resource issues within a company:

- Reactively – where you deal with issues as they arise.
- Proactively – where you assess your organization's needs, plans and risk areas and put programs and strategies in place to maximize your human resources successes and minimize the chances of bad things happening.

While there may be a greater upfront cost to the proactive approach, you should weigh this against the potential future costs to your organization's reputation and bottom line should issues arise.

Expert human resources advice benefits an organization at every stage of the employment cycle

Consultation with a human resources lawyer will help your organization assess its risks and take any steps needed to protect the integrity and future success of its operations.

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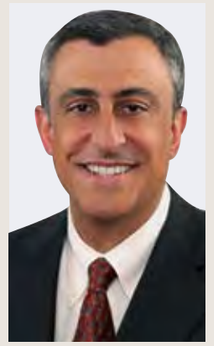

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DIRECTORS' **DUTIES**

Succeeding in securities litigation

Groia & Company Professional Corporation

In the wake of recent financial scandals and heightened media attention, the actions of corporate directors and officers are under closer scrutiny than ever before. Not only has private litigation against directors and officers increased but the exposure of high-profile frauds in both the United States and Canada has securities regulators such as the Ontario Securities Commission (OSC) ever more vigilant in carrying out their mandate of protecting the investing public and maintaining confidence in the public markets.

Shareholder activism is also noticeably increasing in Canada. At the recent hearing called by the OSC with respect to the proposed Magna deal, a shareholders' rights organization and nominal shareholders sought intervenor status. While the OSC only permitted limited intervention in that hearing, the active role sought by these groups is likely indicative of future inquiries into the actions of directors of public corporations.

Corporate directorship is nonetheless a prestigious and rewarding occupation. Indeed, some may argue that the need for qualified and competent candidates to assume these roles has never been greater. To avoid civil or regulatory litigation, directors must be fully aware of all of their obligations both at common law and pursuant to the complex web of statutory provisions that apply.

Directors must act in good faith and in the best interests of the corporation. This is a broad mandate that requires directors to account for various stakeholders in addition to shareholders, including employees, creditors and consumers. In attempting to satisfy these disparate interests, directors may have to weigh one set of interests against another, and these are not easy decisions, often leading to dissatisfied stakeholders. For instance, in the 2008 takeover of BCE Inc. by the Ontario Teachers' Pension Plan Board, debenture holders of Bell Canada attempted to stop the proposed deal on the basis that their interests were being compromised while BCE shareholders (who approved the deal) were receiving significant premiums on their shares. Ultimately, the Supreme Court of Canada approved the deal and clarified that in certain circumstances, directors, in satisfying their fiduciary duty to act in the best interests of the corporation, will be forced to make decisions that benefit one group of stakeholders more than another.

To avoid civil or regulatory litigation, directors must be fully aware of all of their obligations both at common law and pursuant to the complex web of statutory provisions that apply.

In making decisions, directors are not held to a standard of perfection; rather, under Canadian law, directors must be able to demonstrate that they acted within a "range of reasonableness" or were "duly diligent" in the exercise of their duties and obligations. To satisfy this standard, boards should consider the appointment of independent committees and consultation with independent professionals during the decision-making process. Such practices constitute good corporate governance and permit a director to raise a defence of due diligence.

In addition to activist shareholder challenges to corporate transactions or more traditional litigation against directors for breach of fiduciary obligations, directors must be aware of the sweeping investigative and enforcement powers of the OSC. Pursuant to an order under the *Ontario Securities Act*, one or more persons may be appointed to conduct an investigation and provided with broad powers including the power to compel testimony, enter business premises, and inspect and seize documents upon application to a judge. Breach of the *Ontario Securities Act* can result in suspension, fines and even imprisonment for up to five years.

Directors and officers should also be aware of Integrated Market Enforcement Teams (IMETs). Created to investigate, prosecute and deter major capital markets fraud and other market-related crimes that constitute offences under the *Criminal Code* of Canada, IMETs are RCMP-led units that may include a combination of other federal enforcement agencies, securities regulators, forensic accountants and other investigative experts.

In the event a company, or its officers or directors, or any other market participant becomes the target of an OSC or IMET investigation, it is critical that they are informed of their full array of rights and strategies available to effectively deal with the situation, and protect themselves from further security litigation.

Groia & Company

CONSULT AN **EXPERT**

Seeking advice from securities litigation counsel

Groia & Company Professional Corporation

If you or others in your company receive notice of either the commencement of litigation proceedings or an overture from the OSC to provide information, the first thing that you should do is seek the advice and direction of counsel with experience in securities litigation.

Securities litigation counsel can advise you on your obligations and the evidentiary protections that may be available as well as the defences that can be mounted on your behalf. In the event an OSC investigation or litigation is underway, counsel can help directors and officers formulate a strategy that protects against liability while attempting to retain value for shareholders. If no investigation or litigation is pending, but significant corporate decisions are being made, consulting with counsel during the decision making process is sound corporate governance and may help to avoid future litigation and potential liability. Additionally, counsel can assist in the establishment of document management and retention programs, Director and Officer insurance and preparing indemnities.

Groia & Company is experienced in defending regulatory proceedings and prosecutions brought by Canadian and US regulators and also offers a full range of business litigation needs, including claims for and against stockbrokers, claims against banks, financial institutions and other major public companies and shareholder disputes and remedies. Groia & Company is grateful to have worked on almost every major Canadian securities case over the last few years, including Asbestos, Bre-X, Cinar and Hollinger Inc., to name a few.

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BEING CHARGED WITH A **CRIMINAL OFFENCE**

SEAN ROBICHAUD
Robichaud's Criminal Defence Litigation

Very few individuals expect to be charged with a criminal offence at any point in their lives and most of those people are entirely unprepared for the stressful and perplexing process that lies ahead of them.

The two most important details that every individual ought to know are the right to silence and the right to counsel.

The Right to Silence

Exercising one's right to silence may seem counterintuitive, especially if that person feels that they are not responsible or involved in the crime alleged. It is human nature to want to explain what did, or did not, happen. Many people who are charged feel that if they simply explain to the police the truth of the allegations, all will be quickly withdrawn with an apology for the misunderstanding. However, that is rarely the case and those few occasions where police may come to terms with their error are grossly outweighed by the risks one takes on by making statements that may be devastating to one's case later on.

The lawyer an individual chooses when charged with a criminal offence could be the most significant decision in his or her life.

Police are not judges; police are investigators. Police gather evidence, they do not make final determinations of the worth of that evidence or who is telling the truth. The role of investigating officers is very simple: once there exist "reasonable and probable grounds" to believe that a criminal offence has taken place, they are obligated to make an arrest or seek a warrant for an individual. Therefore, to provide a statement typically only does one of two things:

- Provides the evidence the investigators need to establish reasonable and probable grounds they may have otherwise lacked.
- Provides further evidence that strengthens the grounds they already have and intend to act on.

The only safe option before speaking to a lawyer and obtaining specific legal advice is to exercise the right to silence. In criminal evidence, silence is worth nothing; however, admissions and denials can quickly turn an easily defendable case into a difficult legal challenge. If words are necessary, then experienced counsel can manage that for you at the right time, which brings us to the next point: the right to counsel.

The Right to Counsel

Under sections 10(a) and 10(b) of the Charter of Rights and Freedoms, an individual has the right on arrest or detention "to be informed promptly of the reasons" and "to retain and instruct counsel without delay and to be informed of that right." This latter option is one of the cornerstones to our legal system in Canada as it ensures that all individuals have the same benefit under the law of knowledgeable legal assistance — provided one exercises it.

Canadian law also requires that police provide an opportunity for an individual to implement that right to the fullest extent. This means that a person has the right to call a specific lawyer and the police must assist that person in finding counsel through the use of legal directories or whatever means necessary. It is unacceptable for police to refuse a specific lawyer unless all reasonable steps have been exhausted. Researching the name of a trusted lawyer with proven experience ahead of time saves the effort of skimming through legal advertisements or unknown lawyer lists at a police station.

The lawyer an individual chooses when charged with a criminal offence could be the most significant decision in his or her life and that is why the law mandates that police must allow the person to choose. That is why most criminal defence lawyers are available 24 hours a day for emergencies like unexpected arrests or calls from a police station.

Being criminally charged is unpleasant; being convicted is devastating. Exercising your rights properly may be the only crossroads between those events.

Robichaud's
criminal defence litigation

WHAT TO **EXPECT**

Your first day in court and meeting with a criminal defence lawyer

SEAN ROBICHAUD
Robichaud's Criminal Defence Litigation

It is important to understand that the first appearance in criminal court is not a trial. It is not an opportunity to explain to the court or Crown what happened and present a defence. Unless you intend to plead guilty or conduct a bail hearing, the first appearance in criminal court is largely administrative in nature. Perhaps the most significant component of that first administrative appearance is receiving "disclosure."

"Disclosure" is a collection of items that the crown attorney considers relevant to the case. These items may include: witness statements, police officer notes, audio or video recordings, 911 calls, banking or business records, and anything the crown attorney and police consider relevant to the prosecution of the case. Disclosure is a constitutional right of an accused. Once disclosure is provided, your lawyer can understand the case against you in a meaningful way and provide you with a professional opinion on possible defences, legal fees, and an overview of where the case ought to proceed from that point.

Many criminal lawyers, including myself, will meet with potential clients to provide general information about procedures and estimates on fees at no cost or commitment. In meeting with a lawyer for the first time, you should bring all relevant information with you such as disclosure and witnesses' contact information. You should also be prepared to discuss facts relating to your allegations if the lawyer requests.

Being charged with a criminal offence does not need to be a terrifying experience and having sound legal advice through the process ensures that.

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DISABILITY CLAIM **DENIED?**

David Share Associates, Lawyers

You are not alone. Every year, thousands of sick, injured and disabled Canadians are turned down by their insurers. Their insurance policies are valid, they've paid their premiums — and their injuries or illnesses are serious – but they are turned down anyway.

Is this legal? "Unfortunately, it is," says Share. "The insurers often take refuge in legal language and wait to see if their clients are willing to fight back. In too many cases, in order for a disabled person to finally get their benefits, they have to sue. Their lawyer has to know what they are doing to come out on top." If your disability claim has been denied, you don't have to take it lying down. Toronto insurance litigation lawyers, David Share Associates speak out on behalf of the disabled who are denied their insurance benefits.

"When my disability claim was denied I was shocked...and so I took action."

You or your company paid premiums to protect your income in the event of a health challenge. Now the worst has happened and your doctor has informed you that you are unable to work. You have the right to expect your insurer to honour their covenant with you — period. Share Lawyers has sued all the major Canadian insurers on behalf of clients suffering from everything from lupus to fibromyalgia to cancer. They were all turned down by their insurers.

As long as your insurer is taking your calls, treating you with respect and making reasonable requests, you shouldn't have too much of a problem maintaining your benefits. If your benefits are denied, or if your insurer is playing games with you, consulting a law firm specializing in disability would be a wise choice.

The following are some of the medical conditions rejected by Canadian insurers:

- Arthritis
- Back Injury
- Bone Fractures
- Brain Injuries
- Breast Cancer
- Cancer
- Crohn's Disease
- Degenerative Disc Disease
- Depression
- Diabetes
- Fibromyalgia
- Head Trauma
- Heart Conditions
- Herniated Disc
- Hip Replacements
- Mental Health Disorders
- Migraines
- Multiple Sclerosis
- Paraplegia and Quadriplegia
- Parkinson's Disease
- Rheumatoid Arthritis
- Spinal Cord & Nerve Damage
- Stroke
- Ulcerative Colitis

"When my disability claim was denied I was shocked...and so I took action. My case was deemed to be without merit by several law firms. Then I found David Share Associates, Lawyers. They were a godsend. The settlement allowed us to pay off our mortgage and for me to live at home with dignity."

— Kelli-Ann Woulfe

DAVID SHARE
ASSOCIATES • LAWYERS

FINDING **COUNSEL**

How to select the disability law firm that is right for you

David Share Associates, Lawyers

If your claim has been denied you may discover that talking to your Insurance Company is like talking to a brick wall — if you can even get them on the phone. Here are the three things to look for when selecting a disability law firm:

- The firm covers all the costs until settlement. A reputable disability law firm will work with you on the basis that no fees will be charged until the case is settled. The fee arrangement should be made clear at the outset.
- The firm understands the insurers from experience. It is to your advantage to work with a skilled and experienced law firm that has dealt with the same issue and the same insurer many times in the past.
- Professionalism. Work with a law firm that answers the phone, returns your calls when you leave a message and treats you with empathy and courtesy.

FREE Disability Booklet!
For a free copy of ***Benefits Denied – What To Do When Your Insurance Company Denies Your Disability Claim*** call 416 488-9000.

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INJURED IN A CAR ACCIDENT?

What you need to know

WENDY M. MOORE JOHNS
Thomson, Rogers

Most of the people I represent have never talked to a lawyer before. However, my clients find that the assistance of an experienced personal injury lawyer is informative and comforting when navigating the complicated system for obtaining compensation related to personal injuries resulting from motor vehicle accidents in Ontario.

There are two sources of compensation for people who have been injured in a car accident. The first is a claim against your own car insurance company or the car insurance company of another vehicle involved in the accident. This is called the accident benefits claim. The second is a claim against the driver who caused the accident. This is called the tort claim.

Accident Benefits

If you are injured in a car accident, no matter who is at fault, you are entitled to accident benefits. These benefits can be available to you from: your car insurance company; the car insurance company of any other vehicle involved in the accident; or a government-sponsored fund called The Motor Vehicle Accident Claims Fund.

Accident benefits are intended to provide you with immediate assistance following an accident. The assistance includes: payment for lost income; payment to hire someone to provide care to your children, elderly loved ones or disabled family members; reimbursement of medical and rehabilitation expenses over and above what is paid by OHIP; payment for personal care services that you require; assistance for home maintenance; reimbursement of the expenses of your family who visit you in hospital, such as airfare, mileage, meals, hotel expenses; and payment of funeral expenses and a death benefit.

In order to access accident benefits, notice must be provided to the accident benefits insurance company within seven days of the accident and an application must be completed within 30 days of receiving the forms. Your healthcare professional and your employer must complete forms describing your injuries and your employment. If requested, you must provide information to determine your entitlement to accident benefits, including hospital records and family doctor notes. You may be requested to provide a sworn statement describing the circumstances that gave rise to your claim and you may be required to attend an examination under oath.

Most clients find that they are at a great disadvantage when dealing with the insurance company representatives alone. These representatives deal with injury claims like yours every day. You must be aware that anything you say to the insurance adjuster can go into your file and can affect your future claims. Speaking to a lawyer and knowing your rights will help you level the playing field.

Tort

In addition to your accident benefits claim, you may also have the right to sue the person(s) responsible for having caused your accident.

You may sue for the pain, suffering and general loss of enjoyment of life that you suffer as a result of your accident. This is commonly called general damages.
You may also sue for any income loss you suffer. The income loss claim is very important if you are unable to return to work or if your ability to work in the future is compromised. You may sue for your healthcare expenses (over and above OHIP and accident benefits coverage).
You may also sue on behalf of your family members — because the law in Ontario recognizes that when you are injured, your family hurts too.

The law in Ontario places a number of rigid and unforgiving time restrictions on your right to pursue a claim. If you do not start a lawsuit within the time limit, it is possible that you will lose your right to pursue a claim. Generally, there is a two-year time frame within which to commence a lawsuit. However, there are circumstances when that time limit can be extended. The law in Ontario also provides that in order to sue for your pain and suffering, you must suffer a permanent and serious impairment of an important physical, mental or psychological function or permanent and serious disfigurement, such as scarring. This is usually referred to as the "threshold test." If your injuries do not pass the threshold test, you will not succeed in your claim for pain and suffering. Further, there is a monetary deductible that is applied to your claim – the current deductible is $30,000 for the injured person's claim and $15,000 for the claims of family members.

At Thomson Rogers, we offer free consultations, without any obligation, to people who have been injured in accidents. We will listen to what happened to you, explain your rights, and describe the legal process and the role of your lawyer. We offer this service at no cost because when you or your loved one is injured, it is very important to understand your rights and remedies.

When I meet with new clients, we also discuss the cost of legal services. In most of my cases, I do not require any payment until my clients receive compensation.

For 75 years, Thomson Rogers has been a leader in personal injury litigation in Canada. We specialize in cases involving catastrophic injuries. Unlike most personal injury law firms in Toronto, we represent only people injured in accidents. We do not represent or defend the interests of insurance companies in personal injury claims. Your interests are our interests.

Thomson Rogers
Lawyers

GET THE FACTS

What to ask a personal injury lawyer

WENDY M. MOORE JOHNS
Thomson, Rogers

You have been injured in an accident, your life has been turned upside down, your family is distraught, you cannot work, the bills keep coming...and on top of all that, now you have to talk to a lawyer?!

Most of the people I represent have never talked to a lawyer before and never wanted to talk to a lawyer, ever.

But, when you or a member of your family has been catastrophically injured, speaking to an experienced personal injury lawyer is a necessity. It is important to know your rights, to be aware of the help that is available immediately and to take the necessary steps to protect your future.

Your personal injury lawyer should provide you with the following:

- A free initial consultation at your home, in hospital or at the lawyer's office.
- Information by telephone about any immediate time limits that apply to your case. Failure to meet time deadlines may jeopardize your claims.
- An explanation of your rights in clear language that you can easily understand.
- A frank and open discussion about what the lawyer can achieve for you and what you will be charged.
- A complete written explanation of legal fees.

Just like doctors who specialize in different areas of medicine, lawyers specialize in different areas of the law. You want an experienced personal injury lawyer to represent you. You also want someone who listens to what you say and responds to your needs.

Thomson Rogers is one of the largest personal injury firms in Canada. Every one of our lawyers is a trial lawyer. We only represent people who have been injured. We specialize in cases involving the most serious, catastrophic injuries. We are here to help.

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Lawyers

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FAMILY **LAW**

ANN WILTON & VANESSA LAM
MacDonald & Partners, LLP

"Divorce should not be financially or emotionally devastating," says Gary S. Joseph, senior partner at MacDonald & Partners, LLP.

A successful divorce should always be within reach. What is a "successful" divorce? One with minimal conflict. One that respects children's interests. And one where all parties feel they have been treated fairly.

There are many ways to resolve issues arising from a marital relationship breakdown. Parties may choose mediation, arbitration, a combination of mediation and arbitration, to negotiate a separation agreement through counsel, to proceed collaboratively through counsel committed to keeping disputes out of the courtroom – with the assistance of other professionals such as a parenting coordinator, or they may proceed through the courts. No matter what the route, proper legal advice is needed.

The obligations and rights arising out of a divorce are always changing. For example, the legislature has made new requirements for non-parents seeking custody and courts are commonly dealing with claims of parental alienation, where one parent has turned the children against the other. The role of the Child Support Guidelines and the new Spousal Support Advisory Guidelines shape the way support is determined, including how much and for how long. Further, dramatic changes in assets and/or income after separation need to be considered. In all financial matters in family law, disclosure of financial records is increasingly significant and the use of expert evidence more common in valuing income and assets, such as houses, businesses, and pensions.

But family law is not just about divorce. People seek the advice of family law lawyers for cohabitation or marriage contracts, paternity agreements, adoption, in vitro fertilization, gestational carriage, children in need of protection, abducted children and grandparents' rights, to name a few other matters. All these issues are emotionally charged. All of them should be dealt with in a way that leaves the client in a better position than when he or she entered the lawyer's office.

The lawyers of **MacDonald & Partners, LLP**, a Toronto-based firm dedicated to the successful resolution of family law issues, have authored many of Canada's leading texts in this specialized field, including: ***Canadian Divorce Law and Practice, 2nd Ed.***, ***Handling a Family Law Matter in Ontario*** and ***Child Support Guidelines Law and Practice, 2nd Ed,*** Published by Carswell.

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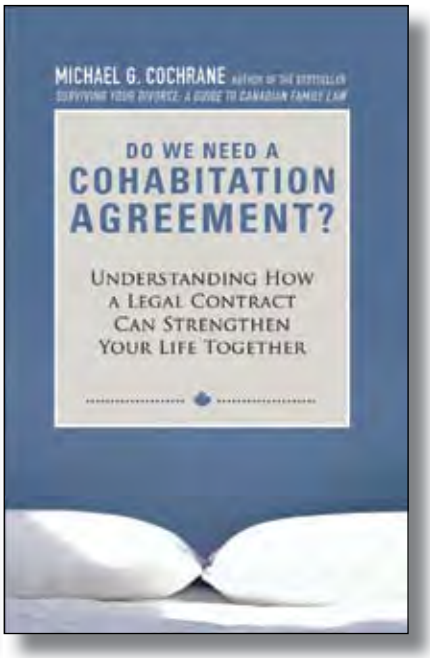

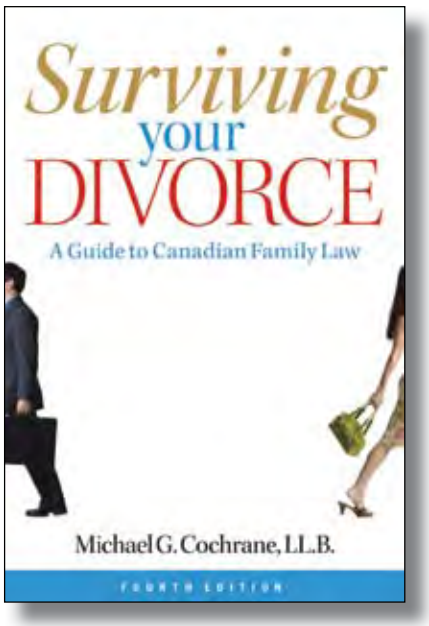

...so you won't need this later

This is your future together. Get it right from the very beginning. Take the advice of Michael Cochrane, a lawyer with more than 30 years experience in family law, as he walks you through the numerous issues and options you need to consider.

Available wherever books are sold and online.

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