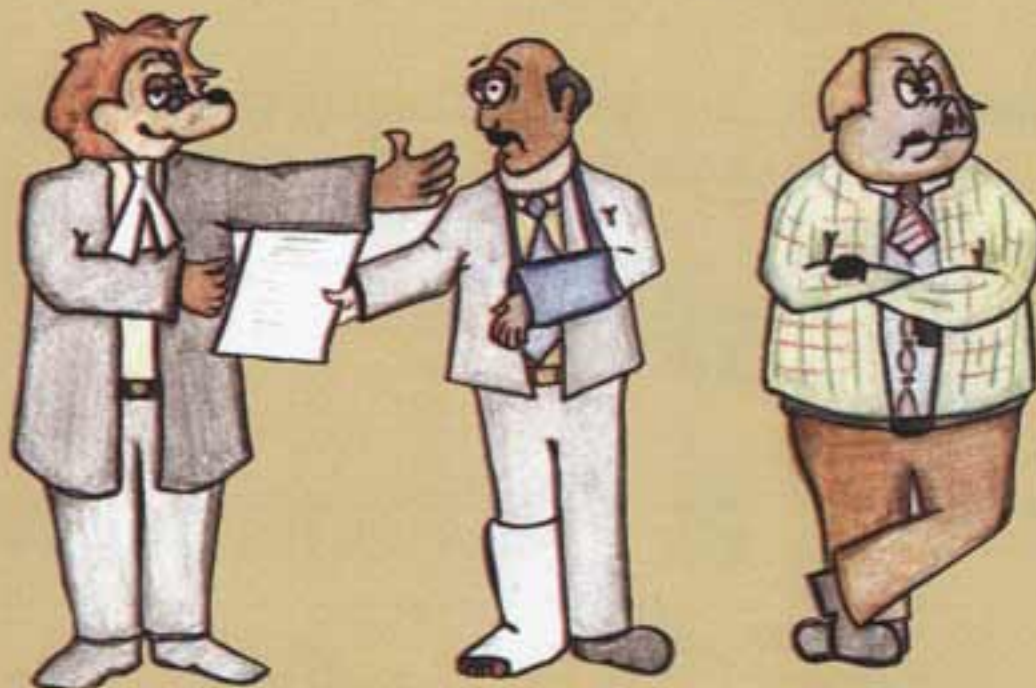




THE ADVENTURES OF THE WOLF, THE JUDGE AND THE PIG:

**Lessons on Ethical Battling
With Insurers in the High Court**



Fancy Barristers Professional Corporation
Public Education Committee

Written and edited by the Fancy Barristers Public Education Committee
of Fancy Barristers, P.C.

Illustrations by Cyrus D'Souza

Distributed by Fancy Barristers, P.C.

© No part of the book may be reproduced in any form, or by any means, without
prior written permission from Fancy Barristers Professional Corporation.

Disclaimer: This book is intended to provide a simple explanation of some of the
major events in a typical personal injury lawsuit and Fancy Barristers, P.C.
general approach to such a lawsuit. It is not intended to and should not be treated
as legal advice. Your case may be very different.
Consult a licensed lawyer.

Manufactured and bound in Peterborough, Ontario,
by Specialized Marking Systems Ltd.



Professional Corporation

Innovative Demonstrative Advocacy

MISSISSAUGA CORPORATE CENTRE
3660 Hurontario Street • Suite 403
Mississauga, ON • L5B 3C4

t: 905.277.9333 • toll free: 1.866.380.9333
f: (905).277.5870

Table of Contents

	Page
Helping to Win the Battle.....	1
Fancy Barristers puts the 'Forces' & Strategy' Together!.....	2
Early Victory.....	3
Launching the Attack: Your High Court Case.....	4
Providing Back-up to Your Forces.....	5
Court Sponsored Truce: Mediation.....	6
The Judge Calls a Truce: The Settlement Conference.....	7
The Final Battle.....	8

Helping To Win the Battle

Make no mistake –
you are now in a battle!
Team work will win
the day!



Please talk to us.
You don't really need a
good lawyer.

- **Injuries:** Tell Fancy Barristers honestly about your injuries – from the top of your head to the tip of your toe. Leave nothing out.
- **How:** Tell us honestly how you were injured: car accident, slip and fall, fall on sidewalk, etc.
- **Restrictions:** Tell us honestly what you cannot do because of your injuries; consider religious activities, work, childcare, house-hold chores, marriage, cultural activities, sports, etc.
- **Authorizations:** These documents (after you sign them) are used to get information from doctors, police, CCRA, hospital, OHIP, insurers, etc to build your case. The insurer will get these documents and check your story (injuries and restrictions) for dishonesty.
- **Documents:** Please give us all your important documents: Include work, police, hospital records and photographs of yourself and family before and after the injuries. See page 2.
- **Education/Training:** You must bring in your degrees, diplomas and certificates so we can show your accomplishments before the accident.

Lesson 1: "Only persistent team work makes for great legal results!"

Fancy Barristers puts the 'Forces' & Strategy' Together!

In our legal battle against All Greed Insurance we need our Forces: Fancy Barristers will carefully put together your story using your family photos, medical records, cultural information, work documents, tax records, and other information. We understand your culture. You will see your case becoming stronger very quickly!



Don't worry, be happy. We hire doctors who will meet with you for 15 minutes. It is not important that they do not speak your language, are rude, do not understand your religion or culture. All Greed Insurance is not interested in your story.

The Forces: These are pieces of evidence in your case that tell your story. The forces will include expert reports, photographs, tax returns, hospital records, etc.

The Strategy: We want to understand "your life"! How did the injuries and losses effect you and your family? The "forces" will be positioned to honestly show your story. Insurance companies forget that this is not just a file to us!

It is a mother, a father, a sister, brother and child whose family, cultural, occupational, religious and work lives were seriously disrupted because of the wrong actions of the insurer's client. Your powerful story will often also help to shatter stereotypes!

Photographs: We want to 'show' your story. Bring in your family album and let's review it together. We want to show the richness of your life (family, culture, work, children, health, religious events, etc.), before it was disrupted by the accident.

Experts: We will hire medical, engineering, accounting, vocational, design, and other experts to show and prove your case!

We want to win for you and change the way insurance companies perceive victims. No more stereotypes!

Lesson 2: "All good things come to those who act, strategically."

Early Victory!

Preparation,
skill and hard work pays!
Sometimes we win very quickly. If you are
not at all at fault, have clear injuries and a limited
income loss claim, we can often get a good settlement
quickly. All Greed will see the forces, the strategy, the
story and the expert reports and decide that they
are fighting a losing battle!

We always want
to settle. We just don't
want to pay every
time.



Lesson 3: "Destiny favors the prepared barrister and his client!"

Launching the Attack: Your High Court Case

You are the plaintiff. We sue for you (and sometimes your spouse and children) to get justice!



Don't attack. We don't even want to pay our own lawyers. Lets go back to settlement!

Your Attack: We will begin your court case with a substantial claim for your injuries and losses filed in the Ontario Superior Court of Justice.

The company or people that hurt you will now have to explain themselves in a Statement of Defense, filed with the Court. No more delays!

All Greed's lawyer may hire someone to videotape you when you step outside your house. That is called surveillance. They are interested in anything that can be used to show an absence of injury – even if you were only having one good day!

Diary: Try to keep a diary of days when you feel a lot of pain or relief and the reasons for the pain or relief. We know it is difficult - if you can't, Fancy Barristers understands.

Scarring/Casts: Have a family member take photographs if you have a cast, scarring or need to return to the hospital. Show us the photos!

Lesson 4: "Legal matters worthy of attack demonstrate their worth by striking back."

Providing Back-up to Your Forces

Honestly, tell your story.
It's your right! Who hurt you?
Can you not kneel and pray?
Can you still go and worship?
Can you do your old job?
Is your marriage in difficulty?



My lawyers will
test your story!



Examination for Discovery: You will “tell” your story to the insurance company’s lawyers. Your answers will be tape recorded by an impartial transcriber. Your answers will complete the story.

We will prepare you for the questions. We will test your memory. We will teach you the rules of the examination: Be honest, neatly dressed, don’t argue, etc.

You will be prepared when All Greed Insurance’s lawyer asks you questions about your story. We will get a reliable interpreter if you need one.

Your story should win the day!

We will then ask questions to the people who hurt you. Their answers will be tape-recorded. They will have to explain themselves. No excuses!

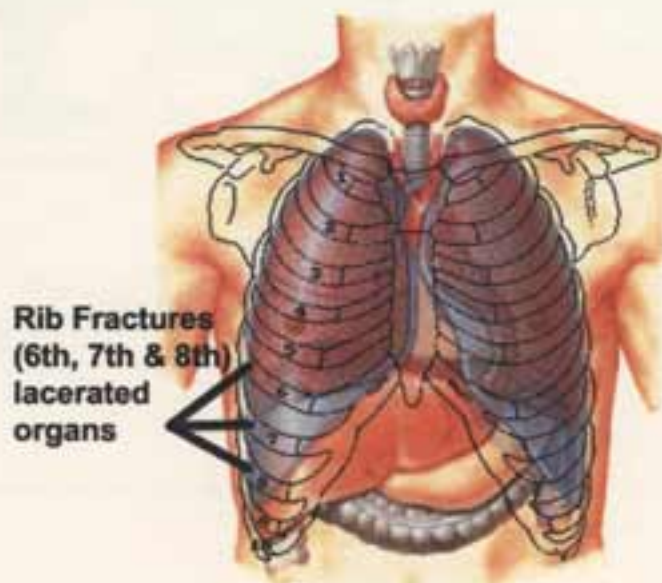
Lesson 5: “In examination those who do not want the damaging answers will ask questions from those who will not know the difference, if unprepared.”

Court Sponsored Truce: Mediation

Here is when we bring out the big guns. We will put the story, the photographs, the expert reports, the cultural points together into a colorful graphic legal book and give it to the Mediator. The Mediator will see and understand your very human suffering.



Not fair!
How did Fancy Barristers do that?



Rib Fractures
(6th, 7th & 8th)
lacerated
organs

Mediation: We will pick (with the insurer's lawyer), an honest fair person to hear your case. That person is called a Mediator.

We will meet All Greed's lawyers and hold settlement discussions in front of the Mediator. The Mediator will read our Graphic Legal SubmissionsTM and All Greed's submissions and then try to reach a negotiated settlement.

Fancy Barristers shows your injuries!

Fractured elbow with bolt



Lesson 6: "Visual advocacy conquers ignorance."

The Judge Calls a Truce: The Settlement Conference

Let's show the judge what we have and point out All Greed's failures and weaknesses. The Judge's opinion will have a big impact on the case. All Greed's lawyers will have to report the Judge's opinion to All Greed. We will tell you all about it.

The Judge will fairly consider:

1. Whose case is stronger?
2. What is your case worth?
3. Should the case go to trial?

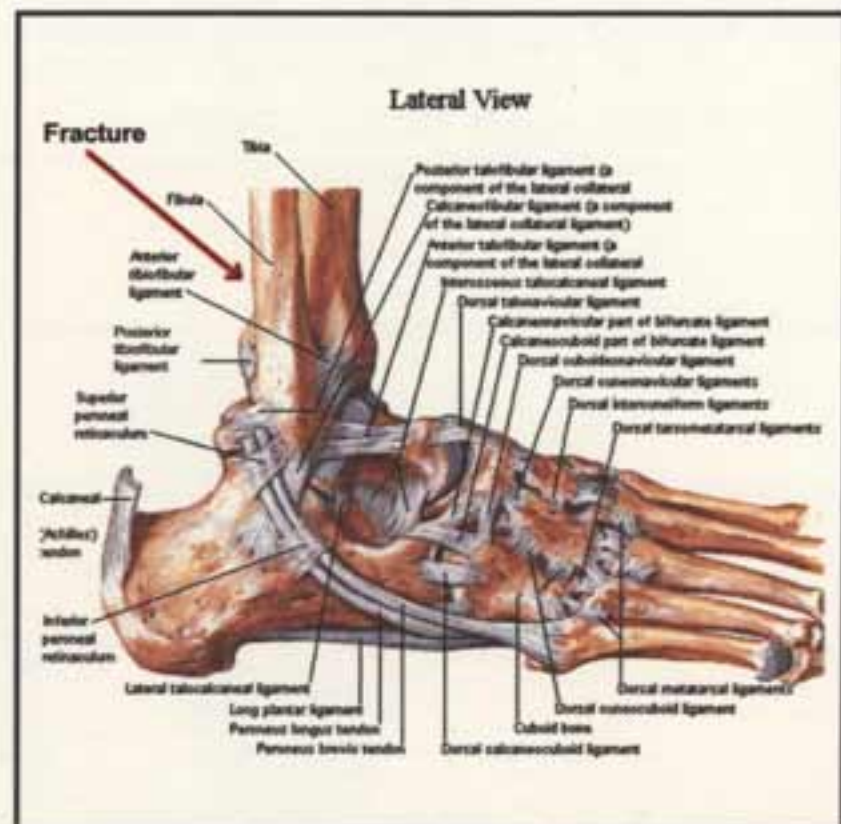


Don't you ever give up?

Settlement Conference: If the Mediator did not succeed, then we go to the Settlement Conference. We are very close to trial. We will file a more elaborate Graphic Legal Submission and meet with the judge and All Greed's lawyers. The judge will give us an opinion on the case.

The judge will fairly try to help us resolve any obstacles to settlement. The Judge is in a stronger position than the Mediator. Settlement is more likely now.

Fancy Barristers will show your injuries to the judge!



Lesson 7: "Make your Litigation the parent of settlement and not a nursery for future proceedings."

The Final Battle

We will get at the devil within the Rule of Law! Our strategy is complete, our evidence is collected and our file is organized. We will enlarge the graphic medical evidence and your personal photographs; we will call experts on your injuries, income loss, religious practices and customs and how they have been disrupted by the accident.

Trial: The court, with our input, will set the date for trial. We will now make the preparations for the final battle. We will go to trial with all relevant evidence, good experts and a powerful strategy.

Most cases settle. Very few cases reach this stage and fewer get to trial.



Lesson 8: "A remedy without persistence is no remedy at all."