



**CUMMINGS
ANDREWS
MACKAY LLP**
BARRISTERS & SOLICITORS

Things you can do *to Assist your Lawyer*

Your lawyer's job is to take care of the details surrounding your personal injury claim so that you don't have to worry about them and can focus your time and effort on recovering from your injuries. That being said, however, there are some things that you can do to ensure that your personal injury claim proceeds as smoothly as possible. Here are some suggestions:

1. Follow Your Doctor's Advice

It is our job to prepare your personal injury claim and present it in the best possible light so as to achieve a fair settlement from the at fault party or to obtain a judgment at trial. It is your responsibility to follow up with your health care professionals to ensure that you recover from your injuries as quickly and as fully as possible.

When visiting your doctor or any other health care providers, ensure that you advise them of all of the difficulties that you are experiencing so that they can treat you properly. It is also imperative that you follow any treatment recommendations that they make on a timely basis as failing to follow the recommendations of your health care givers may result in a reduction of the amount of damages that you are entitled to receive.

2. Keep Us Informed

In order to properly represent your interests, we endeavour to stay in contact with you on a regular basis to get updates as to your status. It is imperative that you keep us updated about relevant developments such as changes in the treatment that you are receiving or changes in your work situation. In addition, if you are moving it is important that you provide us with your new address and telephone number so that we can continue to maintain regular contact with you.

**Maintain Records
in Relation to
Out of Pocket Expenses and
Your Loss of Housekeeping**

3. Capacity Claim

At the conclusion of your personal injury claim, you will be compensated for any out of pocket expenses that you have incurred as a result of the collision and the treatment of any injuries that you sustained. As a result, it is important that you keep track of these expenses including keeping any receipts or invoices that you have to substantiate them.

You may also be entitled to advance a loss of housekeeping capacity claim as a result of your injuries. It is important to keep track of how much you have paid someone to assist you in relation to your usual household chores or, if you have relied on the assistance of family and friends, how much time your family and friends have spent providing you with assistance. This information will make it easier for us to ensure that you recover the damages that you are entitled to.

It may also be advisable to keep a diary detailing the important events relating to the treatment of your injuries and your recovery.

4. Surveillance

It is important to be aware that in many personal injury cases private investigators are hired by the at fault party's insurer to record your movements utilizing a camera or a video camera to interview neighbours, co-workers, acquaintances and family members. As a result, it is important that you not discuss your case with anyone except the members of our firm and your health care providers. In addition, it is imperative that you follow your doctor's advice and not try to do any work or physical activity that goes against medical advice. As the insurer may be aware of your activities, it is crucial that you be honest and forthright with your physicians, your lawyer and the other lawyer during Examinations for Discovery.

5. Mitigation of Damages

As mentioned above, if it is found at trial that you have failed to follow up with the medical treatment recommended by your doctor and as a result your injuries did not heal fully or did not heal as quickly as they otherwise would have, a Court will generally reduce the amount of damages that you are entitled to.

On a similar note, if you are forced to miss work as a result of the injuries you sustained in the collision, it is advisable that you return to work as soon as you receive medical clearance from your health care providers. If you are unable to return to the job which you had at the time of the collision because of your injuries, it is your responsibility to attempt to find alternate employment that you are physically able to do, or, pursue retraining that will allow you to obtain a job that you are physically able to do. Failing to do this will also likely result in a reduction in the amount of damages that you will be awarded.