

NOVEMBER / DECEMBER 2018

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Charity Registration No:
89186-6733-RR0001

The Life Line



BIASL

BRAIN INJURY ASSOCIATION

SARNIA - LAMBTON



BIASL is a non profit charitable organization. Helping to enhance the lives of people in the Sarnia-Lambton area living with the effects of Acquired Brain Injury (ABI) through education, awareness, support and weekly activities.



CHRISTMAS PARTY

TUESDAY, DECEMBER 18TH

KEY DATES AT A GLANCE

Wed, Nov 28th

Lunch out at
Stokes Inland

Thur, Nov 29th

Movie Night

Sat, Dec 1st

Bluewater Chordsmen
Concert

WHAT'S HAPPENING

Mentor Training

Congratulations to Mike J, Joe S, Dennis G, Pat B and Marg M for participating in our recent Mentor Training.

Your knowledge and expertise is required...

We have been invited by Kelly Steeves, General Manager of the new Insignia hotel, to do a walk through to assist in ensuring that all areas of accessibility have been met before they are open. Please join us on Friday, November 30, 2018 at 1 pm. Refreshments will be served.

Cargiver Survey

The Ontario Brain Injury Association is currently conducting a Caregiver Survey. It can be done on-line or in paper format. This information will help to create a half day information session for Caregivers across the province. You can access this survey on the OBIA webpage. There will also be hard copies available at our events over the next few weeks.

Gift Wrapping

A festive reminder that our gift wrapping program will be starting again in December at Lambton mall. If you are available to help, please contact us at the office!!! This is always a successful fundraiser for us!!! We appreciate the support!

ASK A LAWYER SERIES



Nigel Gilby and Chris Dawson are personal injury lawyers at Lerner's LLP. Nigel and Chris can be contacted at 855-HELP-NOW or by e-mail at cdawson@lerner.ca or ngilby@lerner.ca.

Why Lawyers Don't Sleep

By - Nigel Gilby

In certain situations in the practice of law, I have found myself saying to somebody "Now You Know Why Lawyers Don't Sleep". I use it as a way to express that there are situations in the practice of law, if you are a good conscientious lawyer, that could drive you to not sleep at night.

I have been practising law for over 30 years now and continue to enjoy working with clients immensely. I have always thought of myself as someone who tries to keep the best interests of clients in mind and believe that the clients are what come first. That does bring a lot of responsibility with it because clients are literally putting their future in your hands. What you do or don't do may affect them for the rest of their lives.

There are always going to be cases where you will wonder for the rest of your career, if not the rest of your life, whether or not you did the right thing. Hopefully

those cases do not come up very often but if anyone who is a lawyer seriously practising personal injury with a conscience tells you that never happens, they are simply not telling the truth or really do not have a conscience.

There are going to be some cases where you wonder whether you did the right thing and made the right decisions. In those cases, you are going to wonder what the outcome would have been had you taken a different course.

I was recently involved in a case where I would say "now you know why lawyers don't sleep".

The case involved a lovely woman who was in a tragic accident that occurred as a result of nothing that she did wrong. There was not anything that she could have done to prevent the accident.

The facts of the case very briefly are as follows. My client was operating her vehicle in her own lane and going less than the speed limit due to the road conditions. There had been some freezing rain before she left her home and so was driving carefully, and

had just entered a bridge when a vehicle coming in the opposite direction also entered the same bridge.

The other vehicle lost control, seemed to momentarily regain control, but then came across and struck my client head-on in her lane of traffic. When the cars came into contact they spun so that my client, who had been travelling eastbound, and the other car, which had been travelling westbound, ended up in a resting position facing north and south.

This resulted in effectively blocking both lanes of the bridge. Another vehicle, which had been following my client and was not going to be able to stop, attempted to get between the two vehicles but there was insufficient space and as a result, he also struck my client's vehicle.

My client suffered devastating injuries which will leave her in a wheelchair, dependent upon care, for the rest of her life.

My client and her husband retained me to act for them and to recover damages for the injuries that she had sustained, and to provide money for the losses that she was going to suffer in the

future. She could not return to work and needed future care help.

I commenced a claim against the vehicle that came across and hit my client head-on, a claim against the vehicle that was following my client and collided with her, as well as the Municipality due to the condition of the bridge at the time of the accident.

The evidence of the driver of the third car that was following my client was that he was following her by several car lengths, he was driving under the speed limit, and that he could not have expected that the car that he was following would come to a dead stop. The position by that individual, through their lawyer, was that they had done nothing wrong, and that a reasonable person would not have done anything differently than he had done.

There had been a very brief ice storm. Freezing rain had come through the area about half an hour before the accident occurred. The driver of the third car acknowledged that the ice storm had come through and that he had to scrape ice off of his

UPCOMING BIASL ACTIVITIES

**Note: Please call the Brain Injury Association Sarnia Lambton office at 519-337-5657 or email sarnia.biasl@gmail.com. if you wish to participate in any of the following events.
We appreciate RSVPs!**

Note: Please know that if there is a concern with the cost of any of our activities, please advise Lori so that this can be resolved in a fair manner.

<p>Coffee Group: Do you enjoy good coffee, great food, meeting new people, and socializing with old friends? Then join us for the Coffee Group! This group meets every Tuesday at the Coffee Lodge on Exmouth Street at 1:00 pm.</p>	<p>Tues, Nov 6th Tues, Nov 13th Tues, Dec 4th Tues, Dec 11th</p>
<p>Card Making: Come out and enjoy an afternoon of card making with Carolyn. November's date will include the theme of Fall and December's date for be Christmas. You can always personalize the message for a birthday; get well or thinking of you as well.</p>	<p>Wed, Nov 7th Wed, Dec 5th 1-2:30pm VON Community Room</p>
<p>Family and Caregiver Support Group: We know that Brain Injury does not affect the survivor alone. Caregivers need an opportunity to speak with other caregivers. November's topic will be Becoming A Resilient Caregiver and December's topic will be Caregiving during the Holidays</p>	<p>Fri, Nov 9th Thur, Dec 6th 10-11:30am VON Community Room</p>
<p>Workshop: BIASL Workshop for Survivors, Family Members and Professionals, on Tuesday 20 November 2018 at Redeemer Church</p>	<p>Tues, Nov 20th Time 9:30am-3pm Redeemer Christian Church</p>
<p>Making Memories Scrapbooking: Come out and enjoy an afternoon of scrapbooking and have your memories to cherish. The theme will be "Fall"</p>	<p>Wed, Nov 21st 1-2:30pm VON Community Room</p>
<p>Men's "Only" Group: Gentlemen this is a time for you to connect with your peers and have some guy time! Come for lunch and some laughter at Refined Fool located at 137 Davis Street</p>	<p>Thur, Nov 22nd 12pm Refined Fool Downtown</p>

car's windshield before setting out that morning.

The position of the Municipality was that it was a freak, unexpected and isolated ice storm. They dispatched a road crew to deal with the ice storm as quickly as possible and, in fact, a vehicle did appear on the scene shortly after the accident to salt or sand the roadway.

The position that I took was that the Municipality was well aware of the fact that the temperatures were hovering around freezing, and there was the possibility of freezing rain. Given that the bridge in question was a major thoroughfare, they should have done preventative work on the bridge (laying some brine, which is an antifreeze for the roadway) either that night or early in the morning. This would have prevented the icing conditions.

The matter was scheduled to proceed to trial with the expectation that the trial would last 10 weeks.

There is no question that the driver that crossed into my client's lane of traffic would be found liable but that vehicle had only \$1,000,000.00 insurance and my client's damages if proven at trial were between \$8,000,000.00 and \$10,000,000.00.

The car that had been following my clients had

\$2,000,000.00 worth of coverage but, of course, was taking the position that they had no responsibility and had done nothing improper, and could not have anticipated what occurred. The Municipality, which of course has no limit as to the amount of money that is available, took the position that they had more than met and exceeded the Minimum Maintenance Standards for Municipal Highways under the Municipal Act so had no liability whatsoever for this accident.

The dilemma. If we went to trial and if we were successful against the Municipality and the other driver, then we would recover damages of between \$8,000,000.00 and \$10,000,000.00. If we went to trial and were unsuccessful against the Municipality, but were successful against the car that was following, there was only \$2,000,000.00 worth of insurance if we were unsuccessful against the car that was following and the Municipality, then we only had the \$1,000,000.00 from the car that crossed into our laneway. This was complicated by the fact that if we were unsuccessful against the Municipality and the other car, then the \$1,000,000.00 that my client might receive was potentially going to be used up to pay the costs of the Municipality and the third vehicle.

Between the two cars and the Municipality and the accident benefits insurer, I was able to broker an offer for half of what the claim was worth if we were successful at trial against everyone and obviously millions more than what it was worth if we were not able to be successful against the driver of the third car and the Municipality.

We had prepared long and hard for the trial, and there were experts that all sides had and that had cost hundreds of thousands of dollars to obtain.

The big question became what do you recommend or advise to the client in that scenario? The question the clients always ask is what would you do if you were me? My answer to that question is "I'm not you and therefore I cannot answer that question". I don't say that to avoid the question. How clients may look at situations may be quite different than the way I look at situations. We may come from different walks of life, we may have different expectations, and our abilities financially and emotionally to deal with cases may be significantly different.

The clients ultimately decided to settle the case and to take the guaranteed money rather than risk proceeding to trial and

being unsuccessful. I do believe that that was the smart decision. It is better to get money that you know is guaranteed than to take a risk, and possibly end up with nothing.

Having said that, this is one of those cases that haunts lawyers because you always wonder whether you should have gone ahead with the trial. Unfortunately, I do not have a crystal ball nor a time machine (which would certainly make my life a lot easier). Without such tools, then it becomes a bit of a guessing game and a poker match.

It would have been selfish of me to say "let's try the case and see what happens". My life would go on unaffected, if the case had turned out badly for the clients, the clients had everything to risk.

Once the case was settled, the counsel for the Municipality said that I had been able to take a sow's ear and turn it into a silk purse, but it does not remove that little voice in my head that asks, did I do the right thing and would I have won if the matter went to trial.

It is that little voice in my head that speaks on cases like this that keep me awake at night and is the reason why lawyers don't sleep.

Lunch N' Learn: With Margaret Capes, on the topic of Self/Community Advocacy	Thur, Nov 22nd 12pm VON Community Room
Lunch Out: Join us for a nice lunch out at Stokes Inland located at 1202 Lambton Mall Road	Wed, Nov 28th 12pm Stokes Inland
Movie Night: Join us for a cozy, comfortable night at the VON Community Room. We're having Pajamas, Pizza and a Movie Night	Thur, Nov 29th 5:30pm VON Community Room
Bluewater Chordsmen Concert: We have been selected by the Bluewater Chordsmen, as one of two organizations to be a recipient of their annual Christmas Benefit Concert. It would be wonderful to have a large group of us from the BIASL to enjoy the music. We also require some volunteers that day to assist- if you are able to help, please let us know! 383 Russell St North, Sarnia	Sat, Dec 1st 1pm New Horizons Community Church
Behind Closed Doors: We have been selected again this year to participate in the Behind Closed Doors event at Lambton Mall. This is a ticket holder event only - and WE HAVE THE TICKETS TO SELL FOR \$5.00 EACH!!! Please let us know if you wish to purchase tickets for this annual shopping spree event! Thank you for supporting BIASL!	Sun, Dec 9th 6-9pm Lambton Mall
Christmas Party: We invite you to join us at Redeemer Christian Reformed Church for our annual Christmas party. Lunch will be provided and if you wish to participate, bring a \$10 wrapped present for the gift exchange.	Tues, Dec 18th 11:30am-2:30pm Redeemer Christian Church
Christmas Bing: Do you have what it takes to win? Try your luck with a fun game of BINGO with a twist... it's Christmas BINGO time	Wed, Dec 19th 1-2:30pm VON Community Room



Your brain can process an image that your eyes have seen for as little as 13 milliseconds – less time than it takes for you to blink.



BIASL Board of Directors:

Kevin Cheung (President), Jillian Prior (Vice President), Jacob Lavoie (Treasurer), Marg Mitchell, Kelly Steeves, Mike Janssen (Secretary), Christina Martin, Chantal Prasad (Past President), Martin McNeill and Rhonda Houghton

Membership

Assistance can be provided for individuals who would like to renew or obtain a free membership by completing an on line research questionnaire by OBIA (Ontario Brain Injury Association). Please contact the BIASL office at 519-337-5657 if you require assistance completing survey

Donations

BIASL is a registered non-profit organization incorporated in 1994. Currently there is no on-going or provincial funding for our organization; therefore we rely on all of our own fundraising. For this reason, at anytime donations come our way, we are most grateful. We thank you for considering us at anytime throughout the year! With this being said, you can donate on line from our website at www.sarniabiasl.ca.

Volunteers Needed

Brain Injury Association Sarnia Lambton is looking for volunteers. Assistance is greatly appreciated. We are especially looking for volunteers to help with social leisure and fundraising activities.

Also looking for a volunteer Office Administrator. Please call 519-337-5657 for more details.

If you are interested in becoming a volunteer, please call BIASL at 519-337-5657 or email info@sarniabiasl.ca. We look forward to hearing from you!





November 2018

*NOTE: Please refer to newsletter for specific details and prices for events!

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1	2	3
4	5	6  Exmouth St. 1pm	7 Card Making 1-2:30 VON Community Room	8	9 Family Caregiver Support Group 10am 10-11:30am VON Community Room	10
11	12	13  Exmouth St. 1pm	14	15	16	17
18	19	20 BIASL Workshop 9:30am-3pm Redeemer Christian Church	21  Making Memories Fall Scrapbooking 1-2:30 VON Community Room	22  Men's "Only" Group Lunch 12pm Refined Fool Downtown	23	24
25	26	27  12pm VON Community Room	28  Lunch at Stokes Inland 12pm	29  Movie Night 5:30pm VON Community Room	30	



December 2018

NOTE: Please refer to newsletter for specific details and prices for events!

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1  Bluewater Chordsmen 1pm New Horizons Church
2	3	4  Exmouth St. 1pm	5  Christmas Card Making 1-2:30 VON Community Room	6  Family Caregiver Support Group 10am 10-11:30am VON Community Room	7	8
9 LAMBTON MALL Behind Closed Doors 6-9pm	10	11  Exmouth St. 1pm	12 Gifts In A Jar 1pm VON Community Room	13	14	15
16	17	18  Christmas Party 11:30-2:30pm Redeemer Church	19  Bingo 1-2:30pm VON Community Room	20	21	22
23	24	25  CHRISTMAS	26	27	28	29
30	31					