

February 11, 2016 - The Commons Institute

Michael Smitiuch, Principal Lawyer and Peter Cho, Associate Lawyer, delivered a module on “Personal Injury: The Most Significant Recent Judicial Decisions”
Live Webcast - Ottawa, ON

April 8, 2016 - Ontario Trial Lawyers Association. Practice Management Conference: Running a Successful Personal Injury Practice

Michael Smitiuch, Principal Lawyer, will be a panelist. The topic of the panel discussion is: How to Structure Your Business.
20 Toronto Street, Toronto, ON

May 5, 2016 - Hamilton Health Sciences Centre – 2016 Annual ABI Conference

23rd Annual Conference on Neurobehavioural Rehabilitation in Acquired Brain Injury. Smitiuch Injury Law is pleased to be a Gold sponsor and exhibitor of this conference.
Hamilton Convention Centre, Hamilton, ON

June 21, 2016 - 6th Annual Making the Links Golf Tournament in support of Hamilton Health Sciences

Smitiuch Injury Law is pleased to be a sponsor and participant of this tournament.
Brantford Golf & Country Club, Brantford, ON



For further information or to discuss how we can help you

please contact Michael Smitiuch at:
416.621.1551 or mike@sil.lawyer



SMITIUCH INJURY LAW

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Your quarterly source of personal injury news

Jury Duty - An Important Civic Responsibility

You find an envelope in your mailbox from the Attorney General's office. You slowly open it wondering nervously whether you have done something wrong. Panic soon follows when you see what's inside. Why did this happen to you?

Every year, approximately 500,000 Jury Duty notices are mailed in Ontario. Included is a questionnaire you must complete and return to the county sheriff within five days. Ignoring this notice or providing false or misleading information is an offence that can carry a fine, imprisonment or both.

Out of 500,000 people who receive Jury Duty notices, approximately 180,000 will receive a summons to attend court. This summons is not an invitation that you can decline and you may be found in contempt and face punitive action if you do.

Even after receiving a summons, you are still only a potential juror in a large group of others called a jury panel. In court, each of you will be assigned a number and the court staff will randomly select these numbers using a lottery-style draw to fill the number required for the case.

If your number is called and you suffer from an illness or will suffer hardship as a result of serving as a juror, you may then ask to be excused and depending on the circumstances the judge may or may not permit your request. “I have Justin Bieber tickets” is not a good excuse.

The lawyers for the parties will also have the ability to reject prospective jurors. These are known as *peremptory challenges*, which are limited in number and depend on the type of trial. In total, six individuals will sit on a civil jury and twelve for a criminal matter.

If selected, your role as a juror will be extremely valuable. You will provide an important human element to the trial and with the guidance of the judge will be responsible for



deciding guilt or innocence in a criminal case or liability and damages for a civil case. A trial by jury is one of the benefits of living in a democracy where the rule of law prevails. Our Constitution provides an accused person the right to a jury trial when charged with a serious crime. In many civil cases, the parties

also have a fundamental right to have their case heard by a jury. In our experience, a trial by jury is one of the last places for justice to be served.

In a trial by jury, twelve people are chosen at random to decide the fate of a fellow human being. They are placed in an unfamiliar setting and required to observe solemnly the unfolding of a real life human drama. They deliberate in secret. They return a verdict for which they are not required to give reasons. They then fade anonymously back into their everyday lives. It is little wonder that the jury has been described as “an exciting experiment in the conduct of serious human affairs”. - The Jury in Criminal Trials, Law Reform Commission of Canada (1980) as quoted by The Honourable Justice Hill

Top 7 Sports Legal Cases

1 O.J. Simpson

In the most infamous sports related decision of all-time, former Heisman Trophy winner and Bills great O.J. Simpson was acquitted on all charges in the murder of Nicole Brown-Simpson and Ronald Goldman with the help of iconic lawyer, Johnny Cochrane, who coined the now famous phrase; "If it doesn't fit, you must acquit."

2 The Black Sox

In 1919, eight members of the Chicago White Sox, including the legendary Shoeless Joe Jackson, were accused of fixing the World Series. The players were ultimately acquitted in court, but the MLB Commissioner still felt he had enough evidence to ban them from baseball for life.

3 Moore v. Bertuzzi

Beyond his NHL suspension, legal action was taken against Bertuzzi in the provincial and state courts. He was ultimately charged with assault causing bodily harm for his heinous on-ice actions that contributed to the premature end of Steve Moore's career. In 2014, the parties settled out of court for an undisclosed amount.

4 "Deflategate"

Despite substantial evidence, including records of text messages, and phone calls between the quarterback and two Patriots employees implicated, the judge ruled that there was no "smoking gun" that linked Brady to deflating footballs. Tom Brady fans should note, however, that an appeal is to be heard some time in 2016.

5 O'Bannon v. NCAA

This landmark 2014 decision opened up the door for college athletes to potentially enjoy trust funds of up to \$5,000 per year. This decision is likely just the beginning of monumental change in the college-athlete labour market.

6 NHL v. Alan Eagleson

Eagleson, the long-time executive director of the NHL Players Association, was found to be cheating those he was supposed to be representing. He was stealing money from pension funds and disability funds. In 1998, he was found guilty of fraud and embezzlement.

7 Ali v. Army

When Muhammad Ali was drafted into the military in 1967, he refused, calling himself a "conscientious objector" based on his faith. He was convicted and stripped of the heavyweight title and his boxing license. However, Ali eventually prevailed in the U.S. Supreme Court and regained the heavyweight crown in 1974.

Important Changes Are Coming to Your Car Insurance Policy

While no one likes to pay car insurance premiums, these are meant to provide you with peace of mind in the event that you are ever injured in a motor vehicle accident. It is very important that you plan for the worst-case scenario so that you will have the funds that you need to cover your medical, rehabilitation, attendant care, and other expenses if you are seriously or catastrophically injured.

As of June 1, 2016, all new or renewed automobile insurance policies written in Ontario will significantly lower the standard amount of accident benefits available to an individual who is injured in a motor vehicle accident.

Accident benefits are available to anyone in Ontario injured in a motor vehicle accident, regardless of fault and even if you don't own a car.

The most significant changes to the standard policy will be as follows:

Benefit	Current Policy	New Policy	You can choose¹
Medical and Rehabilitation for non-catastrophic injuries	\$50,000	These benefits have been combined and reduced to \$65,0000 total	Increase the benefit to \$130,000² total
Attendant Care for non-catastrophic injuries	\$36,000		
Medical and Rehabilitation for catastrophic injuries	\$1,000,000	These benefits have been combined and reduced to \$1,000,000 total	An addition \$1,000,000 for a total of \$2,000,000² catastrophic injuries
Attendant Care for catastrophic injuries	\$1,000,000		
Medical, Rehabilitation and Attendant Care, all injuries	Not applicable	Not applicable	Increase the combined non-catastrophic benefit to \$1,000,000 and the combined catastrophic benefit total to \$2,000,000²³

1 If you have previously chosen to purchase these optional benefits check your policy – they may have changed to reflect amounts available in new options.
2 Medical, Rehabilitation and Attendant Care benefits for minor injuries are fixed at a maximum limit of \$3,500.
3 If you purchase both the additional Medical, Rehabilitation and Attendant Care benefits for catastrophic injuries and for all injuries, the total eligible benefit amount for a catastrophic impairment would be \$3,000,000.

There are additional optional coverages available to increase your income replacement benefit from the basic maximum of \$400.00 per week, in case you are unable to work. You can also get coverage for caregiver and housekeeping and home maintenance benefits for non-catastrophic injuries.

We strongly advise you to discuss your policy with your insurance broker or agent before your policy is renewed after June 1, 2016, to ensure that your needs are met. While no one wishes the worst, it is good to have the coverage if it is ever needed. Many of our clients will attest to this.

Profile Of Matthew Nieuwland Student-at-law



Smitiuch Injury Law is pleased to introduce Matthew Nieuwland, a Student-at-Law who has been with the firm since November 2015.

Matthew is a native of Springwater, Ontario, a small community just outside of Barrie. He grew up playing sports and enjoying the outdoors with his four older brothers, with whom he remains very close to this day.

In 2015, he earned his law degree (J.D.) from Queen's University's Faculty of Law, where he was awarded an admission scholarship based on academic merit. Before studying law, he completed an Honours Bachelor of Science degree in Biomedical Science with Distinction from the University of

Guelph. While this may seem like an odd transition to some, Matt believes the analytical and critical thinking skills he honed while studying the sciences will prove to be an invaluable tool in preparing cogent and thorough arguments on behalf of clients.

While in law school, Matt was an executive of the International Human Rights Club and a member of the Faculty of Law's rugby team. During his undergraduate studies, he was a proud member of the University of Guelph's men's soccer team and a three time Academic All-Canadian (an award given to student-athletes who maintain an "A" average while competing in a varsity sport). He was also employed as a student-athlete mentor and was tasked with helping his fellow student-athletes balance the rigors of varsity athletics

and full-time studies.

Having been educated in the Francophone school system, Matt is fully fluent in French. In his spare time, he enjoys spending time with family and friends, playing sports, and working on home renovations.

Recently, Matt successfully passed both his Barrister and Solicitor Licensing Examinations. Matt is excited to be a contributing member of the wonderful team at Smitiuch Injury Law!

Matt can be reached directly at matt@sil.lawyer or 416-621-1551, ext. 214

Family File \$5 Million Damages Suit Against Police In Mistaken Arrest

On November 1, 2015, at about 8:00 a.m., 21-year-old Santokh Bola was on his way to the family store, India Bazaar in Etobicoke, to help his grandfather. He was getting out of his car at a parking lot at 2645 Islington Avenue, when two Toronto police officers approached him at gunpoint. It's alleged that officers, acting on information about an attempted burglary in the area, pinned Bola to the ground, delivering a series of kicks, knee strikes and punches to his face, head and body. He pleaded with officers to speak with his grandfather.



Bola was treated at Etobicoke General Hospital for serious head injuries, emotional trauma and lacerations and abrasions to the face.

No charges were laid against Santokh, who was eventually released from police custody.

The incident was caught on video by a bystander and the images are disturbing. The video can be found on Smitiuch Injury Law's YouTube channel.

Santokh and his family retained Smitiuch Injury Law, in part, because of Michael Smitiuch's reputation of effectively bringing serious issues of injustice to light in the public realm.

A press conference was held on November 18, 2015, and Santokh and his family's harrowing tale was relayed to a number of media outlets. It gained national coverage and garnered much discussion about police training and their responsible use of force.

New Office Opened in Downtown Simcoe

Smitiuch Injury Law is pleased to announce the opening of our newest office in the heart of downtown Simcoe, Ontario. The new full-service office is located at 16 Norfolk Street South.

The new office will allow us to enhance our service for existing clients who live in the area and provide a convenient meeting place for potential new clients.

"It's a great feeling to be back home. I'm delighted to return to my roots, and give back to the community where I grew up," said Michael Smitiuch, Founder and Principal of Smitiuch Injury Law. "We're here to play an important advocacy role by speaking on behalf of those who need our help."

Michael has deep ties to Norfolk County, he grew up in Waterford and he worked in the area for many years, including for the Town of Simcoe, the Canada Employment Centre and several local farms. His parents continue to live in Simcoe and are active in the community.

The firm is also taking this as an opportunity to help reinvest business in the downtown core. Like many small towns, Simcoe is having trouble keeping businesses in the downtown area. "The downtown is the heart of any community and it's very much what we're about as a personal injury law firm. We looked at other office locations in Simcoe but decided that being downtown made sense," said Smitiuch.

The office will be staffed by local residents, Dr. Daniel Wilhelmus, the firm's Medical Consultant and Donna Wardell, Paralegal/Accidents Benefit Law Clerk.

This is a great opportunity to come into the local community and provide personal injury expertise. We look forward to working within the community and helping those who need it the most.