Welcome to the Information Podcast Series brought to you by the Lerners Injury Law Group.
This podcast has been designed to help answer some questions you may have as you make a decision to hire a lawyer.

Now, here's Bill Simpson and Nigel Gilby.

Bill: Hello, our episode today is a topic which, you know, at first blush seems kind of dry and boring and that is dealing with structured settlements, and how a person can invest their money in a certain kind of way at the end of the lawsuit. We're fortunate to have with us John Rousseau from McKellar Structured Settlements in Guelph and John is obviously somebody you and I know very well.

Nigel: Yes, it's great to have him on and it is a difficult concept to understand, and hopefully John will be able to explain it so our listeners will know what a structure is, and where it can be useful and helpful to somebody that's been in an accident and injured.

Bill: Nigel, I think you would agree that it's almost incumbent on a good injury lawyer to raise with a client the possibility of a structured settlement as part of the lawyer's duty to do a good job with the client. To take the client all the way from beginning to end and never saying anything about a structured settlement, you and I probably agree just isn't good enough.

Nigel: Well not only to raise it but in many situations I recommend it. And if a client doesn't accept my recommendation, I get them to sign a document confirming that they have not taken my advice so that if there are problems down the road where they lose their money, they can't come back to me later and say, you didn't tell me about this. So somebody that has an acquired brain injury, when you're dealing with children, there are certain situations in which I try to literally insist that the client take the structured settlement to protect themselves against not only their own perhaps foolish spending, but often against other people that may try to convince them to spend their money in ways that are not really beneficial to that person.

Bill: I agree. Well John's here. I know he's anxious to go, so stand by and we'll be right back.

Now back to Bill and Nigel.

Bill: Nigel, we have a special guest on our episode today and that's John Rousseau. John is a partner at McKellar Structured Settlements in Guelph. And you and I have the challenge today of trying to make what is otherwise a bit of a dry topic interesting and entertaining with John's help. A structured settlement is a tool that we usually start to talk about with clients as their cases get towards the end, and many of our podcast episodes so far have been about things that happen at the beginning of a case, and today we're going to try to focus on something that tends to happen towards the end of a case. So John, thank you for joining us and we'll, we'll try to make this lively.

John: Thank you for having me.

Nigel: So I guess the first question is what is a structured settlement and how does that affect a settlement of a lawsuit?

John: Sure. A structured settlement is a variation on the usual way in which personal injury cases are settled, as you two well know. Historically when you settle a personal injury case, your lawyer would hand you a cheque at the end of the day and that's it, you're done. The cheque was all you got. So just to pick an example, let's say you get $500,000.00, they hand you the $500,000.00, and you would leave your office and then you would have to do something with it. The $500,000.00 was never taxable, but any income that you generated from the $500,000.00 is. With a structured settlement, we remake the settlement and instead of taking $500,000.00 out of your lawyer's office, you would take some cash, because most people have the need of some cash at the time of settlement, but some of the money would be paid out to you over time. The advantage to having it paid out over time is that all of the interest that you earn on the money that's paid out over time with a structured settlement is completely tax-free with the blessings of the tax department.

Nigel: So when you say it's paid out over time, who holds the balance of money that you're not taking in cash and who pays it out?

John: Right. The, the car insurance company that you're typically settling with, or the casualty insurance company, they pay the money over to a life insurance company, and the life insurance company makes the payments to you on an ongoing basis. You, with help from somebody like me, and with people like the two of you, decide which life insurance company it's going to be that we put the money with and, and we pick that basically based on which life insurance company is going to pay you the best rate of return or pay you the most money. The, the car insurance company you settle with has no more control or influence over the money anymore once you've settled the case and once we've moved the money over to the life insurance company.

Bill: John, I think probably most of our clients, regardless of their level of experience in managing money, keeping in mind many of our clients are young people, understand the concept of risk. Can you talk about how a structured settlement addresses a risk concern that a client may have, particularly where they're needing to make that money work for them over a potentially long period of time.

John: I'm glad you started with risk. You know most people when they think of structured settlements, the first thing they grab on is the fact that they're tax-free and everybody gets excited by the notion of not having to pay tax on the income that they're earning. But I think having been involved in personal injury work first as a lawyer, and then as a structure broker for 20 years, the most important thing about a structure is that it's, it's the safest type of investment that any of your clients can ever get involved in. The money that goes into the structure, the risk of any of the future payments that that we've set up for them, the risk of any default is about as low as it's humanly possible to get so that's one way in which we avoid risk. Further, the interest rates, the returns that they, they're going to get from the structure are predetermined at the time of the settlement, so there's no risk of bad markets causing them to lose their money, you know, them not getting the kind of returns that they'd hoped from the settlement. So they know exactly what they're going to get and when they're going to get it.

Bill: So does that literally mean that a 30-year-old client can sit and meet with you and know exactly what monthly payment they'll receive in say their 67th year.

John: They can. It's interesting. It's almost like going on the payroll of a life insurance company. So your 30-year-old who can't work anymore because of the horrific injuries they've sustained, you know, one choice for them would be to take the cash and go out and try and invest it and make it last for the rest of their lifetime. That's a hard thing to do. It's hard for anybody to do. Whereas with a structure they can literally come to somebody like me and we can design a payment plan for them that, that's going to pay them for as long as they want. It can pay them till their 65th or 67th birthday when they're eligible for government pensions. Or it can pay them for the rest of their life if they want. And, and the nice thing is, it's like, like getting a paycheque from, from Manulife or Standard Life every month for the rest of your life, and the number that they're getting from Manulife or Standard Life is, is the bottom line. They are no deductions from it.

Bill: It's a net payment.

John: It's a net payment and it's a payment that they can't lose. You know, if you have a job I mean any of us presumably could become disabled from our job or could lose our job, the company could pack up and move to Mexico, whereas when you're getting these cheques from the life insurance company, you're getting them no matter what, come what may.

Nigel: So we deal with a lot of people that have wives, husbands, children, and what, if any, protection do they have in the event that the person that's injured and has handed over the money to the life insurance company should unfortunately die? Does the money stop and the family receives no benefit? How can they protect their family other than buying life insurance?

John: Right. Almost every structure that we arrange has a minimum guarantee period built into it, or, or sometimes all of the payments are guaranteed. What that means for example, if we set up a structure for you Nigel that was going to pay until your 70th birthday, we would typically set that up so the payments are going to be made whether you're there or not. If you're alive, the payments would go to you. But if you were to die before you attained age 70, the payments would just continue to whoever you left them to, and they would receive them on a tax-free monthly basis as if they were you. They would simply step into your shoes and start receiving payments. Even the lifetime options that we do are usually going to have some minimum guarantee period built into them to ensure that, that the family, or whoever the injured person wants to protect, will receive payments even after their death. And that, that's something we would put in almost as a matter of course.

Nigel: And do they attract estate tax?

John: No, not at all. They're completely tax-free to the recipient and they're completely guaranteed to the recipient. They literally step into your shoes and get the payments as if they were you.

Bill: John, one of our listeners who may have a little more experience managing money may be listening to our interview so far and be saying to himself or herself, this sounds an awful lot like an annuity. But, but they are different than annuity and a structured settlement. Can you talk a little bit about that?

John: Sure. A structured settlement is an agreed upon series of payments of personal injury damages, so the defence agrees that they'll pay the injured person a bunch of payments over time. There is an annuity involved because the defence then goes out and buys an annuity which is going to generate the exact payments which the defence has agreed to pay. The annuity is owned by the defence by the casualty insurance company, but, your, your clients can rest assured that the, the owner of the annuity can't do anything with it. They can't sell it, transfer it, do anything with it, and all of the payments are irrevocably directed to the injured person or if they should die, to the injured person's estate or named secondary payee. So we know where all the payments are going but from a technical tax perspective we need to have an annuity that is owned by somebody other than the injured person.

Nigel: We also deal with a lot of clients that have never had much money, certainly not the $500,000.00 that you talk about from a settlement, or more, and really have no experience in investing money, no experience in what to do with money, and one of the questions that I have for you is we're talking about casualty companies, we're talking about annuities, but I like to say to clients that you consider the payments to be like your job that you're no longer able to do. So perhaps you can expound upon that a little bit so people can understand why it's like having a job the money that you're going to receive?

John: The, when you think about it, it's a very difficult position to put an injured person into. You know, most people don't have the experience of managing large sums of money and all of a sudden at the end of a case they're getting what seems to be a very large amount of money. In a sense it is, and it's a very important amount of money, particularly when it has to last them the rest of their life and pay for their medical expenses, but the mere fact that it has to last the rest of their life means it's not as much money as it often seems to be. And when I say it's, it's a hard position to put them in, I mean most of us are used to going through life and we have a certain level of income and that tells us what we can afford to buy. So if I walk into this room with you Nigel and you've never met me before and I say I make $80,000.00 a year, you can probably guess what kind of car I drive, what neighbourhood I live in, where I take my holidays. On the other hand, if I walked into the room and say I've got a million dollars but I don't have any employment income, I can't work, it's very hard for you to know what I can afford to spend this month. Giving a person, you know, a million dollars all at once at the end of a settlement puts them in a very unnatural financial position. And what typically happens is, you know, the family will say, well, you know, real estate's a good investment, so, so this injured 25-year-old will take their million dollars and go out and buy, you know, a $400,000.00 house and a $50,000.00 truck, and not recognize that they've just spent half of their entire life, future lifetime income on those assets, and the $500,000.00 or so that's left can't generate enough income to support them for the rest of their lives, let alone to pay the taxes on the nice house and the insurance on the big car. If that same person comes to me and talks to me about a structured settlement, I will let them know that a structured settlement may be the equivalent of, you know, take home pay of $35,000.00 a year for the rest of their lives. As soon as they hear that, the light goes on and they recognize what kind of levels of expenditures and lifestyle they can afford. So a structure puts people back in a more normal position, like the position of a wage earner as, as you described it. But as I said earlier, it's a job that they can't lose and they can't become disabled from, and the company can't shut down and go away. So it's a very secure salary.

Nigel: So a person may say well that all sounds wonderful but, you know, we all have what I'll call the rainy day fund where things may happen in the future that you don't expect to happen, people may try to put money away to purchase a car every five or seven years, and yet if their stream of money that they have coming in is going towards paying for their day-to-day living expenses and their medical and rehabilitation benefits, is there anything that you can do, or they can do, to allow for that purchase of a car or to keep that rainy day fund available in the event something happens that they don't expect?

John: There is. There are several ways that they can do that. And the first is that when I meet with a client about a structured settlement, it's generally not an all or nothing thing. The first thing that I'm recommending to them is that they look at getting rid of most debts that they might have, certainly credit card or line of credit type debts. There's not a lot of point in earning even a tax-free return from a structure if you're going turn around and pay 24% on a credit card. So get rid of the debt, keep out money to buy any things that they need immediately, but also, as you say, keep a rainy day fund off to one side. A well-designed settlement should include that rainy day fund that you're talking about, and these days with tax-free savings accounts where, where your clients can put, you know, a small amount of money, it's a large amount for most people but in terms of the kind of settlement dollars that, that, that your clients are generally getting it's usually a smaller amount, but they can do a tax-free savings account as a great way to maintain that emergency fund. The other thing that we would typically do is we'll often build in lump sums from time to time, so a structure would not only provide a regular monthly income to allow them to meet their, their living and medical expenses, but it might also include a balloon type or a large payment every few years to do exactly what you describe, to replace a car or to replace medical equipment, wheelchairs, or just to have a rainy day fund to top up the emergency fund from time to time.

Nigel: And then I have a lot of clients that don't like the idea of having to give up the money and never see it again. Is there some way that they can take the money, give it you, and after a period of time you can give them back the money, and yet also give them payments in the meantime?

John: Sure. Structures are, as Bill described them at the outset of this discussion, as a tool, a flexible tool. They're very flexible. We can design a structure that looks just like a bond or a GIC (Guaranteed Investment Certificate). So, for example, you could say to me, "I'm going to give you my $500,000.00 settlement now. I want to take interest payments from it for the next 15 years, but then in 15 years' time I want a lump sum equal to the $500,000.00 that I put in to be paid out to me." We can set up the structure like that. All the payments from month to month would be guaranteed to them, as would the final lump sum. So, so you can do just about anything you want with a structured settlement. If your clients have some idea as to when the settlement dollars would do them the most good or when they most need them, we can design a structure that'll pay it out exactly the way they want it paid out.

Nigel: And why in that scenario, you reference, it's like a GIC, why wouldn't they just go out and purchase a GIC?

John: Well two reasons. The rates of return from a structured settlement are typically going to be substantially better than GIC's or bonds. And secondly, if they did purchase a GIC or a bond, all of the interest that they earned from that would be taxable income to them and might affect their eligibility for various government benefits, whereas the structured payments are not income, there's no tax, and, and they don't affect many government benefits such as Old Age Security and that sort of thing.

Bill: John, we quite often meet with people who are from a smaller community and they have a longstanding relationship with a financial advisor or a planner that works at a bank, and when Nigel and I explain that those long-time counsellors, for lack of a better word, can't put a structure into place for them, it sometimes creates a little bit of anxiety or discomfort. Can you explain a little bit about why the structure market is relatively restricted and what the rationale for that is?

John: Sure. Structured settlements are a very specialized field. There are no more than a couple of dozen people in all of Canada who do the kind of work that I do. In order to establish a structured settlement properly, you basically need to be a tax lawyer or have significant tax law experience, because the structure broker is the person at the end of the day who is going to guarantee that all of the payments that you receive are tax-free. Another reason is that the life insurance companies that get used for structured settlements are a very limited and select group of companies. Only the cream of the crop of the life insurance industry does structured settlements, and the reason for that is for many of your clients, you know, they'd be receiving these payments over a very long period of time, and we want to make sure that the, the company that's making the payments out is going to be there 30, 40, 50 years from now to make the payments. So, the life companies that do this are specialized, the people who arrange them are specialized, and, and that is why a typical financial advisor doesn't do or cannot do structured settlements. You know financial advisors are good people to know, they do good work. But the one mistake that I see them make in dealing with your clients at the end of the day, is they, they fail to recognize how cautious a person sitting in their wheelchair has to be with settlement money that's intended to pay their living expenses for the rest of their lives or to pay their medical expenses even more so for the rest of their lives. You know, it's one thing for one of the three of us to, to walk into a financial advisor's office with a few hundred thousand dollars and plop it down and say to invest it. It's an entirely different problem when it's somebody who rolls in in their wheelchair and the money has to last them for the rest of their lives. If, if the three of us lose our money in that scenario, we won't like it but it's not the end of the world, whereas for an injured person it may well be the end of the financial world if their money is lost. So structures are designed with that in mind. They're designed to be as close to risk-free as is possible to make a financial instrument.

Nigel: So there may be listeners out there that have their own money. There may be listeners out there who have settled a lawsuit and have received their money, and now they want to get the benefit of a structure. So can Bill and I give you money and can we structure it, or could somebody who has settled their lawsuit, let's say a year or two ago, and now decide they want to structure the money, can we just come and give you money and say please put together a financial structure plan for us?

John: Unfortunately not on all of those counts. A structure has to be negotiated as a term of the settlement that you're entering into. So it can only be arranged at the time of settlement and I know that in cases where, where personal injury lawyers have expected a significant award or a significant damage settlement at the end of the day, they'll usually negotiate to get their clients the right to do a structured settlement if they want to. The exception to that of course is cases where you have children or brain injured people where it's not so much a question of whether they want a structured settlement, the Courts will, will generally require one because they view it as the, the safest way of dealing with the money.

Bill: John, we talked a little bit about risk, we talked a little bit about tax-free. I think those are concepts that everybody has a rough understanding of, but let's talk for a minute about guarantee. The, the slogan of McKellar, which I've always felt was well done, was billions invested and not a penny lost. Can you explain a little bit about how a structured settlement is in fact guaranteed for the benefit of the recipient?

John: Bill, structures are designed to be incredibly secure. The, the actual money that goes into the structured settlement is placed with one of those very large life insurance companies I was talking about. These are some of the most secure financial institutions in the world that have been around for a very long time through all sorts of economic upset and never missed a payment. So that's where we start with, the safest port in the storm. The second guarantee that your clients would have is something called Assuris, Assuris. It's life insurance equivalent of the Canada Deposit Insurance Corporation, and it's made up of every significant life insurance company in Canada, certainly all of the companies that do structured settlements. And if the life insurance company where your structure has been placed were to suddenly get into financial difficulties, you could then turn to Assuris, which would guarantee your payments. Assuris would guarantee the first $2,000.00 per month, or 85% of your payments with no cap. So that's a huge guarantee. It's much more significant than the guarantee that they would have with their bank for example, where the first $100,000.00 only is guaranteed. This could amount to hundreds and hundreds of thousands dollars, perhaps millions of dollars over a client's lifetime. The third guarantee is kind of the most interesting one of all. The car insurance company with which you settled your case, they've agreed that you're going to get these payments of damages over time and that they'll go out and buy an annuity which is going to pay for those payments. If something goes wrong with the annuity, the car insurance company is still on the hook for the payments. So you literally get to go back and say to the insurance company, "insurance company, you remember when we settled my case back in 2014 and you promised I'd get $3,000.00 a month for the rest of my life. It didn't come this month." In that case, the insurance company would actually be on the hook to make the payments again, even though they've already advance funded it up front by sending the money to buy these payments from the life company. So with those three levels of guarantee, there's never been a default. Nobody has ever gotten to the third level of guarantee. Nobody's ever gotten to the second level of guarantee, and what that means is that it's why McKellars is able to say that with all the money that we've, billions of dollars we've invested for tens of thousands of injured people, no one has ever missed a single penny of a single structure payment.

Bill: John, there may be a listener who is working with a lawyer and may be getting towards the end of his or her case but hasn't had an opportunity to learn or hear much about structures. Can a person contact you directly or can this facilitating of a structure only be done through the lawyer that acts for the injured person?

John: Generally, it comes from the lawyer, but certainly there's nothing stopping a particular injured person from contacting my firm or one of the other structure firms out there directly and, and starting to get some advice. And, we're always happy to talk to the lawyer at the request of their client if they wish.

Nigel: I deal with a lot of clients that will go to their bank and the bank will have them sit down with somebody because they're telling the bank they're going to come into all this money, and the bank will say that they can in fact generate a greater return than the structure can, and therefore why would you ever put the money into a structured settlement. So, how do you deal with that situation where in fact the bank will provide the person with more of a return on their money than the structured settlement would?

John: The main difference Nigel is that the bank may be able to provide a better rate of return. Structure rates are absolutely guaranteed. Structure rates are better than the rates that the bank would offer for bonds or guaranteed investment certificates, so the other guaranteed investments the bank have are not going to be the structured settlement I can promise that. What the bank and the situation you're describing is typically trying to do is trying to move the client into a different type of investment. I think that if you invest money over a long period of time, so if you or Bill puts money away for your retirement, you can probably achieve a better rate of return with a mutual fund than you could with a structured settlement. The difficulty is for most of your clients, at the time of settlement they're almost already in the position of a person who is retired and starting to draw on their nest egg now. So, the key difference is when you put the money in, you're not planning to draw on it for 20 years or 30 years. Your clients, when they get the settlement dollars, are going to start drawing on the money almost immediately in most cases because they need it to live on, they need it to pay medical expenses. If I'm putting money away for a long time, I am fine with a mutual fund because I think over time a mutual fund will generate good rates of return. If I'm putting money away that I'm going to start drawing a month from now, I'm not so good with a mutual fund because mutual funds by their very nature have very large fluctuations and results. So the difficulty that a Plaintiff has is if they put the money with the bank because the bank says well over the last 20 years we've managed 8% returns. First off, those 8% returns are going to be taxable. Secondly, those 8% returns are going to be subject to management fees. But even more fundamentally, those 8% returns are going to be 12% some years, minus 4% other years, and your client simply cannot afford to bear that risk because they're going to be pulling money out next month. So what the bank would have to do for the money that's coming out next month is they'd have to put it in a money market account or some, some very cautious investment for the first few years, and that part of the money is not going to touch structure rates. Structure rates are better plain and simple. So what you need to be bearing in mind is structure rates are designed for people who are generally speaking going to be starting to draw money from their settlement right away. They're people who need security, they need the guarantee of knowing that they can't lose their money. And when you look at those two things, the bank has nothing that's going, going to compete with a structured settlement. If you have clients that are fortunate enough that they don't need their settlement money for the next 15 or 20 years, maybe those people can and should be talking to other financial advisors, but for most of your clients I would think that, that it's a different situation unfortunately, and structures are designed with that in mind.

Nigel: I've been around long enough that I remember putting money into a Canada Savings Bond and I think I made 19% one year. I think if I put the money into a Canada Savings Bond today, I'm not sure if I'm even going to get 2%. How is the rate of return determined in a structured settlement and does it move up and down as the economy moves up and down?

John: Rates move up and down from day to day until you purchase your structure, until you put your structure in place. At that point they're locked in. Structure rates are typically about three-quarters of a percent higher than you would get from a GIC or a long-term government bond from your banker. The reason for that is not because of any magic that McKellar does. I mean many of your, your clients will know from their own experience, if you buy a five-year GIC you get a better rate of return than if you buy a one-year GIC. They'll also know that if you buy a non-cashable GIC, you get a better rate of return than if you buy a cashable one. While structures are the ultimate long-term, non-cashable GIC so that the rates that the life insurance companies can pay are better than the rates from, from things like bonds or GIC's, because the life company knows they have the money and they know exactly when they're going to be paying it out to your clients. So it's a chance for your clients to, to get a better rate of return than they would get from other secure investments. The fact that they're tax-free and don't affect government benefits is just an added, added bonus that make structures go further. And the other key issue there is when they see a number from a structured settlement, there are no deductions, there are no management fees, the dollars are spendable dollars in their pocket.

Bill: John, you referred a few minutes ago to a scenario where there's a younger person let's say with a, with a $3,000.00 a month structure income that's needed right away, and a savvy listener might say, well that sounds okay today but in 20 years the $3,000.00 isn't going to buy me what it'll buy me today. Can the structure, when it's created, be modified to address that future concern?

John: It can. Structures are very, very flexible. So, for a younger person typically, I mean it doesn't have to be a younger person, but for a younger person typically we would build in something called indexation. Which means, it's like a cost of living clause, it means that the structure payments may be $3,000.00 a month now, but they'll go up each year to help deal with the effects of inflation. Another way of dealing with the, the risk of higher payments, or higher costs in future, would be to build in lump sums from time to time.

Bill: Well listen, we've covered a huge amount of ground there in a relatively short period of time and it was, I think, very interesting to hear you explain so simply John the things that otherwise can seem very complicated on paper. So thank you very much for joining us and for giving all of us your expertise. It was hugely appreciated.

John: My pleasure, thanks for having me.

Nigel: Thank you.

Once again, here's Bill and Nigel.

Bill: Nigel, as you know, we always try to address a couple of questions from our listeners in each of these episodes. We have a question today from Dean, and it's interesting in that it deals not so much with a motor vehicle injury kind of claim, but with the effect of being publicly slandered. Dean's question is this, "If I am slandered, and that slander affects my ability to volunteer in my community, is there is anything that I can do about that, even though it doesn't have a direct financial impact on me?"

Nigel: And the short answer to that question is yes. I should preface it by saying that I am not an expert in the law of slander, but obviously as a lawyer you read law on different areas, and basically like a motor vehicle accident, there are different types of damages a person can receive, and one of the damages when you're injured in an accident is for pain and suffering, and loss of enjoyment of life. Similarly, if somebody has slandered you then you can make a claim for damages for the effect that that has had on your reputation, and it's the same type of damages and amount of money that's paid not because of an economic loss but rather because your reputation in the community may have been affected adversely, and so you can certainly pursue a claim for damages, even though you do not suffer any specific economic loss if you have been slandered.

Bill: Good answer and good question Dean. Thanks for sending it in. We have a second question from a listener in Wheatley. Jane has sent this question in. And she wants to know is when you get into the winter driving season, who decides when a snowplow needs to be sent out to maintain a street or a highway? That's an interesting question that most people don't have any reason to think about or be concerned about.

Nigel: Well not only is an interesting question, it's actually a very tough question and I'll try to keep it as simple as I can. Essentially, each municipality is responsible for maintaining the roadways within that municipality. The province is responsible for maintaining things like provincial highways, the 401 being a good example. The government came out with something called the *Minimum Standards Act*, and that basically sets out what the minimum standards are for what a municipality is required to do in terms of clearing snow, sanding and salting.

Bill: Excuse me, a country road, a gravel road will require maybe less maintenance than a busy highway.

Nigel: Exactly. Different standards are based upon the volume of traffic on the roadway, they're based on the number of roadways that there may be in a municipality, and really the argument the municipalities make is the economic cost to them, but there are weather forecasts and municipalities do have warnings ahead of time the storms that are coming in, so they can't simply use the excuse, well gee, we didn't know there was going to be snow storm and that's why we didn't get out and sand and salt. I think the best answer to give is that it is certainly always worth making an inquiry of a lawyer if your car has gone off the roadway as a result of slippery conditions and you've sustained an injury. Certainly, if there's been a significant injury, then I would definitely recommend you consult with a personal injury lawyer, and they can look at the issue of whether or not there's any responsibility on the municipality for failing to properly sand, salt or plow the roadway.

Bill: That's especially important because there are shorter time limits to potentially pursue a claim against a municipality, so that contact needs to happen right away.

Nigel: Yes, there are significantly shorter time periods and they should make contact immediately. Now obviously if a person is seriously injured and they're in the hospital and they don’t have the ability to make that contact, then you can get an extension of the time, but you should try to make that contact as soon as possible because otherwise you may be denied the right to bring a claim.

Bill: Thanks Jane for that question. We hope that was a helpful answer to you. And thanks to all our listeners who continue to send us questions. We look forward to receiving them. You can send those questions to us by e-mail at podcast.lerners.ca.

Once again, here’s Bill and Nigel.

Bill: It was a pleasure to have John Rousseau with us and to try and talk about a concept which is so difficult for many people to wrap their heads around in the beginning stages. But we think it’s an important topic. One that ever person who is settling their injury case needs to at least consider, even if they ultimately decide that it’s not in their best interests. And so we hope that you found this episode helpful. We’ve got some other exciting guests lined up for our upcoming episodes and we’ll be glad to have you join us then.

The information podcast series is brought to you by Lerners Injury Law Group with your host Bill Simpson and Nigel Gilby. If you would like to reach us for follow up, please click on the contact Lerners button on the podcast main page. Thank you for listening to this podcast episode.