

disclosure

Your quarterly source of personal injury news

SMITIUCH INJURY LAW

PROFESSIONAL CORPORATION

Traffic Law Myths: Debunked



MYTH: If a police officer makes any mistakes on your traffic ticket, the case will be dropped.

FACT: A ticket will only be dropped for certain errors. Errors on a

traffic ticket are divided between *fatal errors* (those that will have the traffic ticket dropped) and *non-fatal errors* (those that will not have the traffic ticket dropped). If handled in the proper manner at trial, examples of *fatal errors* are: no accused's name on the traffic ticket at all, incorrect fine or total payable recorded on the traffic ticket, the offence not properly listed on the traffic ticket and the officer did not sign the ticket. Examples of *non-fatal errors* are: misspelled name, incorrect address, incorrect driver's licence number, incorrect make or model of vehicle and incorrect licence plate number. Although these types of mistakes will not get a ticket dropped, they may indicate that there are other errors in the police officer's notes that can be used to your benefit.

MYTH: You cannot get a ticket for driving too slowly.

FACT: While it is not a common charge to be laid on a driver, the *Highway Traffic Act* does include a charge for Unnecessary Slow Driving (s. 132), which carries a fine of \$85 and 2 demerit points. The *HTA* section states: "No motor vehicle shall be driven on a highway at such a slow rate of speed as to impede or block the normal and reasonable movement of traffic thereon except when the slow rate of speed is necessary for safe operation having regard to all the circumstances." If an officer believes that your slow driving is causing problems on the road and impeding the flow of traffic, you can be issued a ticket.



MYTH: It is illegal to flash your lights to let other drivers know about a speed trap.

FACT: There is no offence during the day for warning fellow motorists about police officers conducting speed enforcement duties. At night, however, motorists are required to have proper working headlights and flashing lights do not meet this requirement.

MYTH: Having a broken signal light on your vehicle while driving is an offence.

FACT: The *Highway Traffic Act* charge is failing to signal a turn or lane change (s. 142). If your signal light fails but you use the appropriate arm signals out the window to signal a turn or lane change, you have complied with the law. To manually signal a turn or lane change to the left, the driver should "extend the hand and arm horizontally and beyond the left side of the vehicle." To manually signal a turn or lane change to the right, a driver should "extend the hand and arm upward and beyond the left side of the vehicle."

The information above is of a general nature only, and should not be taken as legal advice or opinion.

“Clean” Lawyer Jokes

1 How many lawyers does it take to screw in a light bulb?

How many can you afford?

2 Did you hear about the lawyer who was hurt in an accident?

The ambulance he was chasing stopped too suddenly.

3 Why won't sharks attack lawyers?

Professional courtesy.

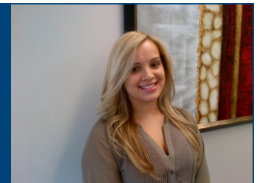
Auto Insurance Consumers' Bill of Rights

Ontario laws require all owners of automobiles to have auto insurance. These laws also give you rights as an auto insurance consumer. The following information highlights many of your rights under the Insurance Act, related laws and regulations.

Consumers' Rights

1. You have the right to purchase auto insurance coverage.
2. You have the right to be treated fairly by your insurance company.
3. You have the right to be given written reasons if you have been denied auto insurance.
4. You have the right to keep your policy in place if you pay your premiums and meet the responsibilities.
5. You have the right to pay your auto insurance premium in monthly installments.
6. You have the right to keep your policy in place if you pay your premium within 30 days following one or two non-sufficient fund (NSF) situations.
7. You have the right to be informed in writing if your policy is not being renewed.
8. You have the right to change or cancel your insurance policy at any time.
9. You have the right to remain with your insurance company even if that company no longer sells insurance through your broker.
10. You have the right to know from which companies your broker received quotes and the amounts.
11. You have the right to prompt and fair handling of claims.
12. You have the right to reasonable repair of your damaged vehicle.
13. You have the right to choose a repair shop, tow operator or vehicle rental company.
14. You have the right to receive information about accident benefits.
15. You have the right to dispute your insurance company's refusal to pay benefits.
16. You have the right to choose your health care provider.
17. You have the right to register a complaint about your insurance company.

Profile of Jessica Fonseca *Paralegal*



Smitiuch Injury Law is pleased to introduce Jessica Fonseca, a Law Clerk and Licensed Paralegal who has been with the firm since March 2012.

With a strong interest in the legal field and desire to help people in need, Jessica attended Humber College's two-year Paralegal program where she obtained her diploma. While studying at Humber, Jessica enjoyed learning about Civil Litigation, Advocacy and Criminal Law. She completed her four week placement at a Paralegal firm in Toronto. After completing the

program, she obtained her Paralegal License from the Law Society of Upper Canada in December 2011.

Jessica's hard work, knowledge and enthusiasm are of great value to our firm. As a Law Clerk, she is responsible for maintaining client files. Her duties include an active role in communicating with clients, scheduling, preparing various types of correspondences, drafting legal documents such as Affidavit of Documents and Statement of Claims, and preparing files for trials, which include document briefs.

To Jessica, the importance of being part of a team that prides itself on work ethic and a proven track record for getting our clients a settlement or a court verdict they deserve, makes working at Smitiuch Injury Law very rewarding.

In Jessica's spare time she enjoys watching movies, shopping and spending quality time with the ones that mean the most to her.

Jessica can be reached directly at jfonseca@smitiuchinjurylaw.com, 416-621-1551, Ext. 213.

4 What did the lawyer name her daughter?

Sue.

5 It was so cold this winter...

(How cold was it?)...

I saw a lawyer with his hands in his own pockets!

6 Why did the lawyer cross the road?

To get to the car accident on the other side.

7 What is the difference between a lawyer and a boxing referee?

A boxing referee doesn't get paid more for a longer fight.

Supporting The Fight Against Impaired Driving

On January 20, 2014, Smitiuch Injury Law lent their support to the Freeze The Keys campaign launched by The Beer Store. Due to the shocking fact that drinking and driving accounts for roughly 25% of all deaths on provincial roads, The Beer Store decided to initiate the Freeze The Keys campaign to encourage sober driving and responsible party hosting in advance of the Super Bowl football game.

Ted Moroz, President, The Beer Store, stated, "we want to equip hosts with the information they need to ensure their guests make it home safely after the party." Michael Smitiuch, Principal of Smitiuch Injury Law and Carol Fagan, Co-founder of FAID (Fight Against Impaired Driving), both attended the launch of Freeze The Keys. Michael and Carol both have a strong passion for ensuring everyone is sober while driving. Carol's passion sadly arose following a drinking and driving incident in Brantford, Ontario, on September 26, 2009, when her 17-year-old son, Ciaran Milmine, was tragically struck and killed by a drunk driver. Carol spearheaded the creation of an organization called FAID (Fight Against Impaired Driving). FAID was created in

order to promote awareness of the dangers of drinking and driving and the devastating impact it has on families and communities.

Carol's message to the community is clear, "Everybody has to learn what the emotional effects of drinking and driving are on families and while drunk drivers may be charged and may face jail time, it is

ultimately the families of those hurt or killed in drinking and driving accidents that are given a life sentence."

FAID and The Beer Store have worked hard to make their message obvious, don't drink and drive. It is now up to everyone else to make the responsible decision before getting behind the wheel.

The Firm In The News



Trial preparation key in using evidence to full potential

The effectiveness of using demonstrative evidence and similar fact evidence at trial depends on how well such items are presented, and how prepared counsel is, Toronto personal injury lawyer Peter...

PETER CHO



CBC NEWS



CNBC



THE HUFFINGTON POST CANADA



The London Free Press

Exploding pot lawsuit nets man \$1.15M

Ontario man lost use of right hand when Visions glass cookware exploded

Smitiuch Injury Law Event Calendar

February 8, 2014 - Kids Can Fly - 7th Annual Storybook Breakfast

Children and their parents enjoy breakfast with well known Disney and cartoon characters. Proceeds from this event are used to support early child development and parenting. Smitiuch Injury Law is pleased to be a participant and donor of this event.

Rossini Lodge, Brantford, ON

March 7, 2014 - Hamilton Health Sciences - Lunch and Learn

This lunch and learn is presented by Smitiuch Injury Law. The topic is, "From MIG to CAT: Practical Strategies to Assist Patients with their Auto Insurance Claims".

Hamilton Health Sciences - Regional Rehabilitation Centre, Hamilton, ON

March 27, 2014 - Ontario Trial Lawyers Association Law Clerks Conference - SABS: When Things Go Right, When Things Go Wrong

Chris Jackson, Smitiuch Injury Law Accident Benefits Manager, will be co-chairing this event and presenting on, "Preventing Insurer Abuses".

Intercontinental Hotel, 225 Front Street West, Toronto, ON

May 30, 2014 - Ontario Trial Lawyers Association Spring Conference - Precedents and Practice: Strategies for Success

Chris Jackson, Smitiuch Injury Law Accident Benefits Manager, will be co-chairing the Law Clerks Concurrent Program and moderating a round table discussion on, "Beyond 50K – Where to Go Next?".

Metro Toronto Convention Centre, North Building, Toronto, ON



For further information or to discuss how we can help you
please contact Michael Smitiuch at:

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*"Helping those who need it the most."*TM

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