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When the Ontario Superior Court of Justice case of Southerland v. Gurmeet Singh was decided in early 2011 it created quite a stir among the Toronto lawyers who represented the injured accident victims in Ontario court cases; however, from a defense lawyerâ€™s point of view, better known as the insurance company, the case was decided correctly. The issue goes to the heart of the way the Ontario Auto Insurance Act is designed and operated. The auto insurance in Toronto is designed to complement the tort system. The purpose of the auto insurance is to compensate accident victims as quickly as possible without arguing about whose fault the accident was. The problem prior to the Insurance Act was in order to collect any benefits there had to first be a determination of fault. This process could take years to wind through the judicial system before the injured party saw a dime. The Insurance Act did away with the initial finding of fault. However, it did not do aways with the determination of injury and the resulting damages, including the severity of the injury and how the injury affected the injured partyâ€™s ability to work and enjoy life. Unfortunately, now the determination of those things is also causing court cases that must be resolved.

Now there is a two part recovery plan, the insurance portion and the tort portion. The insurance is relatively quick and the tort portion takes the car accident lawyers longer. When the insurance part of the system is in play the focus is on the injury. The insurance company investigates the medical and rehabilitation needs of the injured party. They also decide if the injured party will be able to work in his or her former job. There are many assessments to be done to see how employable the injured party is. In the event of a catastrophic injury the need for continuing medical treatment and attending care are also considered.

Once the insurance portion of the process is resolved then all of the test results and assessments are passed on to the tort defendant who is another insurance company. This new insurance company has the benefit of all this information as a baseline to begin their own investigation. Because the tort portion may not start for 2 Â½ years or later this information is important.

In the Sutherland case the plaintiffs auto accident lawyer choose not to claim any income benefits so they would not have the deductions held on them at least on each of the two parts of the process, but in doing so it denied the tort defense lawyers the benefit of the previous test results.

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If you are looking for more information on a catastrophic injury or any other specialty, we recommend contacting a personal injury lawyer in your area. A a auto accident lawyer or a local lawyer will be able to provide you with local information.

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