

Article for our clients to assist them to understand the automobile insurance system in Alberta:

Memo from: MARK E. FEEHAN, BARRISTER & SOLICITOR

Re: How Long will my Case Take?

This part deals with the questions I am most frequently asked: "When will this end? When will I get my settlement? Will I have to go to Court?"

Yogi Berra, as usual, said it best: "Prediction is very hard, especially when it's about the future." The short answer is, we simply do not know how long this is going to take. Many factors will come into play. Most important among these will be the injuries you received, how long will they bother you? Will you fully recover? (and if so, when?). If you do not fully recover, how will your permanent difficulty affect your life? What are the long-term costs?

The complexity of the case can cause delays. If liability is in issue, or if there are multiple parties, these can also cause delays.

There are delays inherent in the legal system. There are many lawsuits going on, and even though the Courts in recent years have taken steps to speed up the process, sometimes it can be a year to even get a trial date once you are ready to set the matter down.

Everyone is responsible, in his or her own small way, for contributing to the overall time involved in bringing the case to a conclusion. Doctors, lawyers, the Courts, insurance adjusters, you; we are all busy, and sometimes it takes time to get to things. Often, like dominoes, the next step is dependent on the steps before being completed.

We recognize that you are the stranger to the injury compensation system. Most people do not like being in litigation. Lawyers and insurance adjusters, on the other hand, do this every day, and if we aren't working on your file, we're working on the next one. For ourselves, our office will try to make you comfortable and knowledgeable about your involvement, and we will make every effort to speed the eventual resolution of your case. However, we only have so much control.

A word to the wise: the more impatient you are about getting your case settled, the more it is going to cost you in terms of your settlement. Insurance companies are very quick to pick it up when you are anxious to settle, and their response will be to take advantage of that and try to get you to accept a lower offer. It's no different than being in a big hurry to sell your house. If you're impatient, you're just naturally going to get less.

When will your case settle? We really don't know. My standard answer to this question is: "It's like asking how long is a piece of string - when I get to the end I'll let you know".

On the other hand, delay is very often something that works in the Plaintiff's favour. If you took an early settlement, then found out a year later that you did not have the medical recovery you were expecting, you can't come back and say to the insurance company, "oops, I didn't ask for enough". Delay in settling helps to ensure you haven't rushed into something you might regret.

If you have any questions about this area, please call us at your convenience.

Regards,

Mark E. Feehan