

SHARE PERSPECTIVES

a newsletter for clients and friends of Share Lawyers, leaders in disability law.

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Disputes Involving
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Free Disability Booklet

For your free copy of
'Benefits Denied -
What To Do When
Your Insurance Company
Denies Your Disability Claim'
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SHARE LAWYERS

We make a personal injury
and disability claim as
painless as possible.

IN PERSON:

Bruno Da Silva, Stone Mason

Bruno Da Silva is a Toronto-area stone mason. For 18 years, he operated as a single-person company, employing only on-call workers. Also a family man with a young grandchild, he got an important referral from a relative after his injured back led to the denial of his disability insurance claim and he needed legal help to secure benefits.

sudden back injury

Over the years, Bruno had learned to deal with back strain from laying stone, operating his stone saw, and various related tasks. Yet, when lifting and rocking his infant grandchild, Bruno's back seized. His chronic pain having suddenly become acute, he went to his family doctor.

career ended

In addition to sore muscles, the doctor found multiple spinal disc herniations. He recommended surgery and said that Bruno could never work as a stone mason again – disabled long-term.

personal difficulties begin

This news upset Bruno greatly. In addition to the pain in his back, the sudden disruption of his career and lifestyle and the loss of his livelihood brought on depression and difficulty sleeping. With surgery pending, he took painkillers, anti-depressants, and sleeping pills. Now inactive, he also began to gain weight.



insurance gives hope

Fortunately, Bruno had purchased a private "own occupation" long-term disability insurance policy years earlier. It would be good for \$4,000 per month income replacement if he could not perform his own job before age 65.

income had varied

Bruno had earned \$4,000 gross or more per month in prior years, including when he bought the policy. In the year prior to the back seizure, though, Bruno turned down some work because of his sore back. This resulted in an average monthly income below \$4,000 over several months before his back injury.

fear comes true

After he applied for benefits, the insurer refused to pay the full amount. To qualify for the monthly income replacement, Bruno had to prove that he could earn that income just prior to his disability. The insurer even suggested that Bruno had chosen to work less prior to submitting his claim because he wanted to slow down and

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TEAM PROFILE

Grace Soares



Grace (third from left) with her three daughters: Melissa + twins Ava and Chloe, whose birth was announced in Share Perspectives issue 10.

As Senior Receptionist with Share Lawyers, Grace is often the first point of contact for incoming calls and incoming visitors. It is fitting, then, that she says, “I enjoy meeting new clients and am always happy to see past clients.”

She also finds it fulfilling to work as part of a team. In addition to greeting and redirecting incoming calls and visitors, Grace manages all incoming mail, faxes, and e-mail, and performs

related administrative tasks. This makes it natural for her to regard her role with Share Lawyers as her career-home.

In reviewing client testimonials, Grace finds “great satisfaction” in knowing that Share Lawyers helps people when they are most in need.

Grace is the youngest of seven siblings. She also has three beautiful daughters of her own – one of whom has recently been accepted to Humber College. ☺

Did You Know...

Natural Anti-inflammatory Remedies

Ginger has for centuries proven to be an effective anti-inflammatory. When consumed in beverages or in food, raw or cooked ginger can reduce swelling and tenderness, relieving pain and increasing mobility. This root is good for the digestion, too.

Papaya, also consumed in beverages or in food, can relieve inflammation. This tropical fruit contains enzymes that reduce swelling and tenderness and that also aid digestion.

Licorice joins ginger as a root known to be an effective natural anti-inflammatory. Ground licorice root makes a tasty tea when steeped a few minutes in hot water from a tea kettle. Like papaya and ginger, licorice can also soothe the tummy. ☺

“People ought not to consider so much what to do as how to be. Be good and your ways and deeds will shine.”

– Mesider Eckhart

...from Page 1 IN PERSON: Bruno Da Silva

enjoy more recreational time.

cousin’s referral renews hope

Featured in *Share Perspectives* issue 6, Dominica De Sousa is Bruno’s cousin. When Dominica heard of Bruno’s disability insurance benefits being denied, she referred him to Share Lawyers.

insurer seems to play dirty

Share Lawyers reviewed Bruno’s policy and medical reports. It was found that the insurer had interpreted the provisions of his policy extremely

narrowly and misapplied certain sections, possibly to make his claim difficult and get him to give up.

good advocacy gets good settlement

Share Lawyers took legal action on Bruno’s behalf. Through the legal process, a favourable settlement was achieved. Now on less medication and in good family care, Bruno again feels good about the future.

All names have been changed to protect the privacy of the individuals mentioned ☺

Ask A Lawyer

Q: I have a private disability policy and my insurance company insists that I do not qualify for full benefits because my income has not been the amount I stated when I applied for the policy. What can I do?

A: Private disability policies can be quite complex. If your claim is being denied on this basis, then you should first ask the agent who sold you the policy to look into the matter. If the agent cannot resolve it, then you should have an experienced disability lawyer review the policy and other pertinent documents to determine your options.

Q: What should I consider when purchasing a disability policy as a self-employed business owner?

A: The coverage you consider necessary to maintain your lifestyle in the event of a disabling condition that prevents you from working is key. Other factors include an understanding of the claim process. Consider whether you will have to prove your earnings or income before becoming disabled. This could be important to discuss with

your accountant so that you do not structure your finances in a way that makes it impossible for you to qualify for disability benefits. A qualified insurance agent should take all necessary factors into consideration when proposing coverage options, so ask them to do that.

Q: On what basis can an insurance company deny benefits on a private “own occupation” disability claim?

A: Benefits could be denied in a number of ways. They could deny your claim because they are not satisfied that your illness or injuries are disabling. They could also deny your claim based on an interpretation of the policy regarding your pre-disability income. They could even deny your claim alleging misrepresentation at the time you applied for the coverage. A thorough understanding of the policy wording is crucial.

Share Perspectives readers are invited to write in with questions for *Ask A Lawyer*. Watch future issues for questions from your fellow readers. One question per person. Send your question to AskALawyer@sharelawyers.com. 📧



“A man is but the product of his thoughts. What he thinks, he becomes.”

– Mohandas K Gandhi

Community Donation Program **NEW!**

The new Share Lawyers Community Donation Program honours clients who refer friends or family to Share Lawyers with the case accepted and client served.

For each issue of *Share Perspectives*, a donation goes to a charity on behalf of those providing new referrals. The donation announced in each issue goes to a different charity.

With written consent secured in advance, the names of clients making such referrals appear in the newsletter. For this issue, a donation has been made

to The Parkinson’s Society of Canada in honour of:

- **Judy Fleury**
- **Sheri Colbourne**
- **Stanley Gordon**
- **Margaret Radcliffe**
- **Linda Erickson**
- **Pelayo Perez.**

This is one more way for Share Lawyers to thank those who refer friends or family. The opportunity to serve your friends and family is an honour. 📧

Laugh

If the professor on Gilligan’s Island can make a radio out of coconut, then why can’t he fix a hole in a boat?



Family News

- Receptionist Trish Aguilar’s son, Tyler, shown with her in the last issue, celebrated his ninth birthday at the end of February.
- Litigation Law Clerk Christine Chang’s daughter, Brooklyn, turns 2 years old in March. Her birth was announced in issue 13, Spring 2009.
- Lawyer Shira Bernholtz’s mother will 80 years old this September. 📧

You Said It!

“I was treated with compassion and respect. Felt I had someone on my side against the corporate world. I was updated regularly.”

– Sandra Cutler, long-term disability claim

“I found Share Lawyers did a wonderful and professional job in handling my claim. It took more time than I thought, but the outcome was successful. I thank them for their hard work in resolving it for me.”

– Yael Bar, critical illness claim

“Share Lawyers were very understanding and informative. They made the situation stress-free and I was very pleased with the results.”

– Maria De Oliveira, long-term disability claim 📧



Thanks!



Share Lawyers is a leading Toronto law firm focused on insurance disputes in Ontario. Following an accident or illness, Share Lawyers helps people to get the support they need and deserve.

Share Perspectives is one way to keep in touch through a claim and after settlement. Share Lawyers also respects your confidentiality. If you want your name and address added or removed from the *Share Perspectives* mailing list, then send e-mail to newsletter@sharelawyers.com. When you recommend Share Lawyers, that is the best advertising. 📧



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