



# Glossary of Legal Terms

## Personal Injury Resource



### **Adjuster**

A person who investigates and makes decisions on insurance claims on behalf of an insurance company.

### **Arbitration**

A legal process for the resolution of disputes outside the courts. Both parties refer their case to an independently appointed arbitrator (or arbitration panel). The arbitrator's decision is binding. In other words, all parties have to abide by that decision.

### **Catastrophic Designation**

This is the insurance term for the most serious personal injuries. People with "Catastrophic" injuries are entitled to significantly increased benefits, payable over their lifetime. You will require a physician's written opinion that you meet the Insurance Act definition of Catastrophic Impairment. The complete detailed process and guidelines are set out in the Insurance Act.

### **Costs Endorsement**

A court decision in which one party is ordered to pay some or all of the legal costs of the other party.

### **Defendant**

The person, people or corporation being sued. Most defendants in personal injury lawsuits are insured, and their insurer will usually appoint a lawyer to act on their behalf.

### **Fiduciary Duty**

The legal duty to act in the best interests of another party. Fiduciary duty is part of any relationship of trust and responsibility – between, for example, a teacher and student, a doctor and patient, and an employer and employee.

### **Glasgow Coma Scale**

A scale that is used to test the extent of a brain injury, based on response to stimulation in three areas: opening the eyes, giving a verbal response, and giving a motor (movement) response. The lowest score is 3 and a normal score is 15.

### **Liability**

The legal responsibility for an injury done to someone, whether through negligence (e.g., not shoveling a sidewalk so someone slips) or an intentional direct action (e.g., punching someone).

### **Mediation**

A legal process for the settling of disputes before they come to trial. This is a voluntary process that all parties agree to attend (unlike arbitration, the decisions made at mediation are non-binding). Each party discusses their view of the case, and you will have an opportunity to talk about your injury and how it has affected your life.

Successful mediations often end with a cash settlement paid to you by the defendants, and we will be able to advise you and negotiate the best deal possible.

### **Mediation has many advantages. It is:**

- *Voluntary* – you can end the mediation at any time
- *Confidential* – nothing you (or the other parties) say in a mediation can be used against you later on, for example at trial
- *Quicker than a trial* – mediations can be over in days, while cases take years to get to court
- *Less expensive than a trial*

### **Proof**

Different degrees of proof are required for different types of legal cases. For criminal cases, the defendant's guilt must be proved 'beyond a reasonable doubt'. Most civil lawsuits require a lesser degree of proof – liability must be proved only 'on the balance of probabilities' (more probable than not).

### **Plaintiff**

The person or people who are suing another person, people or corporation.

### **Threshold**

This is the test a car crash victim must meet to get general damages (i.e., damages for pain and suffering and loss of enjoyment of life) in a personal injury lawsuit that involves a motor vehicle accident. The injury must be either a permanent and serious disfigurement (burns or scars, for example), or a permanent, serious impairment of an important physical, mental or psychological function, usually affecting the victim's work and day-to-day activities.

Contact us today for your free consultation.



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