

What I Would Do Differently in a No-Fault Injury Claim

What I Wish I Would Have Known

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The author of this eBook has NO formal legal education. The author is basing this document on her experiences with an insurance company (SGI), and no two claims are the same. Also, the author has a Brain Injury, so she is wrong about many things and has deficits in problem solving.

You should be able to go to the section you need and included are ALL the steps; this means there may be repetition throughout this document because some steps overlap. You may choose which steps you follow or do not follow. Not all procedures apply to all claimants.

Typically, corporations do not remain static; they evolve. Please realize that SGI and other insurance companies may read this document besides individual drivers, and they will use this guide to become smarter in their claims.

If the government does re-evaluate the No-Fault System in Saskatchewan and makes significant changes to the system, parts of this paper may not be relevant anymore.

If you have a different insurance provider than SGI or live in another province, this document may still be helpful for you. Typically, No-Fault legislation is similar, with small variations.

I wrote this document because I did not get a benefit from SGI called Living Assistance for over 13 years, even though it was asked by my medical professionals, my family, and myself. Living Assistance helps a claimant with their day to day tasks after an injury. When I finally did get this benefit, my insurance company, reduced this benefit by about 80% of what the Occupational therapist stated I needed. I did not understand the legalities around my case, had trouble retaining a lawyer, went to the wrong court, and started to decompensate medically throughout the appeal.

Understand I am an extreme case, not an isolated case, and the Government of Saskatchewan has done nothing to ensure that this does not happen again to a Saskatchewan resident or that the same adjuster/claim center did not do this to someone else. If I were an isolated case, 2 lawyers from Saskatchewan would not have written a 22-page document on the problems with SGI and the No-Fault System in Saskatchewan.

I hope this document will help you with your insurance claim.

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THE HISTORY OF NO-FAULT INSURANCE

(This is the history of No-Fault insurance in Saskatchewan. You should understand the history to get an understanding of this eBook. Even if you reside in a different province, this will give you a better understanding of the different types of auto insurance and why provinces changed.)

When provinces moved from TORTE auto insurance to NO-FAULT auto insurance in the 1990s, **responsibilities changed**. With TORTE insurance, the onus was on each claimant to find out all the rights and responsibilities, and claimants usually got a lawyer and went to court. But this made for very costly automobile insurance in Saskatchewan. The insurance was considered unsustainable in Saskatchewan. So, in 1995, Saskatchewan and other provinces (including Manitoba in 1993 and Ontario in 1996, I believe) went to the No-fault system. This system was cheaper and covered everyone regardless of fault for the accident. The focus of no-fault insurance was also rehabilitation instead of compensation for future medical costs. But with the NO-FAULT insurance, it is the insurance company's responsibility to tell you what your benefits are. But sometimes, they do not.

For over 20 years, the No-Fault insurance system in Saskatchewan, currently based on the 'honour' system, is without any checks or balances to ensure claimants are being told all the benefits and receiving all the needed benefits in their claim. There have been suggestions made to the government to allow a check on the auto insurance system, but the government has no plans to make changes as of 2020. This can often result in claimants not getting his or her benefits for several years, just like the claimant who did not receive the benefit called Living Assistance for 13 years.

And then, there are **problems with the disagreement process** within the No-Fault system in Saskatchewan. It is not a fair and balanced system for the claimants. The laws surrounding the court system in Saskatchewan heavily favour the auto insurance company, SGI.

Initially, when claimants had disagreements with their No-Fault claim, they would go to the Court of Queen's Bench to deal with their disagreements. But it was a costly and lengthy process for sometimes a minor dispute. Therefore, in 2002, the Government of Saskatchewan created the Automobile Injury Appeal Commission (AIAC) to allow claimants to appeal SGI's decisions other than going to the Court of Queen's Bench. (There are similar Commissions in some provinces, but you need to check in your area.) The Government of Saskatchewan legislated the maximum the Commission could award claimants for legal expenses to \$2400 if the claimants won their appeal or case against SGI.

The government believed claimants would not use lawyers. Claimants would represent themselves, and SGI would use their adjusters to represent SGI. But SGI got smart, tipped the scales in their favour and instead, started to use the company's lawyers at the Commission, and more substantial disputes were presented to the Commission. Eventually, the claimant will learn that lawyers are representing SGI at the Commission and the inadequate reimbursement cost if they are successful in their appeal. Once they have filed the appeal at the Commission, the claimants are not able to transfer the appeal to the Queen's Bench Court.¹

Anything the claimant spends over the maximum reimbursement amount will have to pay for out of pocket. So essentially, the claimant could end up paying more to fight SGI than what the medical costs are which they are fighting for. It is an unfair system and **NEEDS** to be changed.

1. I got the information about the history of the No-Fault system for this paper from the legal document, 'Cash and Crash' written by Kenneth Noble and Reginald Watson. I tried my best to put this problem into my own words based on my experience. But when I did quote them verbatim, I tried to give credit to the article. Most of the information in this paper is BASED on my own experience while using their document to confirm my information and document the history of the No-Fault system.

THREE THINGS TO DO RIGHT NOW BEFORE A COLLISION:

1. Request a pamphlet stating all the benefits from SGI TODAY. Request a pamphlet from SGI **BEFORE** you get into a collision and have ALL family members driving **memorize** it so that it is in your permanent memory both verbally and visually. This pamphlet should state all the benefits you get if you were involved in an injury claim.

You do not know what type of injury you would suffer if you are in a collision tomorrow. You may have a leg injury, or you may have a severe cognitive injury. I have sustained a severe brain injury. While my permanent memory remains intact, my short-term memory is compromised, and my verbal memory is worse than my visual memory. If my family and I would have memorized the benefits making sure it was in our permanent memory BEFORE I got into a collision, I may have possibly gotten all my benefits sooner. And I may have started to ask more questions.

Yes, SGI and insurance companies with No-Fault insurance are supposed to tell you and give you all the benefits but assume they will not. I did not receive my first pamphlet with the list of benefits until ten years after my claim started, and I suspect this has happened to more people.

REQUEST A PAMPHLET TODAY!!! You are entitled to get a pamphlet if SGI is your insurance provider. Do not let them tell you otherwise or tell you to look at the website. You pay your premiums; you deserve to get a pamphlet to know what benefits you will get if you are in an accident.

2. Have the correct insurance coverage to meet your financial needs. I would phone SGI or meet with a no-fault lawyer to find out if you have the right coverage before an accident occurs. There is different insurance coverage, which will affect your claim.

For example, when a province has both insurance systems in play, (Torte and No-Fault) like Saskatchewan and Ontario, it may be better for you to choose Torte insurance over No-Fault coverage for all non-drivers. Even if you, the driver, are under the no-fault insurance legislation. Then, when your children start driving, change their insurance to no-fault insurance, if you choose. But everyone, I believe, defaults to no-fault insurance.

Also, if you are a high-income earner, you may want to go to a package policy. If you just have a standard insurance policy, SGI will ONLY reimburse 90% of your total income. 10% of a wage loss, especially if you are in a high-income bracket, is a lot of money not to have if you are in a collision. I believe with a package policy, SGI will reimburse you 100% of your wage. Also, you will lose any benefits you had while you were working like dental or eye care which can be expensive.

But, please check with a qualified no-fault lawyer or call SGI/your insurance company for your best coverage if you are a high-income earner, have children, or have a family member with a disability. Also, consult a lawyer if you have any unique circumstances in your situation to help make the best policy decisions.

3. Save about \$10,000 to \$50,000 in case you are in an accident or as much as you can save. The \$700 you pay if you are in an accident is the deductible to start a claim. That is it. But once you are in an accident, there will be costs that start to stack up that SGI MAY NOT cover immediately, or you may have to go to court to get costs reimbursed, so it is best to have a cushion of funds.

Only \$2400 of your costs are covered if you choose to go to the Automobile Injury Appeal Commission (AIAC) in

Saskatchewan. And often, you will spend more than that going to court against SGI or your insurance provider than what you are fighting about. SGI does not have to pay for all your legal costs at the Commission if they are wrong, only up to \$2400. Examples of these court costs can be getting specific medical reports, which can cost thousands of dollars. My specific medical report cost \$15,000 to support my dispute. *In 2015, I believe the reimbursement costs in Saskatchewan at the Commission increased to \$3200. Disagreements are talked about in more detail later in the document.

If you are in a small accident, you will not need as much extra money, but if it is a severe accident OR if you do not receive your benefits in a timely matter, this extra money will be a lifesaver to you. Here are some examples where the extra money would have been helpful in my claim.

Example 1: SGI refused to pay for my medical assessment for Living Assistance for the last 13 years, which cost \$15,000.

Example 2: My parents and I have paid the costs of trying to get my bottleneck cleaned up after not receiving a benefit for over 13 years from SGI. Anything you need outside the legislation is your responsibility.

Example 3: When you get reimbursed for your wage, this does not include the benefits you receive from your job. You may have a dental package with your job, but if you get in an accident, you will lose all those benefits, and you will have to find out some way to pay for it out of pocket in addition to the 10% wage loss. Dental can be quite expensive, so that is why I use it as an example, but there are other benefits you could lose that are costly too.

THREE PEOPLE TO CONTACT AFTER AN ACCIDENT

Contact three people immediately after an accident, especially if you have a cognitive injury or any unusual circumstances in your life. Contact 1) a No-Fault lawyer, 2) a computer specialist, and 3) a family member/friend to assist you in your claim. These are your experts in your claim.

Insurance company's deal with averages. If you have a situation where you DO NOT fall in the "average" range, then you **may** need to see a lawyer. If you do not have a 2-child household holding a job or you have an immediate family member with a disability, regardless if they do not live with you, see a lawyer. If *your family* has a small business, you are an over-achiever, or A-Type personality or your parents are older, you may need to see a lawyer. If you made an exceptional recovery in the hospital, or if you were still slightly dependent on your parents before the accident, you may want to see a lawyer. There is legislation to deal with the claimant who has a business but not family members of the claimant who have a business—anything outside of the average I would see a lawyer.

***I have talked to many people who have dealt with SGI, and one of the most consistent things I hear is that SGI ALWAYS asks the family to help. That is not necessarily a bad thing or an illegal issue, but the question becomes to what extent? My parents had to take shifts traveling over 1000 km to help me.*

1. Consult a No-Fault lawyer as soon as you are in the accident with an injury. Just because this is the No-fault law, does not mean you do not need a lawyer. Since the beginning of the No-Fault system, it has been based on the "honour" system without any checks or balances to ensure claimants are getting all the benefits. I find if you do not get all your benefits, the No-Fault insurance is more like a welfare system than an insurance system because then all SGI is doing is compensating you for your wage.

I may not get a general lawyer or just a lawyer from your hometown because of convenience. Get a lawyer who has specific No-Fault legal knowledge. Whenever I contacted a general lawyer, they did not know the specific laws surrounding No-Fault and just stated, "SGI has to tell you the benefits." That is not 100% true. The LAW states SGI must tell you the benefits and give out the benefits accordingly. But that is not what SGI always does. Similarly, the LAW states, everyone must stop at a red light, but not everyone does. This is the reason the government implemented "Red Light" cameras, and we have police clocking our speed.

Establish a good relationship with your lawyer at the BEGINNING of your claim. I believe you should only need your lawyer at **specific** times in your claim, such as 1) at your initial meeting, 2) at the 2-year mark, or 3) if you get a decision letter you disagree with from SGI. You do not need a lawyer every time you speak to SGI because you are dealing with the No-Fault insurance claim, and SGI *should* be giving out most of the benefits.

Compare bringing in a lawyer at the beginning of your auto claim like a baseball game:

You do not want to bring in your star pitcher in the 9th inning with the bases loaded. Bring your no-fault lawyer to the beginning of your claim, not just when you have specific issues with your claim. Make sure your claim gets started on the right foot, so you do not have problems later. Prevention is always better than the cure and cheaper too.

Spend the money it costs to get a lawyer and other experts involved in your claim to ensure you get all the benefits you need to heal faster and prevent extra costs later. There are lots of tips a lawyer may know that SGI will not tell you.

2. Consult with a computer expert. He or she would be able to help you organize all the emails you get from SGI and download all your emails onto a hard drive. You receive a lot of correspondence from SGI. And I find SGI does not keep all the emails you send, or they send you. So, you must keep a copy of these emails and know how to organize them correctly both electronically and physically, in case you need this information again in the future. Also, you may want to ask the computer expert to show you how to record a conversation, download it onto your computer and where to organize it within your computer.

One suggestion is to have a word document with all your emails in it. Just copy and paste any email you send or receive from SGI with the date and time, along with the body of the email into a word document. You can also do this procedure with your emails to your doctors or your in-home help, or service providers in the same document. Then, you will have everything in chronological order and all together. This procedure is what SGI implements; they copy and paste your emails into your injury notes. However, they do not always do this. I find it is exceedingly rare they copy the emails into your injury notes. So, it is best to have your 'own' record of all your emails with SGI or your insurance company to avoid mistakes. Also, have a copy of the email as proof.

3. I would have a designated family member or friend help you with your injury claim. This person will have an objective point of view and help remember facts that your adjuster or your lawyer tells you, especially if you have a brain injury. This first meeting is VERY overwhelming. This person will also help to fight to get all your benefits in the correct order and the first year. I never received Speech Therapy until the END of my first year after my claim started. This person NEEDS to be tough to deal with SGI and bring in a lawyer when needed. I may have a lawyer present at the first meeting.

I would visit your experts especially your lawyer about every 6 months to a year to make sure everything is going as planned, you are getting all the benefits you need, and that your files and computer are very organized.

SIX STEPS TO DO BEFORE YOUR FIRST MEETING

Be meticulously organized in your claim. Please ask your lawyer and your electronic expert for help with this. Assume you will eventually disagree with SGI or your insurance company, resulting in the need to go to court for an issue. So, you need to have all the documents to prove your position. Expect the worst, hope for the best whenever dealing with an insurance company. Here are some suggestions of what to do before your first meeting with SGI:

1. Make sure you read “Cash and Crash” by Kenneth Noble and Reginald Watson if you live in Saskatchewan. This article talks about the problems that plague the No-Fault system. I think you can get this article from the Law Society of Saskatchewan Library or your lawyer. You will learn about the No-Fault system and how SGI deals with claims.
2. Keep your **physical** papers in a BIG binder. Make sure you label the binders appropriately. You have the right to have a copy of all your insurance documents from your insurance company.
3. Organize your email account to facilitate all your emails to and from SGI. 1.) Have a physical file of these emails you keep in your binders. Label the binder appropriately. Depending on the number of emails you have, you may want to have these emails in a separate binder. 2.) Create a Word document and label it as INJURY NOTES-EMAILS. Copy and paste **the body of the email with the date and time of this email into this document.** Then, you will have all the emails together. 3.) You should keep the original copy of the email in your email account in case the courts ask for the original document and possibly have these emails on your cloud. You will then have three copies of the email -a physical copy, electronic copy, and a copy in word. Trust me; you never know when you will lose something through a move, etcetera, so it is good to have a backup copy.

SGI does not keep all your emails, so keep a copy of the emails. From a conversation with an SGI supervisor, the adjuster must copy and paste your emails into the injury notes, so there is a lot of *room for error* for SGI, not having all your emails on file. If your adjuster does not copy and paste your email from their email account into your injury notes, it is like that evidence does not exist, and if you go to court, those emails will not appear. For example, in the first few years of my claim, I was asking for help through my university and secondary email account, but SGI does not have any of these emails and presents like everything was kosher during these years. Keep **one email account** during your claim and have an **electronic copy, physical copy, and a copy in word.**

4. Any letters you get from SGI or any other documentation, do three things to it:
 - i. Hole-punch and put EVERY piece of paper you get from SGI in your binder.
 - ii. I would scan that paper into your newly organized computer your electronic expert has set out for you. (OR every few months, go to a company who will scan all your papers in). This scanned document will be your 2nd copy.
 - iii. Every so often, I would save a copy of your electronic SGI file to an external drive or on a cloud drive. This external drive will be your 3rd copy.
5. Have a section in one of your binders which documents any physical meeting or phone call you have with SGI or your insurance company.

This section or chart should document:

The date of the meeting/phone call, who was present at the meeting/phone call, and the remarks made at the meeting/phone call. Bring another person as a witness whenever you visit SGI to confirm what was said. I would get this person, as well as the SGI adjuster, to initial your chart to confirm this documentation is correct.

I would then scan this document into your computer to have an electronic copy of it after one page is filled. File this document appropriately. The chart can look something like this:

Date	People in Attendance/ on the phone	What was Said	SGI Adjuster Signature & Printed Name	Your Signature	Witness Signature & Printed Name

I would even go as far as bringing a recording device to record the meeting, no matter how informal. SGI should not care that you record the session as they will document the meeting in their files anyway. Make sure you download this conversation onto your computer and file it appropriately. They often say things to you in person but do not document it in your file. If you talk to a lawyer, document the meeting or phone call with your lawyer in this chart. Then all your information is together.

Document EVERY conversation you have with SGI in your files/chart. If you ever go to court, you will have records to support your position. I am just so sick and tired of SGI going back on their word saying they did not say that, so keeping a copy and documenting everything will eliminate this problem. Also, keep your letters they mail out to you as those letters tend to disappear as well. Incriminating evidence has a way of disappearing. Adjusters can always delete emails, regardless of what lame excuses they give you.

6. I would send an email to SGI immediately after the meeting/phone call, reiterating the conversation, so you have a written document of it, and there was no miscommunication on anyone's part. Copy and paste that email into your word document with the rest of your emails. This will also support your record keeping.

Example 1, when I first met with SGI for the appeal for living assistance for not receiving it for years, one of the managers stated, "The reason I did not get the benefit was that the No-Fault system was new, and SGI did not know what they were doing years ago." But I cannot prove she said that now as she did not document this in my injury notes.

Example 2. I had a severe incident on a Regina bus, which I phoned SGI about, but my adjuster did not record this information in my injury notes. If I had my 'own' injury notes that I kept, I could have documented this and would have had proof. As well, I would have sent a follow-up email, documenting this, and put the email in my injury notes.

Example 3. My adjuster missed paying me my income one week at the beginning of my claim. I called her on the phone to talk about it. However, she did NOT document this in SGI's injury notes.

You must realize documenting information in your Injury Notes is **voluntary** and **susceptible to mistakes** by your adjuster. Therefore, it is a good idea to have your 'own' notes and to record EVERYTHING from phone calls to having copies of all your emails to SGI. **Make sure you send SGI or your insurance provider an email stating you are recording your conversations with your insurance company just for legality's sake if you decide to record them.**

I do not phone my insurance too much; I just send emails, then everything is documented. I typically will not even answer any calls from SGI as they only say terrible things to you, and I end up crying after talking to them anyway. Plus, they may not document the conversation correctly or eliminate it from their notes.

SIX STEPS TO FOLLOW AT YOUR FIRST MEETING WITH SGI

You may want to have a lawyer present at your first meeting with SGI or your insurance company, especially if you have a **severe injury** or **made an unusual recovery**. Have your one family member/friend who is designated to help with your claim there. I do not see the benefit of having your whole family at the meeting. But you may think differently—your choice.

Remember: SGI or your insurance company DOES NOT have to give you all your benefits. The laws state your insurance company must give you your benefits. But SGI does not have to follow the law if they do not want to; they typically try to glide in between the laws.

1. For your first meeting with SGI, I would meet in a neutral location. When you meet with your insurance adjuster for the first time, they will suggest you meet at your home. I may not meet at my house with SGI again, as this is not a social visit. This meeting is BUSINESS. Treat it as such. I would meet at your lawyer's office or SGI's office. You are too relaxed at your home and will not be astute to all of SGI's or your insurance company's manipulations. But this is your choice.
2. Ask your SGI adjuster what role your family members will play in your recovery. Make sure there are steps in place to protect your family members if they are already going through something or something happens to them in the future during your claim. Realistically, your family members should not play any part in your recovery or pay for anything. That is the purpose of insurance and rehabilitation workers. But SGI may use your family in your therapy to reduce their costs. **For example**, my father was initially healthy, but less than two years later, he got EXTREMELY sick. But my mom and dad had to travel to help me, often taking shifts instead of focusing on my father's health.

Make SGI write down what your family's role is in your recovery. Make sure that SGI documents this in your file. And in your injury notes. The reason I say for SGI to write down everything is that I am so sick and tired of SGI back-peddling on what they say. SGI is continually telling me they did not say that, and I have nothing to go back on. HAVE THEM WRITE DOWN EVERYTHING. This constant back-peddling is also why I say to record conversations with them.

3. SGI or your insurance company should ONLY have the claimant's telephone number and an emergency contact name and number on file. (The emergency contact may be a distant cousin who can contact your family if an emergency happens.) I would not give them ANY of your immediate family numbers. The reason is that they may abuse this number and phone your family members to ask them to help you. They often phoned my parents to ask them to help me. (I lived over 500 kms away)

I would ask SGI or your insurance company, if your family members do help, what they will get paid for loss of wages or compensation. Remember, SGI would have to hire someone if your family were not helping you. They may even ask for the claimant to live with their parents or other family members. There are other options SGI has available to them than for the claimant to live with their family, especially if they were not living with them before the accident.

4. If your parents are over 65 years old, you may want to hire a lawyer to protect both you and your parents EVEN if you do not live with them. If your parents had children later in life, hire a lawyer to protect their rights. I was not living with my siblings or my parents (who were in their 60s and 70s), yet my parents had to drive over 1000 km round trip **taking shifts** to help me. SGI was also phoning my parents to help me. You must protect

their rights as well, especially if one of your family members is sick, retired, or you have a sibling with a disability, even if you do not live with them.

5. I would record the first meeting with SGI as well as any subsequent meetings with them. They should not have a problem with this as they will have to document the meeting in their notes anyway. Upload this recording into your newly organized computer. Follow up with an email documenting the details of the first meeting and the discussion. Recording the conversation will prevent them from intimidating you or saying things in the meeting that are not true. Always document this meeting in your injury notes or chart talked about above.
6. During the first meeting, make sure you receive two sets of two pamphlets of 1) all the benefits and 2) how to appeal a decision. Put one set at the front of your insurance binder. These two pamphlets should NEVER leave your binder. Put the other set on your fridge where they should always remain for the life of your claim.

Please realize SGI or your insurance deals with hundreds of people a day. Therefore, they MUST streamline their procedures and techniques. They use **form letters**, which is a standardized letter to deal with frequently occurring issues. So, the decision letter will often state there is a pamphlet in the letter, but that is part of the form letter. Since the adjusters are not actively writing this section of the form letter, they often miss putting in a pamphlet. I received my first pamphlet ten years after my accident, even though it stated in every letter for ten years that a pamphlet was enclosed. And I never receive a pamphlet in any decision letters I receive from SGI even though it states so.

Whenever they do not send a pamphlet, you may want to send them an email requesting a pamphlet. This error will show a pattern of non-compliance of not putting in the pamphlets into the letters.

Currently, SGI is not even handing out pamphlets in their letters. Now, it states in their decision letters, "We have enclosed a brochure with the decision letter. If a brochure has not been enclosed, please visit the Appeal Commission's website at www.autoinjuryappeal.sk.ca or contact our office for information on how to appeal."

So now they DO NOT have to give you a brochure, they can just tell you to visit a website. That procedure SGI is implementing will be challenging for a person with a frontal lobe brain injury due to their problems with executive function and initiation.

SIX STEPS FOLLOWING YOUR FIRST MEETING AND INTO YOUR FIRST YEAR OF RECOVERY

1. I would NOT speak to SGI or an insurance company over the phone very much. I would only talk to SGI by email as they tend to write what they interpreted was said in the phone call, and that may not be accurate. **They also leave complete conversations out of their injury notes altogether.**

If you do call your insurance company, I may go as far as to digitally record the conversation, then download it onto your computer. Please take this with a grain of salt. I am just tired of them saying things on the phone that they would not dare write in a letter or email. **But before you can do that, you may want to send an email or written documentation stating you are recording all conversations with them.** You should only have to do this once regardless of how many adjusters you have as the insurance company is a single entity. Make sure you have a copy of this documentation you sent documenting this.

The rationale behind this: *SGI records your calls for learning and quality control purposes. You should be able to do the same thing for quality control.* Adjusters say awful comments on the phone but do not document everything in their notes. Also, for a person with a brain injury, they may not be able to understand everything that was said to them over the phone due to their slow processing speed or memory, so maybe taping the conversation will allow them to listen to the conversation over again.

If you do phone them, follow up with an email documenting the conversation on the phone call. Also, record the conversation in YOUR injury notes when talking to SGI.

2. If you ever meet with SGI in person, always take someone with you. Make sure you have someone with you (not your lawyer) to witness what SGI said. Make sure you document the conversation in YOUR injury notes and have that witness initial it as well as your adjuster to confirm the discussion at the meeting. (Please refer to previous pages for more information on this.)
3. Send an email after you meet with SGI. Send an email to SGI reiterating the conversation at the meeting. File the email in your computer and copy the email into a word document with your other emails.
4. Every few months (six months), I would ask your insurance company for a copy of your file since the last time you asked for a copy. It is your right to have a copy of your file. Get EVERYTHING, including your injury notes and their emails. By doing this, you will get documents that SGI only receives, but you may never see. **For example**, I never knew that my health professionals were asking for Living Assistance so much. You will also see your injury notes, which have a lot of useful information in it. Once you get this file, I would suggest you read it or have someone read it and highlight the relevant parts. Highlight with yellow marker as this does not show up on photocopies (in case you need to photocopy the sheets again in the future). I may comb through all SGIs emails at this point to make sure they have all the emails you have and then highlight the emails you have but SGI has. This will save you time in the future if you have to go to court.

Again, scan all those documents electronically into your computer and file them appropriately and then put all these documents in chronological order into a large binder. Label the binder properly.

****I keep reading and rereading my injury notes, trying to figure them out. SGI has a strategy for their injury notes. Each entry is not all negative or all positive to your claim. It is like a "compliment sandwich." A good**

point, a bad point, followed by a good point. OR a bad point, a good point, followed by another bad point. I think by doing this, it prevents claimants from going to the media about the problems in their claim and showing them the actual notes.

5. Make sure you start your therapy in your first year for everything. My Speech Therapy did not begin until the 2nd year. I thought it should have started sooner. I did not get the Living Assistance benefit for over 13 years.
6. Start your therapy IMMEDIATELY after getting out of the hospital even if SGI does not set it up. When I got out of the hospital, SGI **did not** want to start my official (physiotherapy) therapy immediately. They wanted to wait **until** all my initial assessments were complete, which makes sense. (An evaluation needs to be completed to know what areas you need help with.) But as an individual, I would start therapy as soon as you can. Usually, these assessments take time to schedule. So in the mean time, my parents arranged for me to go to a physiotherapist in the next city over to get my body moving right away as I was dragging my right leg and had limited movement of my arm because I had right side paralysis. In addition to this, I went swimming every day, which helped with my right-side paralysis. (Best thing for my right-side paralysis, in my opinion.) And I went to a local computer shop to work on programs to get my brain working every day or every few days. Looking back, I would have gotten scholastic exercise books in Math, Science or English to do in my spare time. You do not want your body or brain to atrophy between you being out of the hospital and before your insurance company can get therapy started. (I think this is the reason I did so well in my recovery. I started treatment immediately after getting out of the hospital.) Your insurance company should pay for this, but also realize they do have a procedure to follow.

AFTER 2 YEARS AND 1 DAY:

1. After two years and one day, you may want to move at least 1000 km away from any family and friends. **(Please take this suggestion/comment with a grain of salt – Not everyone should do this step; it depends on your family structure, your injury, and other variables in your life.)** UNTIL there is a check on the no-fault system and automobile insurance monopoly in Saskatchewan to ensure claimants are getting all the benefits, you may want to move to a place that has a larger population. Moving to a city of at least 1,000,000 people or more may be beneficial to you, especially with an injury where there are only one or two specialists in Saskatchewan. If you have a leg injury or some other injury where there are multiple specialists in the field in Saskatchewan, then you may have access to specialists not in business due to SGI. They may give you an honest opinion that differs with SGI's experts. (Please read Cash and Crash for more information on experts in Saskatchewan that are hired by SGI.)

I chose 1000 km (2000 km round trip) as opposed to any other distance because it was not until I lived 1000 kms away from my family then they did not have to help any more. 500 km is too close; my parents still had to drive to help me even though we lived 500 km apart, sometimes taking shifts which was documented in my injury notes. By moving farther away, you will finally know if your family is just propping you up and if you got all your benefits. None of the lawyers I saw caught the problems I had with SGI, so moving to a larger city center helped me out a lot.

You do not have to live in a city, but close to a larger center. Manitoba insurance (because they have a monopoly) may be too similar to Saskatchewan auto insurance to catch any problems. Ontario and BC are quite far away while Alberta has the population to support certain specialists, has an arm's length transaction from SGI to be fair enough, and have a variety of experts.

Move as soon as you can to get an honest opinion; **I wish I would have moved earlier and maybe even as early as 1 month after my accident.** Moving to Alberta was the best thing I EVER did to get all the benefits I needed; that and emailing my adjuster's supervisor without my adjuster's knowledge.

2. The 2-year mark is an appropriate time to bring in a lawyer to ensure you got everything you need from your insurance company. This extra cost of a lawyer is where the extra money you save is helpful in your claim. At this point, make sure your lawyer confirms you have gotten all the benefits you need.
3. Move back after 2 or 3 years. If you have been away from SK for about two years and everything in your claim is kosher, then you may move back to Saskatchewan.
4. I believe after 2-4 years, SGI wants to be typically done with you if they think you have plateaued. This period is a reasonable timeline if you have received all your benefits. But a lawyer would know best. I believe I would have finished with SGI within two years IF I would have received all my benefits

Please know the time lengths and how this affects your benefits. These deadlines are important. A lawyer should be able to explain this to you. For example, after two years and four years, your Income Replacement Benefit may change. If you relapse after the time limit, it could affect the amount of your benefits, such as your Income Replacement Benefit. But please ask a lawyer; they would know best.

DECISION LETTERS

Preamble

(I am not a lawyer, just a layperson with a bit of legal knowledge, so please take the next part with a grain of salt.) (See a lawyer as soon as possible to rectify a disagreement with your insurance company because you only have so much time to appeal the decision letter. Make sure your lawyer and SGI explain the disagreement process at the beginning of your claim. This whole section may change if the disagreement process changes so be careful with this section, but the Government of Saskatchewan has no plan for reform as of 2020)

When SGI declines a request for any form of therapy by either your doctor, yourself, family, or your professionals, the law states SGI needs to write a decision letter stating this. Often, they do not send a decision letter to you. (Please refer to page 8 talking about SGI not following the law.)

Decision letters are a **tricky issue**, because often your therapists will ask for help, but you may not know about the request, especially if you have a cognitive injury. SGI can decline this request for assistance from your therapists, but whom does SGI write the decision letter? Your therapist or you? But your therapist does not have the authority or stake in your claim to appeal the decision. And often, SGI will not write a decision letter to you. If SGI does write the decision letter to you declining specific therapy, the big issue is, are you cognitively well enough to understand your need for this help and the implications of a decision letter, especially if you have a brain injury? Therefore, I suggest one relative/friend helping you during your claim, so you know what help your OT and professionals are asking for and which help SGI is declining in your claim.

Example) During a period, SGI was declining requests my therapists asked for, but I did not know of this. I was extremely ill cognitively during this time and would not have understood the issues or the implications of the decision letter (if SGI had written one) or anything else they may have done in my claim. This practice is a loophole in the No-Fault insurance in Saskatchewan, so really be aware of this problem.

If you choose the wrong court to dispute SGIs decision, you could pay more to fight SGI than the cost of the disagreement. It is good to talk to a lawyer about what to do **1 day** after receiving your decision from SGI.

For example, SGI would not pay for a receipt; it was only for a few hundred dollars. I knew what legislation I was going to use and how I was going to argue it. I needed no expert opinions, so the costs associated with winning the case was low. Going to the Commission was appropriate for this dispute.

In another case, I did not receive a benefit for 13 years, so I had to hire multiple experts, had to pay for an extensive medical report for the last 13 years costing \$15,000. After the appeal was over, SGI did not ask for receipts; they just wrote me out a cheque for \$2400 even though I had spent more than that at the appeal. I should not have to the Commission for that disagreement.

DO NOT go to the Commission, representing yourself if you were rejected for jury duty. There is NO FEASIBLE way if you have been declined for court duty, you can represent yourself. Most claimants who are in therapy would be rejected for court duty because they must concentrate on their treatment uninterrupted. If you are undergoing medication change especially psychological, never heard of this benefit before, or do not know how much it will cost to prove your position, do not go to the Commission. If you do not understand the proper format of evidence to file in court or the objections presented in a courtroom, do not go to the Commission. And do not be fooled. SGI will suppress your evidence at the Commission if they can.

THREE WAYS TO RESOLVE A DISAGREEMENT WITH SGI

(The next 3 topics may be slightly disorganized and confusing about the legal process surrounding the No-Fault system because I am not a lawyer, just a layman. See a lawyer when needed)

Listed are the three ways to dispute a decision from SGI: 1) mediation, 2) appealing to the AIAC, or 3) appealing to the Court of Queen's Bench. THERE IS A HUGE DIFFERENCE IN COURTS. Two different courts and possibly two different outcomes monetarily. **Before** filling out any forms, see a qualified lawyer IMMEDIATELY to determine the best way to resolve the disagreement after receiving your decision letter. DO NOT ASK YOUR REHABILITATION WORKERS OR MEDICAL ASSOCIATION TO HELP YOU. They do not have the legal knowledge to choose the right court. See a lawyer! Make sure you understand this procedure of how to handle disagreements in your claim at your first meeting with SGI.

Please understand the more money you disagree over usually correlates to the costs you will have to incur to prove your position against SGI. Going to the AIAC is the **exception, not the rule** due to the low reimbursement costs. But most claimants are doing the opposite due to the quick and easy form to fill out. You cannot go to the Commission just because you watch a few episodes of Law and Order!! I thought I could.

You also NEED to understand what legal jurisdiction entails. With some options to dispute an auto claim decision in Saskatchewan, the Commission (AIAC) DOES NOT have jurisdiction over specific laws, so it is a COMPLETE waste of time to go to the Commission. The reason I say take your decision letter to a lawyer one day after you receive it is to help you decide which court to go to and so you do not violate time jurisdiction. **And SGI will implement stall tactics to delay you from putting in an appeal.**

Example of jurisdiction:

Territorial jurisdiction – You need to dispute your decision in the proper territorial area. Ex) You would not go to an Ontario courtroom to argue a traffic ticket you got in Saskatchewan.

Time Jurisdiction - If you do not appeal the decision letter within the correct time limit, then the courts can not decide on your appeal because the time to appeal the judgment has expired. You can not appeal a decision one year after receiving the decision letter.

Subject Matter Jurisdiction – Certain courts do not have the authority to decide on an issue over the particular subject matter. Examples of subject matter include bankruptcy, divorce, traffic violations, or probate. For example, you would not go to the Automobile Injury Appeal Commission to argue a murder conviction or to argue a traffic violation. You would go to another court.

Example: The AIAC did have the ability to issue a decision about paying for a receipt while going to a doctor's appointment. But the AIAC could not pay for any expenses my family paid for while SGI did not give me the Living Assistance benefit for 13 years because this is out of their jurisdiction.

The Court of Queen's Bench is the gold standard for courts with disputes between claimants and insurance companies. The Commission may not have the ability to decide on an issue using specific legislation of the Automobile Insurance Act due to precedents set in Saskatchewan and other provinces so you could lose because you don't know about those precedents. (Please read the document Cash and Crash for more information on this.)

***If you must go to the AIAC, buy a binder to fit all your documents. Keep the receipt of the binder to get it paid for if you win your appeal. Label the binder stating what the disagreement was about as well as with the AIAC*

File Number on it. Label it both on the side binding as well as on the front of the binder. SGI uses this method to organize its documents for an appeal. It is neat and tidy. The AIAC puts the papers in flimsy bindings

If the Government of Saskatchewan does not re-evaluate the disagreement process of the No-Fault System making significant changes, you may want to go to the AIAC at least once for an insignificant issues to learn the process and procedure followed at the AIAC. Then you will have the experience to decide which court to go to in the future. (This is a waste of resources, but I do not know if there is another way until Saskatchewan makes the system fair bringing the lawyers back in. You must play within the laws that are in place in Saskatchewan.) Currently, the disagreement process is not structured to facilitate agreements.

1. Going to the Automobile Injury Appeal Commission in Saskatchewan (AIAC)

Pros

- a. Suitable for exceedingly small disputes under \$5000. (My opinion). The more money you disagree over correlates to the costs incurred in court. SGI only has to pay a limited amount if you win at the Commission.
- b. Easy to fill out the form. **If someone else fills out the appeal form, DO NOT go to the AIAC.** If you can not fill out the form, then you can not represent yourself. That is the simplest part!
- c. It could be cheap. The cost to appeal at the AIAC is currently \$75. You get this cost back if you win.

Cons

- a. You can only get \$3200 worth of legal costs reimbursed if you win. Before 2015, it was \$2400. This payment may not cover all your expenses to prove your position against SGI. Therefore, the Commission is ONLY for **small** disputes. You could win the case against SGI but still lose monetarily due to the cap on legal expenses.
- b. The Commission may not have jurisdiction over your issue due to precedents set in other court cases in Saskatchewan and in other provinces. As well, they only have jurisdiction over the three legislations acts or regulations governing SGI and the No-Fault law. They do not have jurisdiction over everything.
- c. The Commission cannot transfer your case to a higher court if they do not have jurisdiction, which means you may have to go through the whole legal process twice or you will lose because you went to the wrong court.
- d. I do not know how correct it is at the AIAC. I wanted a person with US residency to testify, and the Commission members stated US residents could not testify in a Canadian Courtroom. (This US resident would have phoned in, so my cost would only be his hourly rate. He was the president of a North American Association and had testified for Health Canada) I found out later through google that US residents can testify in Canadian Courts.
- e. You do not have the legal knowledge to dispute SGI's lawyer, know what type of evidence is acceptable in courtrooms or the objections to suppress evidence. SGI will make objections to suppress your evidence.
- f. SGI can have two lawyers at the Commission while you can have as many lawyers as you want for \$3200.
- g. You may start to decompensate therapeutically by representing yourself due to the excess stress. Representing yourself is especially hard if you are changing your psychiatric medications while going to the Commission.
- h. You may not be able to concentrate on your therapy while going to court.
- i. Once at the AIAC, you may not be able to access a lawyer. I asked to see a lawyer, but the Commission members shrugged it off. In one case, they said, "Let's try to muddle through this." I wanted to talk to a lawyer to find out if the deal SGI just me was fair, as I have deficits with problem-solving. It did not matter how long we would muddle over it; I still would have issues with problem-solving. That is part of my disability.
- j. You may lack the skills to represent yourself in a court, especially if you have a brain injury. Some of these skills include problem-solving, decision making, or multitasking between court and therapy.

g. After the AIAC decides on your dispute with SGI, there is NO explanation on what to do after you receive the decision from them, which is problematic if you have a brain injury. When you get a decision letter from SGI, they include a form to appeal their decision and detailed instruction on what to do including a phone number. Ex) My verbal memory is significantly impaired. My only option was to call someone to find out where to fax my re-appeal form. But when told me the fax number, I wrote down the fax number wrong because of my poor verbal memory resulting in me faxing the document to the wrong place. If the decision letter included all the relevant fax and telephone numbers, it would have relied on my visual memory, which is a lot stronger. Also, my problem solving is extremely low, so it took me a long time to figure out what to do after I got the decision letter. There was no instruction documenting the steps after receiving your decision letter from the Commission. This is really a Canadian Charter Issue and I think many appeals could be re-enacted due to this.

2. Going to mediation.

Pros

- a. It is cheap. The cost to go to mediation is a \$55 fee.
- b. You get to discuss with SGI your issues about their decision and possibly come to an agreement.

Cons

- a. It is not a good option for multiple issues. You only have an hour to agree on an outcome.
- b. Mediation took a long time to get a result.
- c. Mediation costs almost the same as going the AIAC, and SGI will often try to come to a deal with you days before your court date at the AIAC, so mediation is pointless.
- d. SGI did not want to settle the disagreement at mediation. They just made excuses throughout mediation. This makes mediation pointless.

3. Going to the Court of Queen's Bench

(I NEVER went to the Court of Queen's Bench, so my knowledge is limited about this topic. But after dealing with the other two options, going to the Queen's Bench may be the best way to resolve a dispute with SGI.)

Pros

- a. You could get more legal costs paid for as opposed to a financial limit on your legal cost at the commission.
- b. You may get additional costs paid for the Commission has no jurisdiction over and not in the legislation.
- c. A lawyer gets to represent you so that you can focus on your therapy. (which is the premise of No-Fault)
- d. You have access to ALL the laws governing SGI and your claim.
- e. Your lawyer will have the legal expertise to dispute your insurance company's lawyer. He/she will know all the objections and all the correct evidence to hand into the court.
- f. You may also not be as emotionally liable because you have an arm's length transaction; therefore, you will not decompensate health-wise.

Cons

- a. Given the amount of money you are disputing, this could be more expensive. You need to ask a lawyer.
- b. Going to this court could take more time. But if you look at my one case going to the Commission as well as a similar court case going to the Queen's Bench courtroom – Both entered the legal process at the same time to get a dispute settled, and both finished at approximately the same time. However, my other 2 cases were short at the AIAC, possibly because disagreements were smaller.

STEPS TO FOLLOW TO DISPUTE A DISAGREEMENT WITH SGI

1. **Make sure you have a decision letter from your SGI to dispute.** Sometimes, SGI or your insurance company **does not** give you a decision letter. They verbally tell you ‘No.’ If there is no decision letter, you can not (technically) appeal the decision, which is **good** for SGI and **bad** for you.
2. **See a lawyer one day after getting your decision letter to decide how to rectify your dispute.** DO NOT fill out any appeal forms and then go to a lawyer – *that is backward*. As of 2020, the AIAC **can not** transfer your appeal to another court, so you are STUCK at the Commission regardless of jurisdiction. **First, see a lawyer, then decide how to rectify your disagreement and fill out the correct forms.** See a **No-fault** lawyer **one day** AFTER receiving a decision letter to help you decide how to resolve the dispute because there is a time limit to dispute the decision. **Just because this is the No-Fault insurance system, does not mean you do not need a lawyer.** **Make sure you tell the lawyer if you NEVER received this benefit before.** That is particularly important. Save the receipt from the lawyer to get reimbursed for legal services if you win the court case.

If you phone your insurance company to ask more questions before seeing a lawyer, they may implement stall tactics squandering away time, so you miss the deadline for the appeal. (SGI did this with my appeal) You can always withdraw the appeal later if you and SGI agree and (I believe) you will get your appeal fee back.

Criteria to Decide Which Court to go to:

(I have no legal background; see a lawyer to determine the court to go to.) Here are some points to consider based on the current system as of 2020, with the AIAC only paying for \$3500 legal costs:

1. To Go to the AIAC:

- a) *Going to the AIAC should be the exception, not the rule due to (1) a low reimbursement cost, (2) lack of jurisdiction over specific laws, and (3) and inequality of legal knowledge between you and SGI’s lawyer. It may look easy due to a one-page form to fill out—but it is not!* Do not think because you watch Law and Order, you can do this.

As of 2020 and based on my experience, **if you have a Brain Injury, I would NOT go to the AIAC.** Cognitive deficits make it almost impossible for you to represent yourself at the Commission regardless of the amount of the disagreement, your intelligence, or the help you receive from the Commission members. You may understand the legislation, but you may have problem-solving issues, verbal memory problems, slow processing speed, difficulty multitasking between the case and therapy which could affect your outcome. Once you enter your court case at the AIAC, you may have trouble accessing a lawyer to help you. The Commission does not have the telephone/fax numbers or detailed instructions to re-appeal the decision on their website or the decision letter from the Commission. The only way you can get these numbers is by phoning someone. If you have low verbal memory, you will have trouble documenting the number correctly.

- b) Know what legislation you are going to use at the Commission. If you do not know what specific legislation you are using, DO NOT go to the Commission. You can not go to the Commission and say you think you deserve the benefit ‘just because.’ Your argument must be based on legislation.
- c) Make sure the legislation to argue your point **can** be used at the Commission. (They **cannot** use **all** the laws/legislation under the No-Fault system to rule over your disagreement due to precedents set at a higher-level courtroom or for other reasons). If you DO NOT know what laws are acceptable at the Commission, do not go to the Commission.

- d) Please understand the more money you disagree over usually correlates to a higher amount of legal expenses and complexity of the case. Currently, the AIAC only pays for \$2400 (\$3500) of your legal costs if you win your court case.
- e) Only go to the Commission if you are arguing about one legislation because your case will be more complex, and your costs will increase dramatically. You will have to pay for anything over the limit out of pocket. It is NOT a benefit you disagree about that is considered one legislation. For example) Under the Living Assistance benefit, there are multiple legislations. I disagreed about one benefit called Living Assistance, but there are over 20 legislations under Living Assistance. So, I disagreed over many legislations even though it was under one benefit. If you are unclear about this, see a lawyer.
- f) Do not go to the Commission if you are about to or are changing your medications, especially your psychiatric medications.
- g) If any of the pros/cons do not match up with your case, do not go to the Commission.

Given the current laws as of Feb 2020, I would not proceed to the Commission for a disagreement against your auto insurance company or SGI unless it is over a small amount of money (maybe under \$5000) due to the low reimbursement cost. And even then, the case may be too much for you to manage while balancing your therapy. In addition to this, going to the commission is VERY legally complex.

But these rules may change if the Government of Saskatchewan eliminates the cap of the costs SGI must reimburse if a claimant wins their case. Then a lawyer can be involved at the Commission. But that also **must** be in conjunction with having the ability to transfer your case to a higher court if you happen to go to the wrong court room.

Often it will be more expensive going to the Commission than the Court of Queen's Bench due to the claimant neglecting medical appointments while representing themselves. Also, due to the limited jurisdiction at the AIAC and SGI not having to pay for all the claimant's costs if they win, you may be spending more money to go to the Commission than going to the Bench of Queen's Court.

At this point, why would you go to the AIAC? There is a financial cap on your expenses if you win against SGI and the court finds that they are in the wrong (meaning you could pay more costs than what you are arguing about). You know nothing about the particulars of the legislation, and you must do ALL the work so you can not focus on therapy which was the premise of the No-Fault System. Representing yourself is both mentally and emotionally gruelling. Not all the laws are applicable at the AIAC, and you do not know which laws are applicable at the commission and which ones are not because you are not a lawyer. You may not be able to see a lawyer once you are at the AIAC, and you may not have the skills due to your disability to represent yourself (such as having a low level of problem-solving or decision making). You can not get any cost paid for outside the legislation attributing to the disagreement, can not transfer the dispute to a higher court once you are at the AIAC, and there is an imbalance of knowledge within the courtroom. I am not saying that they are not nice at the Commission, but nice is not going to get you the benefits or the help you need to recover from an injury.

WHEN YOU GET A DECISION FROM THE AIAC OR THE BENCH OF QUEENS COURT AS OF 2020.

You still may be able to Re-Appeal the decision from the AIAC or the Bench of Queen Court.

1. Go to a lawyer within **one day** of finishing the appeal to talk about re-appealing the decision once you have received the decision letter from the AIAC/Bench of Queens Court. **Do not wait!** Do not even wait for the decision letter from the AIAC. Assume that the decision will not be favourable for you and see a lawyer as soon as you are out of court. Claimants with a Brain Injury MUST visit a lawyer immediately because they will have deficits that will prevent them from putting in another appeal right away.
2. Currently, the AIAC and SGI, offer no help on how to re-appeal a case. They have no telephone numbers or fax numbers on your decision letter to re-appeal the case. They do not include ANY forms to re-appeal the decision or steps to follow, either. This is hugely problematic if you have a brain injury, especially if you have verbal memory problems or problem-solving issues.
3. The decision letter from the commission also offers no instruction on what to do after they have made their decision. The Commission members assume after you have represented yourself at the AIAC, you have enough knowledge to know what to do next in the case. This is not the case.
4. If you got a decision letter from the Bench of Queen's court, the lawyer who represented you should know what to do when the decision comes back.

Also, understand you only have one month to re-appeal the decision from the commission or the Court of Queen's Bench. THAT'S IT. After that, you have NO chance to re-appeal.

During that one month you have to re-appeal, SGI will possibly implement STALL tactics to delay you putting in a re-appeal. I got over nine or more adjusters within that one month I had to re-appeal the decision. Then they gave me to 2 adjusters for the next ten years, who were VERY resistant to my requests for help with documents, with regards to my claim or appeal.

*Also, please understand SGI WILL NOT help you if you have residual problems from your disagreement or from any issues that stem from SGI's initial decision. They are DONE with dealing with that disagreement regardless of what they promise you. (And they will make promises to you.) If the decision letter from the AIAC or the Queen's Bench did not address those issues, you are out of luck. You and your family will have to incur all the costs of those problems even if the insurance company or SGI were the cause of those problems. If SGI or your insurance company does state they will help you after this disagreement, have them write their plan down in detail and retain a lawyer to ensure SGI will follow through as they said they would. Example) SGI initially said they were going to help me with my residual problems after the AIAC decision such as my bottleneck that happened from not receiving the benefit for over 13 years, but once the time frame had lapsed to re-appeal the decision, they conveniently changed their mind.
If there are issues the decision letter did not address, see a lawyer!*

WHAT TO DO IF YOU HAD A GOOD OR BAD EXPERIENCE WITH SGI

If you had a pleasant or unpleasant experience with SGI, report it so people will know. With today's technology, people can now report both their good and bad experiences with their insurance companies to help others. You do not have to be in an injury claim to make a report -- It can be just a collision claim or a regular interaction with SGI or your insurance company.

These are some, but not all the places you can report your experience with SGI to help others. They are as follow:

- The Better Business Bureau <https://www.bbb.org/ca/sk/regina/profile/insurancecompanies/sgi-canada-0167-10468> You can file a complaint or put in a review with the Better Business Bureau.
- Insureeye.com <https://insureeye.com/Reviews/Auto-Insurance-Reviews/23-SGI> You can put in a review of SGI at the insureeye.com
- Insurance Bureau of Canada <http://www.ibc.ca/sk/resources/consumerresources/dispute-resolution/province-dispute-resolution>

If you have a complaint that you would like investigated, you can contact the Saskatchewan Superintendent of Insurance, The Insurance Councils of Saskatchewan, and Ombudsman Saskatchewan to investigate consumer complaints.

Saskatchewan Superintendent of Insurance

Insurance and Real Estate Division, FCAA
1919 Saskatchewan Drive, Suite 601
Regina, SK S4P 4H2
Phone: 306-787-6700
Fax: 306-787-9006
Email: fid@gov.sk.ca

Ombudsman of Saskatchewan

Regina Office

2401 Saskatchewan Dr., Suite 150
Regina, SK S4P 4H8
Phone: 306-787-6211 Toll-Free: 1-800-667-7180
Email: ombreg@ombudsman.sk.ca

Ombudsman of Saskatchewan

Saskatoon Office

315-25th Street East
Saskatoon, SK S7K 0L4
Phone: 306-933-5500 Toll-Free: 1-800-667-9787
Email: ombsktm@ombudsman.sk.ca
ombudsman.sk.ca

Financial and Consumer Affairs Authority of Saskatchewan

<http://www.fcaa.gov.sk.ca/report-a-concern>

Lastly, email your MP or the Minister of SGI to tell them of your problems with SGI. SGI is a monopoly, not a free market system, so the minister of SGI has more control over SGI. Your issues with SGI may be a repeated problem that the minister must address with SGI.

IMPORTANT THINGS TO REMEMBER:

1. When we moved from TORTE auto insurance to NO-FAULT auto insurance, responsibilities changed. Read on page 4 for more information on this.
2. Just because this is the No-Fault system does not mean you do not need a lawyer. When the law states SGI must do something, that does not mean they do. As of 2020, the No-Fault system in Saskatchewan is based on the honour system without any checks or balances. Get a lawyer to ensure you are getting all your benefits or whenever you need one during your claim. **Prevention is always cheaper than the cure.**
3. Keep all emails and document all phone calls to your insurance company. SGI does not document all your phone calls or keep all emails. Keep meticulous records and keep everything. Keep all your emails to your service providers and doctors in the same file as well. You will never know when you will need this information for court or other reasons. Please read more on page X for more information on this.
4. I (personally) think getting a lawyer is imperative if your insurance company is using stall or psychological tactics. Some instances of this are taking too long to replace your adjuster (1 year), replacing your adjuster with a supervisor, or giving you multiple adjusters in one month. That is a red flag that they are trying to delay or hide something.

Example #1) It took SGI over six months to get me some documents, and it took 3 or 4 tries to get them. They sent me the wrong documents multiple times.

Example #2) After my appeal at the AIAC, SGI switched my adjusters over nine times in the one month I had to re-appeal my decision from the AIAC. They NEVER documented these changes in my injury notes, and this was never done in the previous month or after that one month; just the one month I could re-appeal the decision.

5. You may need a lawyer to protect your family's rights. If you have family members who are older/retired, someone has a disability in your immediate family, or your family has a business, you may need to see a lawyer to protect their rights. There is NO legislation in the No-Fault law to protect them. **This situation is a loophole in the legislation that SGI exploits, so they will ask your family to help instead of hiring professionals.**

6. When you get a decision letter, see a lawyer one day after receiving this decision letter. Do not fill out any forms. The lawyer can help you decide which court is best to proceed to for your disagreement. As of 2020, if you hire a lawyer to dispute a decision letter at the AIAC, you will not be able to get **all** your legal costs reimbursed if you are successful against SGI; the reimbursement costs at the Commission are currently set too low. Go to the Court of Queen's Bench. **Going to the AIAC is the exception, not the rule as of 2020.** If you did not fill out the AIAC form or need help filling out the AIAC form, do not be going to the AIAC. If you have been rejected to be on jury duty, do not go to the AIAC. If you anticipate personal problems in the future, such as a death in the family, your personal information compromised in the future, do not go to the AIAC. And that is part of the problem. You can not anticipate unexpected personal problems coming up; you have no crystal ball. And depending on where you are in your appeal, you may or may not be able to get an extension on time restrictions. You cannot deal with a personal emergency, therapy, and an appeal at the same time. **The more money you disagree about usually means that your case and legal issues will be more complicated,** and you can not transfer your court case to a higher court once you are at the Commission. Go to the RIGHT court! If you never heard of the benefit, go to a lawyer.

7. Claimants with brain Injuries SHOULD NOT be representing themselves at the Commission. They can not balance therapy, deal with unexpected emergencies, and a court case at the same time. They also have a higher chance of decompensating derailing their therapy.

8. Do not assume your insurance company will give you the benefits. Expect they will not. You need to be prudent about this. Hire a lawyer if you need to.
9. Do not go to the AIAC representing yourself if you are in the process of changing your medication. You need to be astute to changes happening to your body so you can relay the changes to your doctor, instead of concentrating on an appeal.
10. If you are adjusting your medications, be INCREDIBLY careful with this process. You may have problems with SGI paying for the medication change. I can only use my example to show the problem with this; I cannot articulate it otherwise. My specialist was lowering my medication due to the side effects, but we reduced it too much too soon. I needed an increase before I saw my doctor again in a month. He prescribed repeat dosages for the next three months so I could just get more medication if the dose were too low. But SGI would not pay for more than one month of medications or an increase. So, I had to go to my GP to get him to overwrite my specialist's prescription by showing him my old pill bottles. (This is costing the taxpayers for another doctor's appointment and costing SGI more money because my medication overlapped by two weeks). Next time I saw my specialist (within two weeks of seeing my GP), I told him what had happened. We tried to adjust my medication again. But this time, he prescribed me a slightly higher dose in case the lower dose did not work so that SGI would pay for it. The lower dose worked. But SGI had to pay for more medication because they did not want to work with me trying to find the right dosage.
11. Get all your benefits started in the first year and start therapy as soon as you can. You do not have to wait for your insurance company to start therapy. You may have to arrange treatment for yourself in the short-term to prevent your body from atrophying. Insurance companies are slow, and time is of the essence when trying to heal. Example) SGI wanted to wait until my initial assessment was finished (1 month later) until setting up physiotherapy. So, my parents set up physiotherapy and cognitive exercises with local places for me. Yes, SGI paid for it, but SGI/ my therapists did not arrange it.
12. I find the insurance company will make you sign various documents under duress. Be careful with this and get a lawyer when needed.
13. Get your lawyer to explain the disagreement procedure and the difference in courts. If your insurance company describes it, they will make it seem like both courts are EQUAL. They are not.
14. If you are going through an appeal, expect SGI to wait until the last minute to try to settle with you. SGI does not go to court because they are **right**; they go to court because they can (**afford to**).
15. Understand SGI WILL NOT help you if you have residual problems from your disagreement after going to court regardless of what they promise you. If the decision letter from the AIAC or the Queen's Bench did not address those issues, you and your family would have to incur **all** the costs of those problems.
16. Please realize time keeps ticking, and the court systems do not give you extra time for appeals. See a lawyer one day after getting your decision letter or better yet after your last day in court. After your appeal, except that you may have emergencies to deal with and courts will not allow you to get extra time to deal with this.
17. Expect SGI to issue you another decision letter about the same disagreement after you finished going through an appeal. I am unclear about this in all actuality. But the Commission issued me a decision. Later, SGI issued me another decision letter about the same issue. I missed the 2nd decision letter, so I could not appeal it. By SGI doing this, they were able to override the first letter/decision from the court (I think). In the future, the second letter would stay.

18. The insurance company may say they realize they were wrong wanting both parties to meet. Understand, this does not mean the insurance company wants to settle. This means they want to talk and give excuses. If they wanted to settle, they would just send you a letter and a cheque if money were involved. SGI is not going to waste time meeting if they think they are wrong.
19. Sometimes talk to another adjuster or contact your adjustor's supervisor. Some comments would not be recorded in my injury notes documented if I always talked to my current adjuster. I wish I would have emailed my adjuster's supervisor sooner. That was how I got my benefit, not through my adjuster.
20. If you are an over-achiever, A-Type personality, or smart (with a Brain Injury), you may have problems with your insurance company. Insurance companies deal with averages. What your insurance company sees you as doing well, could be your A-Type personality or overachieving due to your personality. They may reduce your benefits even if you still need support. Contact a lawyer about this.
21. SGI may ask your family to pay for some medical expenses out of their savings. My adjuster heavily implied this idea at the beginning of the claim. SGI wrote that in my injury notes. You tell them, "No." You paid for insurance, and this is the purpose of insurance. Please see a lawyer if this happens.
22. SGI may ask if the claimant can live at home with extended family members. Expect they will ask for this. I have heard this done in multiple people's claims. Insurance companies have other options at their disposal besides making the claimant live with relatives to assist them. Contact a lawyer about this.
23. Incriminating evidence has a way of disappearing. Emails and letters will not appear in your file. I have an old computer with emails from 2 other email accounts that are not in my insurance injury notes. So, it is like I never asked for help during those years.

Keep EVERY paper and email you send or receive from them. Also, document EVERY single conversation/phone call with SGI; I rarely talk to SGI on the phone as they neglect to document phone calls. If you email or speak to the lawyers for SGI, they typically do not document this in your injury notes.

SGI does not keep every email from you, even if they say they do. Any emails you send them, or they send you, go to the server – That is it!!! The emails must be copied and pasted from their email account into your injury notes for them to appear in your injury notes. And often they neglect to do this. And the adjuster can always delete the email.

24. Most people will think that the claimant not getting a benefit for 13 years is an isolated event; it is not. It is an extreme event. If it were an isolated event, two lawyers from Saskatchewan would not have written a 22-page document about the problems with SGI and the No-Fault system. Assume you will not get all your benefits from your insurance.
25. Always assume you will have to go to court and need evidence to prove your position. Document and keep everything that happens in your claim. Understand, SGI is not going to court because they are right; they are going to court because they can. That is a huge difference.
26. I will mention the Stanford Prison Study. You should look at a summary of that study. When I learned about the Stanford Prison Study, I started crying; not due to what happened in the study. But my situation with SGI and the AIAC had similar issues as the study.

In my situation with SGI at the AIAC, I felt like I am the prisoners with "no fight" at the end or having little choices available to me. I took this off the following website <http://www.prisonexp.org/conclusion/>

Close to the end of the study, some interesting thoughts occurred:

“Several remarkable things occurred during these parole hearings. First, when we asked prisoners whether they would forfeit the money they had earned up to that time if we were to parole them, most said yes. Then, when we ended the hearings by telling prisoners to go back to their cells while we considered their requests, every prisoner obeyed, even though they could have obtained the same result by simply quitting the experiment. Why did they obey? Because they felt powerless to resist. Their sense of reality had shifted, and they no longer perceived their imprisonment as an experiment. In the psychological prison we had created, only the correctional staff had the power to grant paroles.”

After you have read about the Stanford experiment, imagine the claimants representing themselves at the AIAC are the prisoners in this study, and SGI is the guards/correctional staff in this study. The Commission members are the onlookers in this study.

SGI objected to the type of evidence I presented to the AIAC, citing it was not acceptable in court. I could see the Commission members may have agreed with my evidence, but the type of evidence I gave was not suitable for court; therefore, my evidence was not allowed in court. The Commission members then asked if I had any other testimony presenting similar evidence. I replied, “Let’s just get on with this procedure; I am tired going through this (fight), and I want this over.”

At this point, I similarly felt powerless to resist anything at the tribunal. Did it matter if I opposed anything at the hearing? The laws dictate SGI wins through the restricted payment of expenses if you win your case, the inability to transfer appeals to a higher court, and the imbalance of legal knowledge between SGIs lawyer and the claimant. Also, the Commission members are not able to use all the laws at the AIAC, and the design of the disagreement process is heavily flawed.

In the same way as the prisoners, my sense of reality had shifted, I felt powerless to resist or fight SGI. It did not matter if I was to win that argument against SGI, I would end up losing regardless, due to the design of the system with regards to monetary reimbursement, legal knowledge, and in other ways. Only SGI, like the guards in the study, had the power to change anything in my situation. Whatever I presented to the Commission, nothing would change. SGI would always trump my evidence because of the unequal power distribution within the courtroom. Nevertheless, I would have lost. Going to the AIAC to get a decision changed in my automobile claim was one of the most demoralizing experiences I ever had in my life.

27. Do not listen to your doctor for legal advice. Listen to lawyers for legal advice. The lawyers help you get your benefits from SGI. The doctors assist you with expert opinions with getting your benefits.
28. Take lots of pictures with a date stamped throughout your claim in case you go to court. File the images accordingly.
29. Document and send an email to SGI when they do not send a pamphlet in your letter.
30. The adjuster’s DO NOT care whether you get everything you deserve. They go home to their families at the end of the day and they know if they ever have a claim, they will receive everything they deserve from the company. They also have no fear of repercussions for their actions. The adjuster in this claim got an EARLY pension by 10 years from the company and most of the employees involved with this case got promoted.
31. The adjuster’s go to classes to get better dealing with claims. When I say get better dealing with claims, I mean they get better at speaking to people to manipulate claims to go their way. I call them “corrupt classes”. They learn how to be more corrupt.

Do not be fooled; insurance companies know whom they are dealing with when they interact with them and know how to exploit everyone's weakness. I have heard countless stories of claimants having difficulties with getting benefits from SGI. I recently heard of a family member of an SGI employee getting benefits up until that family member retired from SGI. After his family member left SGI, he had a tough time keeping his benefits and dealing with SGI.

Every system, including the hospital and the ambulance system, has checks and balances, but why are SGI and the legal system surrounding the No-Fault system immune to checks and balances in Saskatchewan. Without a check in place, all you have is a lottery system for your auto insurance in Saskatchewan.

Is an Auto Insurance Monopoly the Best Choice for Saskatchewan? (Food for Thought)

SGI formed in 1945 because other provinces were getting profitable off Saskatchewan's back, providing Saskatchewan auto insurance without giving any residents jobs or the government any tax revenue. So, the government thought it would be a good idea to create an auto monopoly. It would create jobs in Saskatchewan as well as bring in tax revenue to the government.

But there is more information you need to know. You also must realize we just came out of a severe economic depression and were coming out of World War 2. The auto industry was just starting to pick up speed and growth, and this was a fantastic opportunity for Saskatchewan to capitalize on this. Also, realize that before the automobile or semi trucks, both train and ship delivered most goods. Since Saskatchewan was a prairie province, there was no way to capitalize on the shipping industry, so this was a prime opportunity for Saskatchewan to expand its economy.

However, I do not know if an auto monopoly was supposed to be in Saskatchewan forever; maybe it was just supposed to be a start to a free market. Considering free markets grow an economy faster than a monopoly, it may be in Saskatchewan's best interest to begin to look at more of a free market for auto insurance in Saskatchewan. If Saskatchewan's auto insurance went from a monopoly directly into a free market, it might encounter some of the problems in Saskatchewan, which it was trying to avoid in the 1940s. Possibly the better option would be for Saskatchewan to go first to a duopoly, then triopoly and then a free market. This way, with a duopoly, the shareholders would still be the government so both taxes and dividends would remain in Saskatchewan as well as jobs. This transition would take place over decades not just years.

Looking at other provinces and some of their free markets, some of the insurance companies do reside outside the province, but some people became innovative and started an insurance company within that province. And that is what you want to do ... create innovation within your province to spur on job growth, income, taxes, etc. And it would increase Saskatchewan's population because people would see an opportunity to create an insurance business in Saskatchewan, creating more jobs and taxes within the province.

Lastly, taxes have changed a little since the inception of SGI in the 1940s. I believe there have been court cases where tax dollars must be paid where the transaction took place. So, if a company is operating in many jurisdictions, taxes now must be paid in each jurisdiction. Whereas years ago, the tax dollars usually went to where the corporation was incorporated. But I do not know for sure.

If Saskatchewan or SGI resist this idea and do not look into this idea, you may want to ask yourself what their ulterior motives are. I mean, all Saskatchewan is doing is looking into transitioning into a duopoly.

Now, before you get all excited, I am not sure this is the right time to start diversifying from a monopoly to a duopoly. If you look at other examples in Canada, it may be best to start a duopoly at

the end of a recession or the beginning of a bull market. Timing is everything, and sometimes the wrong timing can kill everything. (I could give you multiple examples of this) SGI started at the cusp of a bull market, just after World War II. If you dig into this more in-depth, you will find after the economy goes into a recession, then there is a war which helps to get the economy out of a recession, and then we start into a bull market. What I think will happen in a few years is we will enter a SEVERE recession, inflation will take off, interest rates will rise (one of the monetary policies to stop inflation), then we will enter a war. And then, hopefully, we will enter another bull market.

Lastly, is an auto insurance monopoly the best idea for Saskatchewan? If it provided such cheaper auto insurance rates, then why isn't there a monopoly over house or tenant insurance in Saskatchewan? Makes you wonder, eh? It cannot be because SGI provides superior coverage because that just is not true. They have had a couple of court cases in Saskatchewan about not giving out insurance in a timely manner.