

STANDING ON THE SIDE OF TRUTH AND JUSTICE

BARRY J. MASON, PRESSÉ MASON

I am proud to be a personal injury lawyer and am proud of the work I do. I am also proud to be a long-standing member and past president of APTLA. I say this notwithstanding that Personal Injury lawyers are often derided and castigated by the media, the Insurance Industry and even by other members of our profession. Who among us hasn't heard the 'snickers' at a party when we tell people what we do for a living?

We advocate for those who have been marginalized and have little voice. The people we represent are injured, worried about their future and are concerned about their families. They are often in constant pain and are forced to abandon the activities they enjoyed prior to an accident. Too often they suffer financial strain and are stigmatized by society as "fakers and whiners". Marriages collapse, people lose their homes and occasionally accident victims succumb to the pressure and take their own lives. This is the sad reality. In most cases we are the only voice for these people and, in my view, we are privileged to be that voice.

The Insurance Industry (the "great exploiters") stigmatizes accident victims and attacks those who represent them. In their incessant drive for obscene profits and massive bonuses for CEO's and executives - they will stop at nothing. Certainly a little thing called truth never stands in their way.

At the start of this decade, the great exploiters told Nova Scotians that they were losing money and losing it fast. If "tort reform" (simply a euphemism for attacking the rights of accident victims) didn't happen then they would go bankrupt. The cause was skyrocketing claims costs, pesky lawyers and fraudulent accident victims.

Of course our Government capitulated. We responded by amplifying the voices of accident victims. We challenged the great exploiters and forced them to open their books and when we did, what a revelation it was.

We learned that the great exploiters' claims costs were decreasing, not increasing, prior to the cap being implemented. We discovered that the great exploiters were not only profitable, but obscenely profitable, with a 10% return on equity in 2002 and a 33% return on equity in 2003 (earned before the cap was implemented). It seems that the great exploiters didn't mind distorting the truth if it meant greater profits.

Years ago, Ralph Nader told our Association that the "greatest disinfectant is sunlight". By forcing the Insurance Industry to open their books, we were able to get at the truth. It was our Association and members that made this happen, and we should be proud of our efforts.



Barry Mason was awarded APTLA's Courageous Advocacy Award at our 10th Anniversary Conference in November, 2012.