

What the Jury isn't told at Trial

Personal Injury Matters, Ontario

Civil Trials – Car Accident Matters, Ontario

The vast majority of personal injury car accident trials that proceed do so with a Jury.

Lawyers for both the Plaintiff and Defence are only given the names, addresses, and occupations of the potential jurors. That's it.

A juror can be almost anyone that you meet on the street or in line at a coffee shop.

Jury Selection

In a civil trial for a car accident matters, typically there can be hundreds of jurors that receive a Jury Notice in the mail. They show up in a court room with their names in a ballot drum and then they are selected at random by courthouse personnel.

Lawyers may challenge a juror but only up to 4 jurors can be challenged by a lawyer.

There are 6 jurors chosen in car accident case in Ontario.

Once chosen, jurors work hard and are encouraged to come to a fair and just decision.

What Juror's aren't told in a Car Accident Case

Jurors hear most of the civil trial process, including an opening, closing, and what is called a "charge" by a Judge. The charge to the jury is usually a judge's instructions to a jury concerning the law that applies to the facts of the case on trial.

There are however many things that **JURORS ARE NOT TOLD** in a car accident case!

They include the following:

1. **Monetary Deductible** - The Plaintiff, or injured car accident victim, is facing a monetary deductible of **\$37,385.17** as of January 1, 2017 for all claims under \$124,616.21 (2017). This amount originated at \$30,000.00 however, it is indexed for inflation every year. **For example:** if a jury awards a plaintiff \$100,000.00 in general damages (pain and suffering), the plaintiff is only entitled to the balance of \$100,000.00 **less** the statutory deductible of \$37,385.17, resulting in a net award of **\$62,614.83**.
2. **Threshold** – In addition to the monetary deductible, the plaintiff is also facing a verbal threshold. The plaintiff would not be able to recover any damages for pain and suffering if it is determined that their injuries aren't permanent and serious. In certain cases, defence counsel may bring what is commonly known as a "threshold motion" at the conclusion of a trial. This is also NOT heard by the jury. A judge makes the determination in these cases of whether or not the plaintiff's injuries meet this verbal threshold.

3. **Defendant's Lawyer** – Jurors are not told that they are paid for by the insurance company who is representing the at-fault driver. In most cases, the at-fault driver is not obligated to pay any fees.
4. **Money awarded against at fault driver** – If a jury determines that any money is awarded against the at-fault driver, the at-fault driver does not pay these monies out personally – they are protected by their insurer up to their policy limits.
5. **Policy Limits** – The jury is not informed of the at-fault driver's policy limits. They can be \$1,000,000.00 or even higher.

Based on our extensive trial experience, and taking all of these factors into account that jurors are not aware of, makes for a greater risk to a plaintiff proceeding to a personal injury trial resulting from a car accident.