

Last week A.G. Eby stated that a key driver in increasing costs is “plaintiff lawyers strategically building the value of the claim” suggesting there is something untoward in lawyers doing their jobs. His statement implies that claims being advanced are somehow not genuine. Mr. Eby’s swipe at the legal community is disappointing and misplaced. As a lawyer and the Attorney General responsible for the administration of justice in British Columbia, Mr. Eby knows better. By taking a shot at the representation lawyers are sworn to provide their clients, Mr. Eby suggests that through the legal process injured British Columbians get compensation they don’t deserve. The effect is a loss of respect for the legal process. Mr. Eby may be more better-spoken than President Trump, but the attack on the rule of law is no less alarming than Mr. Trump’s frequent jabs at the American legal system.

Claims take time to resolve because injuries sometimes take time to resolve as well. While most people will recover from injuries in a crash in a few months, others develop permanent symptoms. It is often not possible to know at the time of the crash what injuries will heal and what will lead to lifetime disability. Mr. Eby knows this of course. He also knows that we must investigate injuries by hiring medical experts who will be able to explain why our clients have not recovered and what the future holds for them. This is the job we have always done. Mr. Eby’s comments only serve to distract, not contribute, to an understanding of what has really happened at ICBC. As Mr. Eby knows, ICBC’s financial position is a product of mismanagement, rising crash rates, and past governments treating ICBC as the government’s piggy-bank.

No one wants to have to hire a lawyer. Our clients only want a fair settlement and to be done with the process as quickly as possible. If ICBC consistently made fair offers early in the process, most claims would settle and huge costs avoided. Instead ICBC denies that claimants were injured, denies that they need treatment, and denies that lives have been turned upside down by crashes caused by careless drivers. Rather than deal fairly with injured individuals up front, claims get sent to ICBC defence counsel who (quite properly) strategically build the defence to the claim. This leads to more injured individuals needing counsel and helps drive up costs.

Last year, ICBC’s losses were revised from about \$300 million to \$1.3 billion over the course of a few months. The massive restatement of ICBC’s financial position demonstrates that ICBC management was asleep at the wheel - financial distracted driving at its worst. Where was the accountability? No one at ICBC resigned or was fired. Instead, Mr. Eby rewarded ICBC by allowing ICBC to design a system that “caps” compensation for British Columbians injured by careless drivers. Mr. Eby needs to turn his attention where it belongs: reduce the carnage on our roads caused by careless drivers, reduce distracted driving, and make those who do cause injury to others pay for the harms and losses they have caused. Those who make a mess must be responsible for cleaning it up—under the system currently being championed by Mr. Eby, injured British Columbians are left holding the broom.