



GITTENS & ASSOCIATES: A Unique Personal Injury Firm

Photos **Aamie Gillam** and **Elsie Reid**

Personal Injury is a competitive, albeit lucrative, area of practice. While many firms focus on increasing the number of claims they process, the team at Gittens & Associates has a distinctive approach.

“Different firms take different approaches,” says Ernest Gittens, senior and named partner. “Some go for a volume type of practice where the emphasis is on processing the claim as opposed to litigating it. This can be very efficient for minor routine injuries, much like an assembly line in a factory, and with sufficient volume it can be quite lucrative.”

At Gittens & Associates, they tend to get involved in more serious claims where clients have sustained more severe injuries. “We necessarily have to assist our clients through a whole range of different therapies and treatments,” Gittens says. As a result, they tend to work with a wide variety of medical and therapeutic professionals. This includes everyone from family physicians, medical specialists, physiotherapists, massage therapists, acupuncturists, chronic pain clinics, personal fitness instructors and vocational or rehabilitation professionals.

As their clients attempt to get back to work, they may engage functional capacity evaluators to help assess the client’s limits so he or she can ease safely back into the workforce. “A functional capacity evaluator will do tests which can help in assessing what a client needs to do to overcome the injury, but it’s also a vital part of trying to assess the amount of loss they’ve sustained,” Gittens says. “A person might get injured and go back to work, but because they’ve lost time from work and have physical or psychological restrictions, it’s going to affect their ultimate employability. You might not see an actual loss in their income, but they might not get that promotion. Or, they might not put in that extra time because

they have to leave work for physiotherapy; it impacts their long-term employability and ultimately their earning capacity.”

The team at Gittens & Associates is largely focused on litigation and courtroom advocacy, so a significant amount of their time is spent in court. However, industry wide statistics indicate 98 per cent of cases are settled without the need for a trial. “That preparation for trial and that willingness to go to court is an essential part of the settlement process. Until insurance companies realize you will take them to court, you’re not going to get their best offer,” Gittens says.

Though settlements can often take years, the most critical period is shortly after the incident or injury. Clients may be unable to work at that time, dealing with pain or mobility issues and the unknown of how their lives have changed. “There are a lot of things that can stress a client out just after the injury,” he says. “And your lawyer shouldn’t be one of them.”

This time can also be difficult financially, as fixed expenses remain constant while a client’s income might be reduced. Even with access to sick pay or disability insurance, income is often not what it used to be. And of course, not everyone has the option of going on sick leave or using disability insurance. “It’s a time when we have to be creative to find ways to assist our clients,” Gittens says.

With a willingness to take matters to court, the knowledge and creativity to help clients during difficult financial times, and their unique approach to personal injury claims, Gittens & Associates is truly a unique law firm in Newfoundland and Labrador. ■

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