



Your Source for Legal News

FULL DISCLOSURE

Fall | 2010

- p1 KLEIN LYONS KICKS OFF PROJECT RED RIBBON WITH MADD
- p2 VANCOUVER WOMAN LIVES LIFE ON HER OWN TERMS
- p3 ARRIVE ALIVE: HIGH-TECH SAFETY TECHNOLOGIES
- p3 IN OUR COMMUNITY
- p4 JAPANESE LAWYERS VISIT KLEIN LYONS TO LEARN ABOUT CLASS ACTION LAW

KLEIN LYONS KICKS OFF PROJECT RED RIBBON WITH MADD

By: Barbara K. Adamski



On November 17, 2010, Klein Lyons will be joining forces with the Metro Vancouver Chapter of Mothers Against Drunk Driving (MADD) to help raise awareness of the dangers of driving while impaired.

Project Red Ribbon is an annual campaign that kicks off in November and continues through to the first Monday after January 1. During the campaign, MADD Canada volunteers across the country distribute red ribbons and encourage Canadians to display or wear one as a sign of respect for the thousands who have lost their lives or sustained an injury due to impaired driving. "We hope to provide awareness about drinking and driving over the holiday," says Bob Rorison, President of MADD Metro Vancouver. "And we hope that people will pick up red ribbons and fly them on their cars or anywhere else they want to display them."

Klein Lyons is an official sponsor of the event, and partner David Klein will be one of the featured speakers. His speech will focus on the National Day of Remembrance for Road Crash Victims, a commemorative event that was started in 1993 by a British charity called RoadPeace and is now a global

"... We hope that people will pick up red ribbons and fly them on their cars or anywhere else they want to display them."

day of remembrance overseen by the World Health Organization (WHO). This year marks Canada's third annual National Day of Remembrance for Road

Crash Victims. "Klein Lyons is very pleased to be able to help get MADD's important message out to the public," says David Klein.

Join Klein Lyons and MADD on Wednesday, November 17, at Surrey City Hall, where there will be several speakers, including Surrey Mayor Diane Watts and Inspector Norm Gaumont of Traffic Services. The event starts at noon, and speeches will begin at 1 pm. Refreshments will be served.

While you're there, don't forget to pick up a red ribbon and wear it in honour of those who were killed or injured by an impaired driver. For more information, contact MADD at 604-552-9273 or Andrea Potter at Klein Lyons at 604-874-7171.



VANCOUVER WOMAN LIVES LIFE ON HER OWN TERMS By: Milton Kiang

In this second half of a two-part series, we look at how Teri Thorson, 37, quadriplegic from a 1996 automobile accident, began to look beyond her disabilities — at first, by gaining independence living on her own, getting a job, then competing in wheelchair racing. In 2004, she made it to the Athens Summer Games.

HOW DID YOU GET INVOLVED IN COMPETITIVE SPORTS?

In 2002, I tried wheelchair racing. I found a passion I hadn't felt for anything before, other than dancing. It was something I could do with my friends, family and with all abilities. It was challenging, but I felt it was something I could do well. And most importantly, I found a great connection to these other people in wheelchairs who I stayed away from previously.

HOW DID YOU ENTER THE '04 PARALYMPICS IN ATHENS?

The Canadian athletic team could only take 40 athletes. With the points I made in competitions since 2001, I came in 42nd place, just missing the team. But months later I got the call that an athlete was disqualified, and they asked if I was ready to go.

When I arrived in Athens, it felt surreal. Here I was, at the start line with girls that have been doing this [wheelchair racing] for many more years than me. They were so far ahead of me the previous year that I thought it was hopeless to be in a real competition.

In the semi-finals, I got a personal best and beat some of those girls to make it to the finals. In the finals, I got another personal best, this time, coming in eighth.

It was the biggest moment in my life. What made it so much better was seeing thousands of people cheering us on, waving Canadian flags, and knowing everyone I knew back at home was tuning in — focusing their positive energy on me.

YOU NOW HAVE AN EIGHT-MONTH-OLD SON. WHAT CHALLENGES DO YOU FACE IN RAISING A CHILD?

I really wanted to have a baby. I felt that



Photo courtesy Kevin Bogetti-Smith

Teri Thorson's introduction at the 400m wheelchair race, Athens, Greece.

I was in a great emotional and financial place and that I'd have a lot to offer as a mother.

Physically, I cannot do a lot of things for my baby, like change him, get him dressed, or pick him up off the floor. Sometimes it's hard as I can't get down on the floor with him and play or get him out of his crib when he's crying. But I feel like there are so many more nurturing things I can do with him, like feed him and soothe him and play with him on the bed, or take him on my lap for walks.

I UNDERSTAND YOU PLAN ON STARTING A NEW BUSINESS.

I've created my own line of trendy and fashionable clothing specifically for people in wheelchairs. They are custom-fit clothing for the customer,

designed based on what is in style for the current season, and will be sold online. I call it Normal? Fashions. Because what is normal, anyway? I have developed a few prototypes and I'm now looking for a partner to help get it up and running.

ANY OTHER PLANS FOR THE FUTURE?

I would definitely like to get this line of clothing out there, have another baby, pick up another sport, get a house and do some motivational speaking. But most importantly, I want to be the best mother, wife and person I can be.

ARRIVE ALIVE By: Andrea Potter

High-Tech Safety Technologies: Adaptive Cruise Control and Lane Departure Warning

You no longer have to be rich to be safe. Two interesting technologies that have been around for many years on high-end luxury cars and some imports are finally mainstream.

The 2010 Ford Taurus includes adaptive cruise control at a very affordable \$26,000. Adaptive cruise control is a radar-based technology that allows the driver to set a top cruise-control speed, but adapts that speed to the surrounding traffic. The driver steers but doesn't need to touch the brake or the gas. The radar emitter pings and checks for potential dangers. A computer correlates this data with the speed and location of potential hazards (such as approaching cars) to determine if a crash is imminent. The computer then warns the driver, primes the brakes and tightens seat belts. This radar technology is similar to that used in F-22 fighter jets and is designed to work with future vision technologies. For more information on Ford's innovations, watch the Drive Safe video on Ford's website.

Another mass-market safety feature is the lane-departure warning system,



which judges an approaching vehicle's speed and distance, determines if your car is wandering out of its lane and warns you of potential dangers.

There are two types of systems: those that warn only and those that warn then take action. Different car manufacturers use different technologies. BMW, for example, uses a video sensor to detect lane markings. The sensor recognizes when the car is straying from its lane and, with a slight vibration of the steering wheel, warns the driver. It is used primarily for highway driving and becomes active at 70 kilometres per hour.

The second type of system has both the warning system and brake-actuator controls, which apply pressure to the wheels to turn the vehicle back into the appropriate lane. Nissan and Infiniti are two companies that use this technology in several of their models.

With new safety technologies becoming more and more affordable, we may one day reach the point where on-board technology will eliminate collisions.

IN OUR COMMUNITY

David Klein has been rated by both Lexpert and Best Lawyers in Canada for 2010 as a leading lawyer in BC in the practice area of Class Action Litigation.

The Complex Litigation Management Conference takes place November 16–17, 2010, at Four Seasons Vancouver. David Klein will

present Latest Developments and Strategies on Class Actions.

Pain Pump Class Action Update

On August 26, 2010, the Chief Justice of Saskatchewan released his decision on the Defendants' application for leave to appeal from the lower court's certification of Klein Lyons' pain

pump class action.

Leave to appeal on certification was denied, with leave granted only on the question of whether the Saskatchewan Consumer Protection Act applies to pain pumps. For more information, visit <http://www.kleinlyons.com/class/shoulder/>.

JAPANESE LAWYERS VISIT KLEIN LYONS TO LEARN ABOUT CLASS ACTION LAW

By: Barbara K. Adamski

On September 28, David Klein hosted a group of lawyers from the Japan Federation of Bar Associations, who were in Vancouver conducting research into the Canadian class action system to see if a similar system would work in Japan. The delegation included lawyers Yukitaka Sasaki (Tokyo), Tomokazu Otaka (Osaka), Noriko Homma (Tokyo) and Sakae Eno (Akita). Junji Suzuki, a lawyer from San Francisco, acted as interpreter for the mission.

Japan currently does not have a class action system like Canada and the U.S. have. In Japan, those who would normally fall within a class action must sue individually, no matter how many people have a similar legal claim. "The disadvantage to the Japanese system," says Otaka, "is that there are many people who get left out. And that is a huge injustice." Because the current system can't help those people, the group hopes to create a new system that will.

Members of the delegation have been diligent in their research. Three

years ago they visited the United States, and last year they visited Brazil to study what those countries' class action systems entail. Upon returning to Japan, the committee will make recommendations so that a decision

have a class action system as early as 2012.

"It was great meeting with the Japanese lawyers to talk about the successes we've had in bringing access to the justice system to so many



Photo: Barbara K. Adamski

can be made as to whether or not Japan should implement a class action system. If the new system gets the go-ahead from the Japanese government, the committee hopes that Japan will

Canadians" said Klein. "My hope is that those insights and the information they obtained from U.S. and South American lawyers will lead to the adoption of a similar system in Japan."

Above photo, from left to right: Junji Suzuki (interpreter, San Francisco), Noriko Homma (Tokyo), Tomokazu Otaka (Osaka), David Klein, Sakae Eno (Akita), Yukitaka Sasaki (Tokyo)

OUR FEE GUARANTEE:

"Our fee will be a percentage of your settlement or court award. If we don't win, you pay no fee — that's our fee guarantee."

REFER A FRIEND

Many of our new clients come from referrals of satisfied clients just like you. We appreciate your business and your referrals. If you know someone who needs our help, please give him or her our number for a confidential and free consultation.

604.874.7171



Vancouver

Suite 1100, 1333 West Broadway
Vancouver, BC V6H 4C1
Telephone 604-874-7171
Fax 604-874-7180

Toronto

Suite 1220-65 Queen Street West
Toronto, ON M5H 2M5
Telephone 416-506-1944
Fax 416-506-0601

www.kleinlyons.com

Email info@kleinlyons.com