

by DAVE GORDON

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JASMINE DAYA

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PROTECTING AND DEFENDING THE INJURED

For personal injury lawyer Jasmine Daya, serving her clients is all about the personal touch.

“I want us to provide quality legal services, instead of focusing on more clients and more files.” she insists. “My mentality is very different than most other lawyers. I will never be a volume based firm.”

Her main focus, as Managing Principal for the personal injury firm Fireman Daya and Company, is on claims involving minors, club assault, nursing home abuse, motor vehicle claims, disability claims and slip/trip and fall incidents.

Her knowledge base has been tapped on various occasions, as

guest lecturer for the Insurance Law course at Queen’s University, on Career Day at the Bishop Strachan School, and also as a speaker at conferences held by the Ontario Trial Lawyers Association, and at various events held by the Faculty of Law at Queen’s University.

Jasmine recently launched the website, JD in the Kitchen (www.jdinthekitchen.com), with simple recipes and advice on balancing a career with preparing family meals. She has a cookbook that will be released in 2018.

Jasmine also published her first fiction novel, “Law Girl’s Bump in the Road” under her pen name, Leia London which can be purchased on Amazon as an ebook or paperback.

My Business Magazine caught up with Jasmine to find out more about her skills, expertise and how she helps her clients.

MBM: What’s different today about the personal injury realm?

Jasmine: The landscape of personal injury has changed, immensely. The insurers are becoming more and more aggressive

in fighting claims. That requires us to be more aggressive in our approach.

MBM: What separates you from your competitors?

Jasmine: First, I trained under Jack Fireman. He is one of the former leaders of the insurance defense bar. Then, in 2001 he flipped sides and started doing personal injury. I articulated for him in 2005, when he started his firm. He only had one associate, and I was his student. He basically took me everywhere, and I learned everything. It was the best training I could have obtained. In fact, I strongly believe that nobody in the personal injury world that’s around my year of call obtained that type of experience, because of where he was in his career, and what he required. So, that definitely sets me apart.

I think, aside from my training, my personality is very different than most personal injury lawyers. I’m down to earth, and I tell it how it is. I don’t sugar coat things. I’m not a stereotypical lawyer. With my clients, I’m always a real person.

I think a lot of my clients are very intimidated to meet with a lawyer. A lot of my clients haven’t been in a personal injury situation. They’re understandably nervous to come to my office and to attend at proceedings.

I think that some lawyers fail to recognize that.

Not only do I prepare my clients as a lawyer should, but I also tell them exactly what to expect. I’ve taught my associates to do that too. I know my clients are anxious, there are suits all around them, they’re in a place they’ve never been before, in an office building or at a courthouse.

I guide them with the same care that I would give to my parent or sibling. I give them directions, explain the proceeding they will attend at right down to details of where they will sit and where they will stand. I ensure that they have the knowledge that will make them a little more comfortable than they otherwise would be in the legal proceeding.

MBM: What are some of your clients’ initial concerns?

Jasmine: Well, the main concern for every client is the cost of litigation. The cost of the lawyer. They know about the term “contingency fee”, but they want assurance that there is no upfront money, because they generally don’t have a lot after an injury that often times makes them unable to return to work. They also ask about what happens if we lose.

I don’t sign clients if I don’t believe I can be successful in a case. Can I guarantee success? No.

If they’re sitting across from me and I’m telling them I want to represent them, it’s because I strongly believe there is value to their case. The truth is that I am working on contingency, I only get paid if there is a successful resolution.

I think discussing costs, and explaining the contingency fee arrangement, and reassuring them is really important.

Many want to know how long things will take, and what the next steps are in the process. And I walk them through it. Then again, if all they want is for me to look after everything, and not bother them with detailing every stage of the proceeding when we first meet, we can do that, too.

MBM: What about your work brings you most meaning?

Jasmine: Really, it’s helping my clients, and knowing that I can provide some assistance. There’s no amount of money that

can take away their pain.

I have an eight-year-old client, and she fell at school due to lack of supervision. I’m bringing a lawsuit against the school because this incident would not have occurred but for the negligence of her teachers that were entrusted by my client’s parents to provide care for their daughter. Making matters worse was that after she fell and had sustained obvious injury, her teachers did not provide any assistance nor did they call her parents. She was expected to go back to class and to stop crying. As a result of the fall, she sustained a concussion and the school failed to follow proper concussion protocol causing further issues, she has vision issues, she started talking like a toddler, she is unable to feed herself and she is having difficulty walking – she drags her leg which a few weeks after the school incident caused her to fall and sustain a fracture to her arm.

Her parents are driving her from where they live out of town to Sick Kids to see a team of specialists each week for all her appointments.

They had to pay \$1,000 for new glasses. The benefits from her father’s work only cover \$500, and the costs are mounting. The father is continually missing work as a result of the incident and he fears that eventually his accommodating employer is not going to be so accommodating. They have three kids, and they’re of modest means.

It gives me great pleasure and satisfaction to be able to provide whatever assistance I can to this client and her parents. Because those five hundred dollar bills, here and there, or even gas and travel expenses just to get to these appointments, that’s a lot of money to them. In addition, the family is suffering from mental anguish every minute of every day because of the incident itself and the aftermath.

A lot of personal injury lawyers will not sign minors because they are really difficult claims. You usually don’t have a witness because often times a minor isn’t able to convey all the details so you don’t have great evidence, and once you settle a claim for a minor you have to get it approved by a court.

A lot of personal injury lawyers don’t want to deal with that possible fee reduction and extra work to get the settlement approved by a judge. Then, once the settlement is rejected by the court as it often is, there is more work required to attempt to get it approved again, and so on. On a claim that doesn’t involve a person under a disability which includes minors, there is no court approval process. The parties come to an agreement, sign papers and a cheque is delivered.

After having three of my own children, hearing the stories involving minors that sustain personal injuries usually brings me to tears, or close to it. I can’t tell you how many times I have met with parents, hear the story involving their child and feel that knot in my throat. The stories of abuse and neglect causing injury hit me hard. It drives me to fight for these kids.

After a few months of working with me, my associate asked, ‘How many kids do you have?!’ I’m like, ‘No, no! Not my actual kids. I mean my clients.’ At the office, I refer to all my minor clients as “my kids”. Thankfully my associate now understands, and doesn’t stare at me with curiosity about how many children are running around my house.

Dave Gordon has penned more than a thousand articles, and more than five hundred editorials, on every topic imaginable. He writes regularly on domestic and international politics, current events, culture, relationship issues, and much more.

He has spent time in the newsrooms of the Toronto Sun, Pittsburgh Post-Gazette, Baltimore Sun, National Post and eye Weekly.