

Tort reform generally refers to limiting the rights of those injured through the carelessness of others to the benefit of insurance company profits. To this end Alberta and Nova Scotia enacted laws over the last several years artificially capping the compensation certain injured people can claim for non-pecuniary damages (money for pain and suffering and loss of enjoyment of life).

These laws have been the subject of various court challenges and in [2009 the Alberta Court of Appeal found that Province's Soft Tissue Injury Cap was constitutional](#) and around the same time [Nova Scotia's Court of Appeal concluded that their 'minor injury claims' cap was also valid.](#)

It's against this background that I read a surprisingly refreshing headline today at The Lawyers Weekly. The Nova Scotia government is considering abolishing their "minor injury cap" which limits non-pecuniary damages in that Province for certain injuries to \$2,500. One of the problems with the law is that many serious injuries such as broken bones and chronic soft tissue injuries could be considered 'minor' given the wording of the law.

The Lawyers Weekly reports that the Premier of Nova Scotia claims that the cap '*is preventing people who have been seriously injured from pursuing compensation and will not survive in its present form*'. I could not have summarized the unfairness of these laws better than the Premier himself did when he stated that "*Insurance is a product designed to protect people. If you exclude people from protection...then by definition you're not delivering the product that has been paid for*".

Nova Scotia is apparently seeking public input on the best way to revise this 6 year old law. The insurers who profited under this law will likely rally against this change. For this reason those interested in seeing this law overturned and having the rights of those injured through the fault of others restored should make sure their voices are heard. You can voice your support for this positive change by contacting the Government at the following address:

The Office of the Superintendent of Insurance
PO Box 2271
4th Floor
Provincial Finance Building
1723 Hollis Street
Halifax, NS B3J 3C8