

Sep 3 • Written By Thijiba Sinnathamby

# MK Disability Lawyers

## *1. Tell me about you and your practice.*

We have 50 years of cumulative experience working as long term disability lawyers. Unlike many other firms that focus on other areas of the law such as personal injury or employment law and practice disability law as an adjunct, our focus is solely on long term disability. We have extensive expertise dealing with individual/private policies geared towards professionals and self-employed individuals and we frequently represent teachers in their claims against OTIP. We have represented clients against every insurer operating in Canada and some US insurers for both group and individual claims.

As the only women-owned, women-led long term disability practice, we felt that it was essential to create a space where individuals felt safe, comfortable and supported. Vulnerable and traumatized individuals typically find it incredibly difficult to open up about their experiences. They are deeply concerned about being judged or intimidated and they find it difficult to trust others. They feel diminished by the prospect of having to pursue litigation. We wanted to create an environment where clients (men and women) feel free to share their experiences without worrying about how they will be perceived and where they can feel comfortable knowing that their experiences will be validated, understood and accurately conveyed through vigorous advocacy.

## *2. What can a client expect by being referred to you or your firm?*

**Expertise:** When you have practiced in the same area of the law for many years, you gain a level of expertise that goes beyond knowledge of the law. You gain a deep understanding of how insurers operate, an understanding of the idiosyncrasies of the individuals tasked with making decisions at the insurance

...more than calls or does not give them the time of day. They are frustrated because they have to leave multiple messages with assistants or paralegals before receiving a return call from a lawyer or being able to book a face to face meeting. This results in intense frustration and leads clients to believe that they are commodities in the lawyer's practice rather than individuals in need of assistance. We believe in handling all client calls ourselves and getting back to clients expeditiously so that they feel valued and heard. By keeping our commitments and giving the clients of our time, we foster and develop relationships of trust.

**Collaboration:** It is important for clients to feel as if they are able to control their destinies. By sharing with clients how we see their cases and what our strategies might be, we help them put their faith in us and what we hope to achieve for them. It is important that this goes beyond the financial outcome of their case and extends to what we hope to achieve for them emotionally and practically. Often client satisfaction goes well beyond a successful financial outcome. Closure, validation, and being supported and guided through their emotional journey means a lot to clients and these intangibles cannot be ignored.

**Managing Emotions:** Given the stress levels that our clients are under, there are often times where they are emotional or may be triggered by learning information such as how the defence sees their cases or the weaknesses they may be facing in their case. Understanding what experiences the client has undergone that may predispose them to reacting a certain way and understanding how the information that is being delivered might be received by them, helps us manage difficult interactions successfully. Gaining an understanding of our clients helps us guide them through the litigation process by helping them digest what they may be faced with as the litigation process progresses. Engaging in simulations and delivering negative messages in a sensitive manner can help a client navigate the process of litigation more easily.

**Authenticity:** Lawyers often portray that they are there to help the client but clients can sense when there is genuine authenticity. In the absence of genuine empathy, a client will perceive the lawyer to be machiavellian. While it is important to ensure that the relationship with the client is always a professional lawyer-client relationship, injecting humanity into lawyer-client interactions does not detract from professionalism. In fact, the clients with whom authentic connections have been established, often go on to state that their experience through the litigation process was much better than they expected and that their perception of lawyers changed considerably.

**Accommodations:** Due to their disabilities, many of our clients require accommodations from us. Aside from the usual physical accommodations, clients may need to be accommodated emotionally. For instance,

disempowering process.

### *3. What is something you wish you knew about your practice when you first started out that you know now?*

#### **Leanne**

That an aggressive letter from opposing counsel is more often about posturing and positioning than a preview of the ultimate outcome of a claim. Even the most contentious and adversarial litigation can yield a positive outcome.

#### **Courtney**

Early on I often found it difficult to disconnect from my work, at the end of the day. I did not anticipate how emotionally draining it could be representing individuals who are suffering emotionally and financially. Listening to and supporting my disabled clients is what I enjoy most about my practice. I've since learned that I can still be empathetic and maintain my own sense of balance and perspective in my life *and* in my practice.

#### **Rupa**

I wish law schools would teach psychology and behavioural economics. We are taught cases in a vacuum as if they are only dependent on facts and legal analysis. In reality, there is so much human psychology that impacts decision making and negotiations within litigation. A book I read recently called "Thinking, Fast and Slow" by Daniel Kahneman, which I highly recommend to all lawyers, explains how people believe that they are behaving logically, however the reality is that their behaviour is often determined by instinct and emotion.

### *4. What are some challenges you (or women in general) face in the profession? How do you overcome them?*

#### **Leanne**

When I started practicing law 20 years ago, the legal profession was very different. Female lawyers were in the minority. If I attended a discovery with a male articling student that I was mentoring, it was assumed that he was the lawyer and I was the student. Perceptions have changed a great deal in recent years, which is wonderful to see! The biggest challenge that women in the profession face now is competing from a

**Courtney**

I have faced all of the same challenges as Leanne. To expand on the challenges of owning and leading a law firm, I have also found that a major challenge has been that I am not naturally inclined to self-promote. Telling potential referral sources or clients about how experienced I am or how good I am at what I do can be a challenge for me. I believe some of this is my personality but some of it is also that, as a woman, I have not been raised in a way that encourages me to self-promote in the same way that some men do.

**Rupa**

I have had very similar experiences to my law partners and I find that these challenges have compounded being a woman of colour in the legal profession. I have had many discussions with my female BIPOC colleagues and we face challenges at all stages of our law firm careers from hiring, retention and promotion. Biases and microaggressions from colleagues, other lawyers, decision makers, and clients are something that we contend with on a regular basis. What has been the most helpful to me was finding mentors who are also women of colour and who had dealt with similar issues.

**5. *What is on your nightstand?***

**Leanne**

Although there is always a compelling book on my nightstand, I think that says the least about me. I have several items on my nightstand that were given to me by my late aunt. She was a strong influence on my life not for what she achieved, but for who she was. Her generosity of spirit was never dampened by external circumstances. She faced many obstacles in her life but never lost her ability to commit emotionally.

**Courtney**

There is a stack of books a foot high on my nightstand; from thrillers to health and wellness books. While I would like to say, I'm getting through that massive pile of books, the reality is that sleep usually gets the better of me.

**Rupa**

Games trilogy.

## Nadia Zaman >

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