

When The System Fails: Why I Pivoted From Personal Injury To Private Lending Law

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Geraci LLP

Some may know that I've recently embarked on an exciting new journey south of the border as co-owner of Geraci LLP, alongside my partner, Anthony Geraci. Anthony founded the firm in California in 2007, focused exclusively on legal services for the private lending community. Joining forces with him has given me the opportunity to grow professionally in a vibrant, forward-thinking sector — one that feels increasingly different from the legal environment I've known for over two decades in Ontario.

Why I stepped back from personal injury

I still maintain my civil litigation law firm, JD & Co., which has always focused primarily on personal injury law. However, the number of files I take on in this area has declined significantly — not because I've lost interest, but because the system is making it nearly impossible to help clients in a meaningful way.

A system designed to fail the injured

Over the past several years, the law has steadily eroded the rights of accident victims in Ontario. The statutory deductible on general damages in motor vehicle accident claims is now over \$45,000, meaning a victim must suffer very serious injuries just to receive a penny of compensation. Most injured parties are slotted into the Minor Injury Guideline, which caps medical and rehabilitation benefits at \$3,500 — regardless of whether that amount is remotely adequate.

When disputes arise, claimants face an uphill battle at the Licence Appeal Tribunal, where statistics show they lose about 80 per cent of the time. Meanwhile, plaintiffs are often unable to fund their own expert reports, filing fees or disbursements — leaving their lawyers to carry those costs indefinitely.

The government has even quietly introduced a 90-day notice period for slip and fall claims on private property, in addition to the 10-day notice rule on municipal properties, increasing the number of meritorious claims that get shut out before they begin.

Court backlogs and 'analysis paralysis'

As if that weren't enough, the court system is more backlogged than ever — a reality I've spoken out against publicly since the pandemic began. What frustrates me most is the continued cycle of "working groups" and "task forces" offering endless analysis and recommendations without real action. This is classic "analysis paralysis." The problem is not complex: the courts are backlogged. The solution is straightforward: clear the backlog.

Here are some real steps we can take:

- Hire more judges. The shortage has persisted for years — why?
- Open the physical courts and reinstate in-person service desks.
- Expand court hours to include evenings and weekends. Justice shouldn't be confined to 9-5.
- Consider hiring lawyers to assist judges (see my proposal below).

If given the chance, I would gladly volunteer to serve as a night court judge to help move things along.

A modest proposal: Part-time judicial support for the Superior Court

While I understand that s. 96 of the Constitution Act, 1867 requires judges of the Superior Court to be federally appointed — and rightly so, to preserve judicial independence — I believe there's room for innovative thinking within those constitutional boundaries.

If we can appoint deputy judges in small claims court to help with backlogs on a per diem basis, why can't we establish a similar mechanism — perhaps under a different title — for the Superior Court on a limited, consent-only basis? For example, motions for actions to be tried together, timetables, simple amendments to pleadings, to validate or substitute service.

Here's what I'm proposing:

- Experienced legal practitioners could be appointed as "Supplemental Judicial Officers," They would hear uncontested matters, motions on consent, case management conferences, and procedural motions (e.g., transfers, extensions, undertakings/refusals),
- They would work evenings and weekends, outside traditional court hours,
- And they would be paid a modest stipend, similar to deputy judges in small claims court.

These professionals would not decide constitutional matters, conduct trials or issue rulings in adversarial disputes — preserving the integrity of s. 96. Instead, they would function in a supporting, administrative or facilitative role, helping to clear the backlog while full-time judges focus on complex and contested matters.

If done carefully and with full transparency, I believe there is a legally compliant path forward. Perhaps these roles could be created under the supervisory authority of a federally appointed judge or structured through a statutory pilot program vetted for constitutionality.

I am confident that Ontario's legal community includes many seasoned practitioners who would step up to serve, not for the pay, but for the opportunity to help restore access to justice. I, for one, would be the first to volunteer.

Contingency work: High stakes, low rewards

In personal injury law, contingency-based billing has always aligned my incentives with those of my clients. I only get paid when they do, so I'm driven to resolve files quickly and secure the best result. But the system has become so broken that it's increasingly difficult to serve clients effectively.

An example of systemic delay

I currently have a case that arose seven years ago — and we still haven't completed Examinations for Discovery. The file was transferred from another firm due to a near-missed limitation period (fortunately saved by Family Day). That triggered a second claim, then a motion to consolidate, then issues with a defence lawyer abruptly ending a Zoom discovery and refusing to produce her client. I had to bring a motion to compel her attendance — an eight-month delay just to secure a court date. One of the claims was then administratively dismissed, and I had to scramble (and pay another \$339 motion fee) to revive it.

Meanwhile, my client's medical records are outdated, needing costly updates. I still have to pay staff, software licences, LawPRO premiums, law society dues, and everything else that comes with running a law firm — while files sit idle, depreciating in value. Insurance companies know this and routinely offer 20 cents on the dollar, betting that clients will take whatever is offered rather than wait another three to five years for a trial date.

Lawyer burnout is real

This is the environment that led me to diversify into entrepreneurial pursuits like my real estate investments, bar/nightclubs and now, private lending law. But not every lawyer has that option. Many are trapped in a system that feels broken beyond repair. The stress is overwhelming, the workload unmanageable and the financial returns — once tolerable — are dwindling rapidly. The emotional toll is very real. We are in danger of losing a generation of lawyers not because they aren't passionate, but because the system no longer serves them — or their clients.

Final thoughts

I remain committed to the practice of law, but my focus has shifted. At Geraci LLP, I am energized by the opportunity to work with private lenders and build something innovative, effective and rewarding. The contrast with what I've experienced in Ontario's personal injury system is stark — and sobering.

My hope in writing this is to spark dialogue, encourage reform and remind the legal profession that we owe it to our clients — and to ourselves — to do better. I recall watching the TV series Night Court as a kid; I'm ready to take on the role anytime to give back to the profession that has given me so much.

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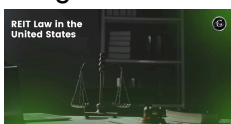


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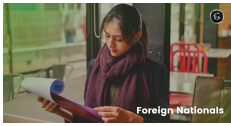
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