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The *Osgoode* Certificate in Personal Injury Law & Practice

A one-of-a-kind program designed for plaintiff counsel in
personal injury and medical malpractice

MODULES 1 - 4
AVAILABLE VIA WEBCAST
* see reverse for details

April 4 - May 12, 2014 | 5 Modules over 6 Weeks | Toronto, Canada



Professional Development
CLE



LSUC (ON) CPD: 33.5 CPD Hours (27.75
Substantive, 5.75 Professionalism)

Osgoode Professional Development has been approved
as an Accredited Provider of Professionalism Content
by The Law Society of Upper Canada.



Program Details

Dates

Module 1

Client Management
April 4, 2014

Module 2

Expert Evidence
April 23, 2014

Module 3

Discovery and Mediation
April 30, 2014

Module 4

Trial Preparation
May 6, 2014

Module 5

Trial Advocacy
May 12, 2014

The program will be held at
Osgoode Professional Development's
Downtown Toronto Conference Centre.

For Further Program-Related Information

Please contact:
Stéphane McRoberts
Program Lawyer
at 416.619.4351 or email
smcroberts@osgoode.yorku.ca

"I enjoyed the program and would recommend it to anyone practising in the field."

Ronald Bildfell
Ronald Bildfell
Professional Corporation
(2013)

Why You Should Attend

Personal Injury Law is an area that is constantly growing and changing. The stakes are high both because of the size of the rewards and the devastating impact of failure for your client.

Taught by a highly distinguished faculty of lawyers, mediators, judges and doctors, the *Osgoode Certificate in Personal Injury Law & Practice* covers the key principles you should know, together with practical insights, strategies and tactics for being an effective advocate for plaintiffs. This is a one-of-a-kind opportunity to get not only a comprehensive overview but also "drill down" into the key issues and challenges that are likely to come across your desk. You will receive materials prepared by the speakers that will provide a valuable ongoing resource.

In this unique, comprehensive program, you will learn from leaders in the field and participate in a learn-by-doing skill building program that will give you the opportunity to develop and practise essential trial skills.

Key Benefits: What You Will Learn

- How to determine the value of the file in the initial client meeting
- Tips for drafting the retainer agreement and ensuring the client has a clear understanding of its contents
- Strategies and tips for conducting a discovery
- How to ensure you object to improper questions on discovery
- The most effective ways to lay the foundation for expert testimony
- How can counsel avoid crossing the line between properly "educating" the expert and improperly "tainting" him/her?
- How to effectively prepare for mediation
- Demonstration of a powerful opening statement at mediation
- Ethical issues to be mindful of at mediation
- Evidence law for the personal injury lawyer
- How to analyze relevant causation issues
- Making the most of a pre-trial
- How to make use of evidence at trial
- Advocacy workshops with feedback from experts in the field

Who Should Attend

- Personal injury lawyers
- Medical malpractice lawyers
- In-house counsel
- Medical consultants to disability insurers and litigators
- Mediators and arbitrators
- Structured settlement specialists

This program is designed for plaintiff-side personal injury lawyers but would also be of benefit to mediators, arbitrators, in-house counsel and consultants. There will be an emphasis on the practical, and classes will be taught using a blended-delivery method that includes lectures and panel discussions. Delegates will have the opportunity to both watch demonstrations and to receive feedback on their own advocacy skills in workshops led by leaders in the field.

THE CURRICULUM

MODULE 1

April 4, 2014, 9:00 a.m. – 5:30 p.m.

Client Management

The Certificate kicks off with two presentations on the unique characteristics of the lawyer/client relationship with a personal injury plaintiff. Experienced counsel will explain:

- How to determine the value of the file in the initial client meeting
- Tips for drafting the retainer agreement and ensuring the client has a clear understanding of its contents
- The importance of setting boundaries in the lawyer/client relationship
- The types of communication that a lawyer will need to have with treating physicians and other caregivers and how to ensure no obligations of confidentiality are breached

After giving you a solid foundation on proper governance of the client relationship, the faculty will focus on those issues that you need to turn your mind to once the file has been opened. Specifically, panelists will discuss:

- Creating a theory of the case
 - considering possible damages
 - understanding sources of recovery
 - identifying all potential defendants
- Managing subrogated claims
- Understanding priorities in insurance
- Pre-discovery strategy
 - when to secure expert reports/damage assessments
 - creating a proper discovery plan

The first module will conclude with a panel on preparing your client for discovery, including a discussion and demonstration of ethical techniques for preparation.

Faculty

Alf Kwinter, Singer Kwinter
 Ava Hillier, Hillier & Hillier Personal Injury Lawyers
 James R. Howie, Howie, Sacks & Henry LLP
 Jeffrey Strype, Strype Barristers LLP
 Andrew Murray, Lerner LLP
 Fiona Brown, Miller Thomson
 Paul Harte, Paul Harte Professional Corporation
 Catherine Wilde, Fleck Law
 William McMaster, Singer Kwinter

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MODULE 2

April 23, 2014, 9:00 a.m. – 4:45 p.m.

Expert Evidence

In Module 2, participants will have the opportunity to hear from a multidisciplinary faculty of judges, expert witnesses and counsel on a number of issues, including:

- When is expert evidence needed in personal injury cases?
- Using experts retained by the accident benefit carrier in the tort claim
- Admissibility and reliability
- The most effective ways to lay the foundation for expert testimony
- The extent of the expert's duty to the court
- How can counsel avoid crossing the line between properly "educating" the expert and improperly "tainting" him/her?
- Identifying expert bias
- How many experts' reports? Sensible cost-benefit approaches and defending your choices
- How to control your expert
- When and how to argue that the other side's expert has assumed an advocacy role

Faculty

The Hon. Justice Mark Edwards, Superior Court of Justice (Ontario)
 The Hon. Justice Bruce Glass, Superior Court of Justice (Ontario)
 The Hon. Justice Peter Howden, Superior Court of Justice (Ontario)
 The Hon. Justice Thomas McEwen, Superior Court of Justice (Ontario)
 John J. Adair, Adair Barristers LLP
 Michael I. Burgar, Matthew Abogado LLP
 Dale V. Orlando, McLeish Orlando LLP
 Dr. Hal Scher, C. Psych., CCRC, Clinical Neuropsychologist
 Adam R. Little, Oatley, Vigmond LLP
 C. Kirk Boggs, Lerner LLP
 S. Wayne Morris, Dutton Brock LLP
 Russell Brownlee, B.Sc., M.A.Sc., FITE, P.Eng., Giffen Koerth Inc.
 Salvatore Shaw, McLeish Orlando LLP
 Todd J. McCarthy, Flaherty Dow Elliott & McCarthy LLP
 Arthur Ameis, BSC MD FRCPC DESS FAAPM&R, Psychiatry; Lecturer Insurance Medicine & Medicolegal Expertise, Université de Montréal; Senior Medical Consultant, Granite Health Solutions (MDAC, Sibley & Assoc.)
 Rikin Morzaria, McLeish Orlando LLP

MODULE 3

April 30, 2014, 9:00 a.m. – 4:15 p.m.

Discovery and Mediation

Day 3 provides you with an unparalleled opportunity to learn how to conduct a discovery and make the most of a mediation. The day will begin with both a demonstration of a discovery of a plaintiff and defendant by expert counsel. In addition, panelists will cover:

- Strategies and tips for conducting a discovery
- Ensuring you object to improper questions on discovery
- Post-discovery to-do list
 - ensuring that the case does not stall following discoveries
 - determining whether any amendments need to be made to claims
 - drafting a post-discovery memo
- Preparing for mediations
 - canvassing damages
 - drafting briefs that will help with on the spot damage calculations
- Ethics in mediation
- Best practices for conducting a mediation

To ensure that delegates will leave the program prepared to independently conduct a mediation, Module 3 will conclude with a demonstration of an effective opening statement.

Faculty

Peter Kryworuk, Lerner LLP

Richard Bogoroch, Bogoroch & Associates LLP

John A. Olah, Beard Winter LLP

Linda Wolanski, Bogoroch & Associates

Paul Torrie, Global Resolutions

Stephen M. Malach, M+F Mediation & Arbitration Services

Peter Heisey, Benson Percival Brown LLP

Frank Gomberg, Gomberg Mediation Solutions Inc.

Barbara Legate, Legate & Associates

MODULE 4

May 6, 2014, 9:00 a.m. – 4:45 p.m.

Trial Preparation

Module 4 will give you the tools you need to properly prepare to conduct your own trial and feel confident in your analytical and practical skills, including:

- Evidence law for the personal injury litigator
- Causation issues that must be considered
- Discussions with your client about the reasons mediation failed
- Determining whether to hold a second mediation
- Strategies for involving the court in settlement attempts

After lunch, you will have a unique opportunity to hear from a panel of judges on how to make the best use of the pre-trial, including their expectations of counsel both leading up to and on the day of the pre-trial. Afterward, expert plaintiff counsel will review effective strategies for preparing both themselves and their client for trial.

Module 4 (Cont'd)

Faculty

The Hon. Justice Michael McKelvey, Superior Court of Justice (Ontario)

The Hon. Justice Thomas McEwen, Superior Court of Justice (Ontario)

The Hon. Justice Helen Rady, Superior Court of Justice (Ontario)

Stephen MacDonald, MacDonald & Swan LLP

Frank Gomberg, Gomberg Mediation Solutions Inc.

Jerome Morse, Morse Shannon LLP

James C. Morton, Steinberg Morton Hope & Israel LLP

Brian Brock, Dutton Brock LLP

Gary R. Will, Will Davidson LLP

MODULE 5

May 12, 2014, 9:00 a.m. – 4:00 p.m.

**NOTE: IN-PERSON ATTENDANCE
IS REQUIRED FOR THIS MODULE**

Trial Advocacy

The final day of the certificate is comprised of demonstrations and workshops where you will have the opportunity to both watch and learn from some of the best litigators in the field.

In the morning, expert counsel will conduct demonstrations of an examination in chief of a plaintiff and a cross-examination of a defendant in a personal injury file.

In addition, there will be a demonstration in which plaintiff's counsel will argue to include a piece of evidence that defence counsel does not want admitted. The demonstration will be presided over by a judge, who will give a ruling at the conclusion of the demonstration.

Finally, you will be able to make use of the skills you have learned over the course of the Certificate in two separate workshops. Using the case file that you received at the end of Module 4, you will be divided into small groups and asked to conduct an examination in chief of a plaintiff and a cross-examination of a defendant. Each delegate will have a one-of-a kind opportunity to receive in-depth feedback on their advocacy skills from senior personal injury counsel.

Faculty

The Hon. Justice Darla Wilson, Superior Court of Justice (Ontario)

John McLeish, McLeish Orlando LLP

Paul Tushinski, Dutton Brock LLP

Alf Kwinter, Singer Kwinter

Jerome Morse, Morse Shannon LLP

Donna Polgar, Dutton Brock LLP

David Smye, Mackesy Smye

David Levy, Howie, Sacks & Henry LLP



The *Osgoode Certificate in Personal Injury Law & Practice* draws on the expertise and experience of judges, leading lawyers and medical professionals, including:

John J. Adair, Adair Barristers LLP

Arthur Ameis, BSC MD FRCPC DESS FAAPM&R
Physiatry; Lecturer, Insurance Medicine & Medicolegal
Expertise, Université de Montréal; Senior Medical
Consultant, Granite Health Solutions (MDAC, Sibley
& Assoc.)

C. Kirk Boggs, Lerner LLP

Richard Bogoroch, Bogoroch & Associates LLP

Brian Brock, Dutton Brock LLP

Fiona Brown, Miller Thomson

Russell Brownlee, B.Sc., M.A.Sc., FITE, P.Eng.
Giffen Koerth Inc.

Michael I. Burgar, Matthews Abogado LLP

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Paul Harte, Paul Harte Professional Corporation

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Barbara Legate, Legate & Associates

David Levy, Howie, Sacks & Henry LLP

Adam R. Little, Oatley Vigmond LLP

Stephen MacDonald, MacDonald & Swan LLP

Stephen M. Malach, M+F Mediation &
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William McMaster, Singer Kwinter

S. Wayne Morris, Dutton Brock LLP

Jerome Morse, Morse Shannon LLP

James C. Morton, Steinberg Morton
Hope & Israel LLP

Rikin Morzaria, McLeish Orlando LLP

Andrew Murray, Lerner LLP

John A. Olah, Beard Winter LLP

Dale V. Orlando, McLeish Orlando LLP

Donna Polgar, Dutton Brock LLP

The Hon. Justice Helen Rady
Superior Court of Justice (Ontario)

Dr. Hal Scher, C. Psych., CCRC, Clinical
Neuropsychologist

Salvatore Shaw, McLeish Orlando LLP

David Smye, Mackesy Smye

Jeffrey Strype, Strype Barristers LLP

Paul Torrie, Global Resolutions

Paul Tushinski, Dutton Brock LLP

Catherine Wilde, Fleck Law

Gary R. Will, Will Davidson LLP

The Hon. Justice Darla Wilson
Superior Court of Justice (Ontario)

Linda Wolanski, Bogoroch & Associates

FACULTY

PROGRAM DIRECTORS

Alf Kwinter
Singer Kwinter

Jerome Morse
Morse Shannon LLP

PROGRAM DIRECTORS MODULE 2 - Expert Evidence

Michael I. Burgar
Matthews Abogado LLP

Dale V. Orlando
McLeish Orlando LLP

ADVISORY BOARD

Frank Gomberg
Gomberg Mediation Solutions Inc.

Richard Bogoroch
Bogoroch and Associates

Peter Kryworuk
Lerner LLP

"I found the advice of the panel to be very practical and something I could apply to my practice immediately and see better results quickly."
Joanna Eubanks, Gillis Zago PC (2013)

"Really helpful tips, excellent faculty"
Nicole Corriero, Lofranco Corriero (2013)

Register online today at www.osgoodepd.ca

THE OSGOODE CERTIFICATE IN PERSONAL INJURY LAW & PRACTICE

I will attend: On site Via webcast* (single viewer)

Name:	Title:		
Firm/Company:	Practice Area:		
Address:			
City:	Province:	Postal Code:	
Email:			
Telephone:	Fax:	Priority Service Code: <input type="text" value="1"/> <input type="text" value="3"/> <input type="text" value="7"/> <input type="text" value="3"/> <input type="text"/>	

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Fee Per Delegate

\$3295 plus 13% HST for a total of \$3723.35.

Fees include attendance, program materials, continental breakfast, lunch and refreshments for each of the 5 days of the program. The price does not include accommodations. Please inquire about group discounts and financial assistance. Dress is business casual.

Payment Options – Payment must be made prior to the program

- Cheque enclosed (payable to York University – GST# R119306736)
 Bill my credit card: VISA Mastercard

Card# _____

Expiry: _____

Signature: _____

Payment Amount: _____

Cancellations/Rainchecks/Substitutions

If you are unable to attend the program your organization may name a replacement. A full refund will be issued for cancellations received a minimum of 21 days before the program start date. Written cancellations received after March 14, 2014 will include an administration charge of \$700. Non-attendance or withdrawal after the program start date will incur a full program fee. Payment must be received by March 28, 2014.

Program Changes

We will make every effort to present the certificate program as advertised, but it may be necessary to change the dates, location, speakers or content with little or no notice. In the event of program cancellation, York University and Osgoode Hall Law School's liability is limited to reimbursement of paid fees.

Location

Osgoode Professional Development
Downtown Toronto Conference Centre
1 Dundas St. W., 26th Floor
Toronto, ON, M5G 1Z3

Don't miss this intensive and practical program, covering everything you want and need to know to practice plaintiff-side personal injury law



LSUC (ON) CPD:

Module 1: 7.5 CPD hours (5.25 Substantive, 2.25 Professionalism)

Module 2: 7.0 CPD hours (6.5 Substantive, 0.5 Professionalism)

Module 3: 6.5 CPD hours (5.5 Substantive, 1.0 Professionalism)

Module 4: 6.5 CPD hours (5.75 Substantive, 0.75 Professionalism)

Module 5: 6.0 CPD hours (4.75 Substantive, 1.25 Professionalism)

Quebec/BC/Manitoba/New Brunswick/NWT/Nunavut/PEI/Yukon and Saskatchewan: eligible for 31.0 CPD/MCLE credit hours towards professional development requirements; **NSBS CPD:** eligible for 33.5 credit hours; **NY CLE Board (on-site participants only):** eligible for 36.5 credit hours in the Area of Professional Practice for transitional and non-transitional lawyers. Also eligible for CLE/Insurance Premium Credits Program offered by the **Law Society of PEI** and for Alberta CPD credit with the **Law Society of Alberta**. Questions? E-mail: cpd@osgoode.yorku.ca or refer to the program website.

Osgoode Professional Development has been approved as an Accredited Provider of Professionalism Content by The Law Society of Upper Canada.

* On site/Webcast Attendance

For **Modules 1 - 4**, participants will have the option of attending either on site or via webcast. **Please note that dual access is not available.** Once a participant has registered and selected a mode of attendance (on site or via webcast), requests to switch between the two will not be accommodated. For **Module 5**, please note that on-site attendance is **mandatory** for all participants (webcast will not be available).

For Further Program-Related Information

Please contact: Stéphane McRoberts, Program Lawyer
at 416.619.4351 or email smcroberts@osgoode.yorku.ca

Certificate of Program Completion

You will receive a certificate upon completion of The *Osgoode Certificate in Personal Injury Law & Practice*. Participants must attend all program modules and satisfactorily pass a take-home exam to receive a certificate.

Public CLE Seminars

Customized CLE Programs

Skills Training & Certification

ITAW

Professional LLM

4 Convenient Ways to Register

1. **MAIL** your registration form to:
Osgoode Professional Development
Downtown Toronto Conference Centre
1 Dundas St. W., 26th Floor
Toronto, ON M5G 1Z3
2. **ONLINE** at www.osgoodepd.ca
3. **FAX** your registration to 416.597.9736
4. **CALL US** at 416.597.9724 or 1.888.923.3394

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