

ACCIDENT BENEFITS 2018: WHAT'S NEW, WHAT'S IMPORTANT?

The annual must-attend event for anyone – lawyer or insurance professional – working in the accident benefits field.

Topics include:

- The impact of nearly two years' experience (by program day) at the LAT and any trends observable in LAT decisions to date
- Secrets of effective applications and responses
- Understanding the 'but-for' and 'material contribution' causation tests – what's the difference and which one applies under current law?
- LAT reconsiderations: when and how to use them?
- Challenges in claiming the CAT designation under the new definitions

Register today at:

osgoodepd.ca/accidentbenefits

Program Chairs

Alexander M. Voudouris,
Pace Law Firm

Tracy Brooks, Senior Counsel,
Intact Insurance Company

Date and Time

March 8, 2018
9:00 a.m. to 4:00 p.m. EST
In Person or Webcast

ONLINE REPLAY:
April 10, 2018

Location

Osgoode Professional
Development
1 Dundas St. West, 26th Floor
Toronto, ON

Accident Benefits 2018: What's New, What's Important?

For counsel *and* for insurance professionals, this program has established itself as the best single-day overview of recent trends and practical solutions in the AB field.

This year's program takes advantage of growing experience with the new LAT dispute resolution system and the new CAT definition – while exploring recent developments and perennial challenges in such areas as:

- The tests for causation in AB cases
- The important subtleties in the applicable laws of limitation periods
- Ethical and professional dilemmas in AB practice.

Join us as a distinguished faculty of plaintiffs' and insurers' counsel and a physician expert in catastrophic injury work their way through the questions you'll regularly face, in an area still undergoing significant transformation.

Who Should Attend?

- Applicants' and insurers' counsel
- Paralegals and law clerks involved in AB files
- Insurance adjusters and claims examiners

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Agenda

8:30 a.m.

Registration and Continental Breakfast

9:00 a.m.

Chairs' Welcome & Introductory Remarks

9:10 a.m.

The Most Important Accident Benefits Cases Over the Last 12 Months

Mary Nicole Corriero, Lofranco Corriero
Personal Injury Lawyers

This always-well-received annual session will provide you with a valuable analysis of the most important recent FSCO, LAT and judicial decisions and assess their impact on AB practice.

9:50 a.m.

Less of a Guessing Game Now: Current Procedural Realities at the Licence Appeal Tribunal

Fabio Longo, Trianta Longo LLP

Nathalie V. Rosenthal, Zarek Taylor
Grossman Hanrahan LLP

Alexander M. Voudouris, Pace Law Firm

Catherine H. Zingg, Flaherty McCarthy LLP

Formerly, commentary on the LAT ranged from speculation about the new process to preliminary first impressions. But by program day, practitioners will have had nearly two years of experience with the LAT, including written argument, oral hearings and reconsiderations, from beginning to end, along with the first judicial review of a LAT Accident Benefits decision. Accordingly, this session will provide an opportunity for deeper insights and practical advice grounded in practice experience of how the new dispute resolution is actually working.

Key areas covered include:

- Applications and responses
- Case conferences and motions

- The LAT hearing
- What you need to know re: reconsiderations, judicial review and appeals

Plus: Recent amendments to the LAT's Rules of Practice and Procedure: what and why?

11:30 a.m.

Limitation Periods in Accident Benefits Practice

Laleh Hedayati, Howard Sacks Henry LLP

The basic limitation period is two years from the date of a denial or termination. But is it as simple as that in practice? This session—which could save you a LawPro claim—includes a review and evaluation of recent caselaw including *G.P. and Aviva* and *Rinakis and Aviva*. It will address questions including:

- What constitutes a proper “denial of a benefit” and notice of denial?
- Can a denial arise where the applicant has not asked for a benefit?
- Can a limitation period run on a benefit to which the applicant is not yet entitled?

12:15 p.m.

Lunch

1:10 p.m.

Catastrophic Impairment (CAT): Medical-Legal Insights and Continuing Developments Under the New Definition

Maia L. Bent, Lerner LLP

Dr. Chantal Vaidyanath, University Health Network, Toronto Rehabilitation Institute

As with LAT, so with CAT: nearly two years on, practitioners are already acquiring significant hands-on experience and are better positioned to evaluate the impact of the new CAT definition. In this session, a medical expert and senior practitioner combine forces to explain what's been learned in dealing with these still challenging cases.

Be prepared with the latest medical-legal knowledge law and practice tips when a potential CAT claim next crosses your desk.

2:00 p.m.

Causation: Updating the Test and Eliminating the Confusion

Lisa C. Pool, Sullivan Festeryga LLP

Alexander M. Voudouris, Pace Law Firm

In the wake of FSCO Director's Delegate David Evans' decision in *State Farm and Sabadash*, and the application for judicial review in *Agyapong v. Jevco*, it's a good time to revisit the doctrinal and practical problems which arise in applying the two tests used to causation in accident benefits cases: the “but for” test and (where it is not possible to determine causation under that test) the “material contribution to risk” test.

- When is each test to be applied and what is the evidence that will support a case under either test?
- In what ways is scientific evidence limited in proving negligence on a balance of probabilities?
- What has to be shown to establish that the “material contribution” was not *de minimis*?

This session will explore and critically evaluate the development of the law in this area and provide valuable tips on applying it to the circumstances of frequently-encountered files.

2:50 p.m.

Refreshment break

3:00 p.m.

Ethical and Professional Issues In AB Practice

Moderator:

Tracy Brooks, Senior Counsel, Intact Insurance Company

Allan W. Chapnik, Pace Law Firm

Matthew Consky, Kahler Personal Injury Law Professional Corporation

Sandi J. Smith, Gilbert Kirby Stringer LLP

An expert panel will examine realistic fact situations, addressing professional challenges you will sooner or later face in the course of your practice.

4:00 p.m.

Program ends

Our participants say it best:

Very informative and well run. Great to have both sides...in one room talking.

Emil Calixterio, Technical Specialist, Northbridge Insurance

Very helpful [in] understanding the complexity and time constraints of the new LAT system.

Sophia Leith, Neinstein LLP

Even with topics that are familiar, I learn something new.

Rose Bilash, Shillingtons LLP

[Includes] discussion of all important issues in accident benefits litigation.

Ryan Mullins, Thomas Gold Pettingill LLP

Chairs

Alexander M. Voudouris
Pace Law Firm

Tracy Brooks
Senior Counsel, Intact
Insurance Company

Faculty Includes

Maia L. Bent
Lerners LLP

Lisa C. Pool
Sullivan Festeryga LLP

Allan W. Chapnik
Pace Law Firm

Nathalie V. Rosenthal
Zarek Taylor Grossman
Hanrahan LLP

Matthew Consky
Kahler Personal Injury Law
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Sandi J. Smith
Gilbert Kirby Stringer LLP

Mary Nicole Corriero
Lofranco Corriero Personal
Injury Lawyers

Dr. Chantal Vaidyanath
University Health Network,
Toronto Rehabilitation
Institute

Laleh Hedayati
Howard Sacks Henry LLP

Catherine H. Zingg
Flaherty McCarthy LLP

Fabio Longo
Trianta Longo LLP

Very helpful to hear the perspectives of both sides on AB matters.

Lisa E. Savidis, Law Clerk, Lerners LLP

Excellent seminar...has certainly opened my eyes in terms of strategy.

Kristy Kerwin, Trianta Longo LLP

Registration Details

Fee per Delegate

\$695 plus HST

Fees include attendance, program materials, continental breakfast, lunch and break refreshments. Group discounts are available. Visit www.osgoodepd.ca/group-discounts for details. Please inquire about financial assistance.

Program Changes

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

Cancellations and Substitutions

Substitution of registrants is permitted at any time. If you are unable to find a substitute, a full refund (less \$75 administration fee) is available if a cancellation request is received in writing 14 days prior to the program date. No other refund is available.



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