



ACCIDENT BENEFITS 2017

WHAT'S NEW, WHAT'S IMPORTANT?

The annual must-attend event for anyone working in the accident benefits field.

It's never been more important to be up-to-date on where AB law and practice have been going, in view of:

- the important 2016 legislative changes
- early experience with LAT adjudication, and
- new, significant FSCO and judicial decisions

This year's faculty includes a physician with expertise in catastrophic injury, SLASTO's Director of Legal Services, and a roster of outstanding applicants' and insurer's counsel. Get reliable guidance on the key issues in this rapidly-evolving area – and insightful perspectives on where it's headed.

Register today at:

osgoodepd.ca/accidentbenefits

Program Chairs:

Alexander Voudouris
Pace Law Firm

Kadey B.J. Schultz
Schultz Frost LLP

Program Details:

DATE AND TIME

February 24, 2017

9:00 a.m. – 4:45 p.m. EST

In Person or Webcast

LOCATION

**Osgoode Professional
Development**

1 Dundas St. West, 26th Floor
Toronto, ON

ONLINE REPLAY

March 31, 2017

Accident Benefits 2017

What's New, What's Important?

The best single-day overview of recent trends and practical solutions in the AB field. This year including an extended focus on the nuts and bolts of practice at the Licence Appeal Tribunal.

Topics Include

- Emerging trends from early adjudication of AB claims at the LAT and the decisions it has released so far
- Strategies arising in response to the combining and reduction of available benefits
- Best approaches to case conferences, motions and adjudications under the new system
- Overcoming pitfalls in information/document production and examinations under oath under the SABS
- How to comply with s.33 notice requirements, and what to do if they aren't satisfied
- Understanding the new CAT definition – and using it to your advantage
- Suing the insurance broker – a neglected source of recovery?
- Getting the tribunal's decision reviewed – the available processes, when each is available, and why to choose one over another

Who Should Attend

- Applicants' and insurers' counsel
- Tort lawyers requiring knowledge of the interplay between tort and SABS
- Paralegals and law clerks involved in AB cases
- Insurance adjusters

Here's what last year's participants had to say:

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

Sophia Leith
Neinstein LLP

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

Emil Calixterio
Technical Specialist
Northbridge Insurance

Agenda

8:30

Registration and Continental Breakfast

9:00

Chairs' Introduction and Welcome

9:10

The Most Important AB Cases of the Past Year

Maia Bent, Lerners LLP

This always-well-received 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.

9:45

Recent Changes to the SABS: A Checklist of Practical Considerations

Matthew Consky, Kahler Law Firm

Catherine A. Korte, McCague Borlack LLP

- Which changes are substantive, which procedural, and how does the distinction impact claims effective June 1, 2016?
- What behavioral shifts will be required from claimants' and insurers' counsel in managing the combining and reduction of available benefits?
- New approaches to non-earner benefits

10:30

Refreshment Break

10:45

LAT It Be: Strategic and Tactical Considerations at the Licence Appeal Tribunal

Benson Cowan, Director, Legal Services Safety, Licensing Appeals and Standards Tribunals Ontario (SLASTO)

David J. Levy, Howie, Sacks & Henry LLP

Philippa G. Samworth, Dutton Brock LLP

Kadey B.J. Schultz, Schultz Frost LLP

Alexander Voudouris, Pace Law Firm

Everything there is to know as of program day, in key areas:

Applications and Responses

- When to apply: strategic considerations
- Avoiding or encouraging issue estoppel
- Navigating the new forms
- The art of filing an effective insurer's response

Case Conferences and Motions

- What to expect at the LAT
- What documents are required?
- Appropriate preparation for settlement discussions
- When and how to file a motion and how to maximize your chances of a favorable order
- Composing an effective motion record

The LAT Hearing

- Natural justice considerations relating to telephone cross-examinations, time-limited hearings, restrictions on number of witnesses, etc.
- Which materials should be filed as evidence?
- When should you file affidavits of the applicant or experts?
- How to challenge credibility effectively

The Internal Decision-Review Process, Judicial Review, and Appeals

- When to utilize review procedures and when each is available
- The key differences between them and why and when to choose one over another
- The standard of review under each method

Costs at the LAT: To Dream the Impossible Dream?

12:30

Lunch

1:15

Section 33 of the SABS: Where the Wild Things Are

Albert Conforzi, Pace Law Firm

Jason Frost, Schultz Frost LLP

Alexander Voudouris, Pace Law Firm (moderator)

- What answers do claims examiners need in order to adjust the claim properly?
- Recent law on notice provisions
- What's a sufficient reason to conduct an EUO and what's the remedy if you don't?
- The implications of not attending a properly scheduled EUO
- Sufficiency and scope of the statutory declaration: what's reasonable?
- Production of 'information' vs. production of 'documents'

2:00

Refreshment break

2:10

New CAT In Town: Deciphering the New Definition of Catastrophic Impairment and Its Implications

Eric K. Grossman, Zarek Taylor Grossman Hanrahan LLP

Dr. Chantal Vaidyanath, Toronto Rehabilitation Institute

- How to identify a CAT case within the new definition
- Tests for determining whether the criteria have been met
- To which accidents does the new definition apply?
- Consequences of making it more difficult to be a CAT
- Timelines for claiming the CAT designation
- Challenges in claiming the designation for psychological injuries: discriminatory treatment?
- The rationale for treating persons under 18 differently: is it defensible?

3:00

In Search of Deep Pockets: Suing the Broker

M. Steve Rastin, Rastin & Associates

James Cameron, FCIP, CRM, C. Arb., President, Cameron & Associates Insurance Consultants Limited

J. Daniel Dooley, Dooley Lucenti LLP

- State of the relevant caselaw
- Why aren't claimants suing brokers more?

- What are the chances of success?
- How to go about it
- Savvy brokers' mitigation strategies and defences

3:45

Ethical and Professional Issues in AB Practice

J. Claude Blouin, Blouin Dunn LLP

Todd J. McCarthy, Flaherty McCarthy LLP

Renee Vinett, Howie, Sacks & Henry LLP

Kadey B.J. Schultz, Schultz Frost LLP (moderator)

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

4:45

Program ends

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

Kristy Kerwin
Trianta Longo LLP

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

Ryan Mullins
Thomas Gold Pettingill LLP

Program Chairs

Alexander Voudouris
Pace Law Firm

Kadey B.J. Schultz
Schultz Frost LLP

Faculty Includes

Maia Bent
Lerners LLP

Eric K. Grossman
Zarek Taylor Grossman
Hanrahan LLP

J. Claude Blouin
Blouin Dunn LLP

Catherine A. Korte
McCague Borlack LLP

James Cameron
FCIP, CRM, C. Arb.
President, Cameron &
Associates Insurance
Consultants Limited

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Director, Legal Services,
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Renee Vinett
Howie, Sacks & Henry LLP

Jason Frost
Schultz Frost 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/groupdiscounts 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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 osgoodepd.ca **Osgoode Professional Development**
 **416.597.9724** **1 Dundas Street West, Suite 2600**
 **@OsgoodePD** **Toronto, ON Canada M5G 1Z3**



4 Convenient Ways to Register



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osgoodepd.ca/accidentbenefits