

# ACCIDENT BENEFITS 2019: WHAT'S NEW, WHAT'S IMPORTANT?

*Very good...All the instructors were well versed and great speakers. It was a delight to be able to meet [them].*

Neha Prabhakar, Hillier & Hillier

The annual must-attend event for everyone working in the accident benefits field, including: lawyers, paralegals, adjudicators, adjusters and claims examiners.

## Topics include:

- What are the year's AB cases of greatest practical importance?
- Is the SABS causation test "but for the accident" or "material contribution"?
- What do we know about Licence Appeal Tribunal procedures that we didn't know before?
- What is the typical case conference order and how do you maximize the odds of a favorable result?
- What opportunities are underutilized in the LAT Rules – and what pitfalls are most easily overlooked?
- A medical expert's insights into the clinical facts you need to know in assessing potential CAT claims
- Judgment calls in dealing with ethical and professional conundrums in AB practice

Register today at:

[osgoodepd.ca/accidentbenefits](http://osgoodepd.ca/accidentbenefits)

## Program Chairs

**Alexander M. Voudouris**  
Senior Litigator  
Pace Law Firm

**Heather L. Kawaguchi**  
Kawaguchi Krajden LLP

## Date and Time

March 25, 2019  
9:00 a.m. – 4:30 p.m. EDT  
In Person or Webcast

Online Replay:  
April 24, 2019  
9:00 a.m. – 4:30 p.m. EDT

## Location

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

# Accident Benefits 2019: What's New, What's Important?

This program has established itself as the best single-day overview of recent trends and practical solutions in the accident benefits 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:

- What arguments are likely to be rejected by adjudicators at case conferences and final hearings?
- When to consider a Reconsideration—and how to go about getting it
- Recent developments in causation
- Why it can pay to deepen your understanding of the definition of an 'accident'
- Calculating the quantum of benefits and dealing with post-accident deductions—what do non-accountants really need to know?

Join us as a distinguished faculty provides key insights into the questions you'll regularly face, in an area still undergoing significant transformation.

## Who Should Attend:

- Applicants' and insurers' counsel
- Paralegals and law clerks
- Insurance adjusters and claims examiners
- Accident benefits claims adjudicators

*Three years into the LAT regime, our commentators will provide you with invaluable practical tips you can apply immediately.*

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## Agenda

8:30 a.m.

Registration

9:00 a.m.

### Chairs' Welcome and Introductory Remarks

**Alexander M. Voudouris**

Senior Litigator  
Pace Law Firm

**Heather L. Kawaguchi**

Kawaguchi Krajden LLP

9:15 a.m.

### Most Important AB Cases Of the Last Twelve Months

**Sherilyn J. Pickering**

Kahler Law Firm

**Tripta Sood**

Zarek Taylor Grossman Hanrahan LLP

This popular annual session will provide you with a valuable analysis of the most important recent tribunal decisions and assess their impact on AB practice. These are expected to include:

- The appeal in *Abyan v Sovereign General Insurance Company* and the Reconsideration in *17-000835 v Aviva*, both dealing with chronic pain and the MIG
- What do the two leading causation cases of *Sabadash v State Farm* and *Agyapong v Jevco* stand for?
- The appeal in *Coachman v Sivananthan* and its treatment of *Stranges v. Allstate* – does *Stranges* apply to the new SABS?
- *Tomec v Economical*: the Divisional Court's rejection of limitation periods based on discoverability, and other hidden time bombs

10:30 a.m.

Refreshment Break

10:45 a.m.

## The LAT Rules – Buried Treasures and Hidden Pitfalls

**Catherine H. Zingg**

Flaherty McCarthy LLP

The LAT Rules contain provisions which may not be utilized fully even by experienced counsel. If the relevant Rules are not accessed properly or in a timely way, plaintiffs' or insurers' interests may be seriously prejudiced. This session will serve as a useful checklist of the important procedural nuances that are of greatest practical relevance to the AB practitioner, along with related caselaw.

11:30 a.m.

## Life at the LAT – What's In and What's Out At the Licence Appeal Tribunal?

**Frank A. Benedetto**

Flaherty McCarthy LLP

**Fabio Longo**

Trianta Longo LLP

**Kadey Schultz**

Schultz Frost LLP

The LAT has evolved past the "terrible twos," and we are now in a stronger position to assess its procedures and recommend realistic best practices. This session will update you on what is and isn't being allowed, in such areas as:

- Your chances of getting an adjournment and how to go about it
- Fighting back on time constraints and witness constraints
- Settlement discussions: taking advantage of the LAT's mediation services
- When and how to pursue judicial reviews/appeals

Seize this timely opportunity to deepen your insights and have your questions answered by experts.

12:30 p.m.

Lunch

1:00 p.m.

## The Developing Law On What Constitutes An 'Accident': Going Beyond The Obvious

**Alex Voudouris**

Senior Litigator  
Pace Law Firm

- The four-step test in determining what constitutes an accident, illustrated in current caselaw
- What to learn from incidents that may or may not have constituted "accidents," including suffering a heart attack while driving, falling down stairs while trying to reach the scene of an accident, using a vehicle as a diving board, being assaulted while touching a vehicle, and other examples highlighting the perhaps surprising complexity and relevance of this issue.

1:30 p.m.

## Everything You've Wanted to Know about Accounting and the SABS

**André Kleynhans**

Director – Litigation Accounting and Valuation Services  
RSM Canada

**Anna Szczurko**

Siskinds LLP

- The calculation of benefits and the proper methods for deducting collateral benefits and post-accident benefits have recently received a significant amount of judicial consideration, which will be canvassed by an expert accountant and lawyer.
- Calculating income replacement benefits (IRBs) for self-employed persons, earned income, and collateral deductions together with post-accident income
  - Applying *Surani v Perth Insurance* and other relevant cases

2:30 p.m.

Refreshment Break

2:45 p.m.

## The Continuing Evolution of Catastrophic Impairment (CAT)

**Dr. Tajedin Y. Getahun, RSPSC**

(Orthopaedic Surgery)  
Trillium Health Partners

**Ellen N. Gowland**

Director, Claims Litigation  
Allstate Group of Companies Canada  
(Allstate Insurance Company, Pembroke Insurance Company and Pafco Insurance Company)

A conversation between a recognized medical expert on catastrophic impairment and a highly experienced insurer's counsel, aimed at clarifying significant medical points and exploring their relevance in the context of the new CAT definition. The session will better orient you to understanding and working in this brave new world – so that you'll have what you need when a potential CAT claim next crosses your desk.

3:30 p.m.

## Ethical and Professional Issues in AB Practice

**Maia L. Bent**

Lerners LLP

**Pamela Brownlee**

AMR Barristers & Solicitors LLP

**Heather L. Kawaguchi** (*moderator*)

Kawaguchi Krajden LLP

**M. Steven Rastin**

Rastin & Associates

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

4:30 p.m.

Program ends

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

Rose Bilash, Shillingtons LLP

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Pace Law Firm

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## Faculty Includes

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Schultz Frost LLP

Ellen N. Gowland  
Director, Claims Litigation  
Allstate Group of Companies  
Canada (Allstate Insurance  
Company, Pembroke  
Insurance Company and Pafco  
Insurance Company)

Anna Szczurko  
Siskinds LLP

Tripta Sood  
Zarek Taylor Grossman  
Hanrahan LLP

André Kleynhans  
Director – Litigation Accounting  
and Valuation Services  
RSM Canada

Catherine H. Zingg  
Flaherty McCarthy LLP

“Helpful case law on important topics.”

Samia Alam, Mohawk College

## Registration Details

### Fee per Delegate

**\$695 plus HST**

Fees include attendance, program materials, lunch and break refreshments. Visit [www.osgoodepd.ca/financial-assistance](http://www.osgoodepd.ca/financial-assistance) for details 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 is available if a cancellation request is received in writing 21 days prior to the program date. If a cancellation request is made with less than 21 days notice, a \$150 administration fee will apply. No other refund is available.



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