OSGOODE PROFESSIONAL DEVELOPMENT

ADVANCING OR DEFENDING THE BRAIN INJURY CASE
THE SCIENCE, THE LAW, THE STRATEGIES

Attend this information-packed course to learn the latest on how to successfully litigate these challenging claims. Topics include:

• Diagnostic challenges in identifying traumatic brain injury (TBI) in non-obvious cases
• Deciding which experts will most effectively make your case
• How to deal with multiple neuropsychological reports over the life of the file
• A rundown on evidentiary problems and solutions in TBI cases, including the evidence required to establish or minimize future economic loss
• What savvy counsel know about the uses and limitations of demonstrative evidence in TBI cases
• The latest law and medical opinion on CAT vs. non-CAT cases
• Challenges in handling the client with TBI
• Differing strategic/tactical considerations in jury vs. non-jury trials

An expert faculty of top counsel and diagnostic/treating professionals combine forces to give you the most current information.

Learn how best to navigate this highly technical and pitfall-laden area.

REGISTER NOW AT WWW.OSGOODEPD.CA

Chairs
Brian G. Grant, Lerners LLP
Alf Kwinter, Singer Kwinter

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

Date and Time
April 8, 2015
9:00 a.m. – 4:45 p.m. EDT

A WORLD LEADER IN LAW SCHOOL LIFELONG LEARNING
ADVANCING OR DEFENDING THE BRAIN INJURY CASE
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A distinguished faculty of medical, rehab and legal experts explain the essentials and the subtle challenges of the brain injury case, including the key neurological, psychological and psychiatric facts, the problems they raise, and creative and effective means of resolving them.

Traumatic brain injury represents one of the most challenging areas in personal injury litigation. Diverse medical specialties are available to help establish or refute the case, but counsel rarely take full advantage of what these offer. Too often they “skip to the bottom line” of experts’ reports without understanding the basis on which the opinion has been reached, the assumptions undergirding it, or its vulnerable points. Overall, the medical facts and the range of helpful arguments are not as obvious as they appear; even the presence or absence of catastrophic impairment gives rise to heated debate.

This OsgoodePD short course will ensure that you are well-informed on the essential science, law, and strategies which are critical to success in the TBI case. Doctors will share key information from their respective specialties. Top counsel will mine recent court decisions and illuminate best practices. And an experienced judge will anchor a discussion on key evidentiary challenges.

REGISTER NOW BY VISITING WWW.OSGOODEPD.CA, CALLING 416.597.9724 OR 1.888.923.3394, EMAILING OSGOODEPD@OSGOODE.YORKU.CA OR FAXING 416.597.9736

WHO SHOULD ATTEND

• Plaintiffs’ and defendants’ counsel
• Insurers’ in-house counsel and senior adjusters

Chairs
Brian G. Grant, Lerners LLP
Alf Kwinter, Singer Kwinter

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

Dr. Harold Becker PhD
MD, CCFP, FCFP (LM)
Medical Director, Omega Medical Associates

C. Kirk Boggs
Lerners LLP

Timothy P. Boland
Boland Howe LLP

George Bonn
Bonn Law Office

Dr. Perry W. Cooper, MD
FRCP, Medical-Legal Neuroradiology Consulting Neuroradiologist, Sunnybrook Health Sciences Centre

Dr. Lara Davidson PhD
C. Psych., Neuropsychologist Omega Medical Associates

Ava Hillier, Hillier & Hillier Personal Injury Lawyers

James R. Howie
Howie, Sacks & Henry LLP

Dr. Donna Ouchterlony
Director, Head Injury Clinic St. Michael’s Hospital

Judy Guse Salah R.N.
Nursing Rehabilitation Case Manager, JGS Health Consultants Inc.

W. Gary Snow, PhD
Psychologist, Diplomate in Clinical Neuropsychology American Board of Professional Psychology

Dr. Chantal Vaidyanath
University Health Network Toronto Rehabilitation Institute

Dr. Robert van Reekum
M.D., FRCP, Department of Psychiatry and Institute of Medical Sciences University of Toronto

David S. Young
Benson Percival Brown LLP
8:30-9:00
Registration and Continental Breakfast

9:00-9:05
Chairs’ Welcome and Introduction

9:05-10:15
Diagnosing Traumatic Brain Injury
Dr. Chantal Vaidyanath, University Health Network
Toronto Rehabilitation Institute
James R. Howie, Howie, Sacks & Henry LLP
Dr. Robert van Reekum, M.D., FRCPC, Department of Psychiatry and Institute of Medical Sciences, University of Toronto
This opening session will take you through key terms and concepts to more advanced diagnostic theories and approaches currently used to establish mild, moderate or severe TBI, particularly in non-obvious scenarios.

10:15-10:25
Refreshment Break

10:25-11:10
The Relevant Medical Specialities: What’s Available and What do They Contribute to Your Case?
Dr. Donna Ouchterlony, Director, Head Injury Clinic
St. Michael’s Hospital
One of the most critical choices for counsel in TBI cases concerns which kinds of experts to involve. A leading physician in the area will explain important distinctions between the specialties, how they interface with each other, and their respective roles in making or breaking your case.

11:10-12:10
How to Read, Analyze and Use Neuropsychologists’ Reports
W. Gary Snow, PhD, Psychologist
Although most lawyers and insurers have some grasp of what’s involved in neuropsychological assessments, the components of the evaluation, the assumptions and strategies undergirding them, and the kinds of errors, omissions and bias that present points of attack are not as well understood. Take this opportunity to deepen your understanding and have your questions answered.

12:10-1:00
Luncheon with Speakers on “Managing the Brain-Injured Client”
Ava Hillier, Hillier & Hillier Personal Injury Lawyers
Judy Guse Salah R.N., Nursing Rehabilitation Case Manager, JGS Health Consultants Inc.
Significant challenges exist in managing clients with TBI. As trusted troubleshooters, plaintiff’s counsel often find themselves looked to for assistance outside the scope of “legal services”. Being a supportive member of the rehabilitation team while meeting ethical and professional standards involves questions of judgment which all counsel can benefit from considering.

1:00-1:40
Strategies for Proving or Disproving Future Economic Loss
George Bonn, Bonn Law Office
C. Kirk Boggs, Lerners LLP
Gain a solid foundation in the current law and strategies in this area, including potential impact of the injury on employability or marriageability, pre-existing condition and causation issues, and the question of how much demonstrative/lay evidence is enough.

1:40-2:50
Making the Best Use of the Evidence
Timothy P. Boland, Boland Howe LLP
The Hon. Justice Thomas J. McEwen
Superior Court of Justice (Ontario)
David S. Young, Benson Percival Brown LLP
A discussion of smart choices for counsel, with reference to such issues as the differing considerations in jury vs. non-jury trials, evidence needed to link the injury to likely future impairment, and problems where the injured party is easily manipulated or doesn’t fully acknowledge the impairment.

2:50-3:00
Refreshment Break

3:00-4:00
Demonstrative Evidence and the Brain Injury Case
Dr. Perry W. Cooper, MD, FRCPC, Medical-Legal Neuroradiology Consulting, Neuroradiologist
Sunnybrook Health Sciences Centre
The continuing evolution of both medical knowledge and technological options for clarifying and illustrating brain injury present counsel with opportunities and pitfalls. Who better than an expert neuroradiologist to help you navigate this area for maximum advantage? The session will include consideration of evidence available from CT, MRI, SPECT, PET, fMRI and DTI, what such evidence actually shows and does not show, and how to use it to maximize the judge or jury’s ability to understand your case.
4:00-4:45
Recognizing Catastrophic Impairment in the Brain Injury Case
Dr. Harold Becker PhD, MD, CCFP, FCFP (LM)
Medical Director, Omega Medical Associates
Dr. Lara Davidson PhD, C. Psych.
Neuropsychologist, Omega Medical Associates

Brain injury cases routinely raise the possibility of a finding of CAT, either independently or in combination with other injuries. However, the area is rife with complexity, involving definitions under SABS, the Glasgow Scales and WPI, and the relationship between the effects of injury and mental/behavioural disorders. Drs. Becker and Davidson will provide the information needed to argue effectively for or against a finding of CAT.

4:45
Course Concludes