

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



Webcast Available

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

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

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**



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
FRCPC**, *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., FRCPC**, *Department
of Psychiatry and Institute
of Medical Sciences
University of Toronto*

David S. Young
Benson Percival Brown LLP

WHO SHOULD ATTEND

- Plaintiffs' and defendants' counsel
- Insurers' in-house counsel and senior adjusters

AGENDA - APRIL 8, 2015

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 Specialties: 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.

AGENDA (cont'd)

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



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

CPD Credits



Eligible CPD/MCLE Hours:

LSUC (ON): 7.5 CPD Hours (6.5 Substantive, 1.0 Professionalism); **NB/NT/NU/YK/QC/PEI/SK:** 7.0 credit hours; **BC:** 5.0 credit hours; **NS/MB:** 7.5 credit hours; **NY CLE Board (onsite participants only):** 8.0 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 your respective regulatory body to ensure compliance.

REGISTRATION

Please complete all registrant information.

Advancing or Defending the Brain Injury Case

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

Unable to attend? Please contact us to order the Materials/Program Archive.

Name: _____

Title: _____

Firm/Company: _____

Practice Area: _____

Address: _____

City: _____ Prov: _____ Postal Code: _____

Telephone: _____ Fax: _____

Email: _____

- Add me to your mailing list
 Delete me from your mailing list
 I do not wish to be contacted by e-mail

Priority Service Code
(from mailing label below)

1 4 5 5 0 L

Payment Options

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

Card# _____ Expiry: _____

Signature: _____ Payment amount: \$ _____

Fee Per Delegate

\$695 plus 13% HST

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

Date & Time

April 8, 2015
9:00 a.m. - 4:45 p.m EDT

Please arrive a half hour early for sign-in and material pick-up. Dress is business casual.

Location

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

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 5 days prior to the program date. No other refund is available.



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