

ACCIDENT BENEFITS 2022

WHAT'S NEW? WHAT'S IMPORTANT?

“Excellent... very informative and helpful for utilizing new thoughts and theories in our everyday practice.”

Tracy Romanowski, Kahler Law Firm

The **essential annual event** for everyone working in the Accident Benefits field.

Ensure that you're fully current on key recent decisions and developments in law and procedure, including:

- Top cases of the past year, from both applicant and defence counsel viewpoints
- The latest developments on the law and science of catastrophic impairments
- Mediating AB cases: get the hard facts and soft skills
- Attendant Care Benefits: everything you need to know

Register today at:

osgoodepd.ca/accidentbenefits

PROGRAM CHAIRS

Cara L. Boddy
Partner, Evans Philp LLP

Alexander M. Voudouris
Senior Litigator, Pace Law Firm

REGISTRATION OPTIONS

Tuesday, February 15, 2022:
Online, Live
9:00 a.m. – 4:15 p.m. ET

OR

Wednesday, April 6, 2022:
Online Replay

Can't make the date?
Registration includes 120-day unlimited, online access to the recorded program.

Accident Benefits 2022

What's New? What's Important?

Don't miss the 2022 edition of the most useful annual one-day overview of recent trends and practical solutions in the accident benefits field.

Hear from an expert faculty reflecting both plaintiffs'/applicants' and defendants'/respondents'/insurers' perspectives, in such areas as:

- The year's most important AB decisions for practitioners
- The latest developments on the law and science of catastrophic impairments
- Mediating AB cases: best practices and do's and don'ts
- LAT practice from an adjudicator's perspective
- Attendant Care Benefits: the framework, current pressing topics, and crucial new case law
- Quick hits covering current hot issues in AB law, including:
 - Special awards and "deemed incurred" benefits and expenses
 - Reconsiderations
 - Exclusions under section 31 of SABS
- Important professional management and ethical considerations in AB practice

The program is designed to provide realistic solutions to the issues you can expect to face regularly, in an area still undergoing significant transformation.

Who Should Attend:

- Personal injury lawyers (plaintiff/applicant and defendant/insurer, including in-house insurance company litigation counsel) in Ontario
- Paralegals and litigation law clerks
- Insurance adjusters, managers, and claims examiners
- Accident benefits claims adjudicators

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Agenda

8:45 a.m.

Login

9:00 a.m.

Chairs' Introductory Remarks

9:10 a.m.

Most Important AB-Related Cases Over the Previous 12 Months

H. Jason Hickman

Laxton Glass LLP

Aleksa Pace

Pace Law Firm

This always popular annual session will bring you up to speed on important recent tribunal and court decisions involving ABs, assessing their impact on your current and future practice.

10:00 a.m.

Assessing Physical Impairments in a CAT Claim

Dr. Lisa Becker

Omega Medical Associates

Cara Boddy

Evans, Philp LLP

Evaluating and determining physical impairments in a CAT claim can be complex and challenging—not only because of their inherent complexity, but because of the different professional disciplines inhabited by counsel and physician experts, and the potential for mutual misunderstanding. While each may know the basics about the other's criteria and concerns, there can be barriers or knowledge gaps which may complicate and confuse matters. This session will aim to dispel the confusion in key areas:

- How do medical experts conduct a proper analysis and determination of CAT impairment?
- What guidance is provided by the leading LAT decisions in this area?
- How counsel can translate medical analysis into useful legal positions and advocacy
- Testing in Chapter 3 of the AMA guides

- Is permanency a factor in utilizing the ASIA Impairment Scale?
- Assessments under the Spinal Cord Independence Measure
- The impact of other chapters in the AMA guides and the difficulty in avoiding double counting

10:45 a.m.

Break

11:00 a.m.

LAT Practice from the Adjudicator's Perspective

Dr. Karina Kowal, MD

Former LAT Adjudicator, Mediator -
Medicolegal Resolutions

Dr. Eleanor White, DC

Mediator, E.F. White Mediation

Accident benefits adjudication at the LAT is a unique and dynamic administrative hearing environment. Join former LAT adjudicators who have experienced it from the decision-making side, and take a candid look at current practices and trends at the tribunal as well as potential new developments that could affect your practice, including:

- What is working? What can be improved upon?
- Measures to address rising caseloads and improve efficiencies
- Advocacy do's and don'ts: civility, refraining from sharp practice, and more
- How adjudicators think about reconsiderations
- Analyzing key tribunal information and statistics, and the impact on case strategy and outcomes
- Best practices at the LAT, at a case conference, and at a written hearing

11:50 a.m.

Lunch

12:30 p.m.

Attendant Care Benefits: Everything You Need to Know

Nathalie V. Rosenthal

Zarek Taylor Grossman Hanrahan LLP

Under SABS, Attendant Care Benefits (ACBs) allow injured accident victims to receive compensation for all reasonable and necessary expenses resulting from an

accident for services provided by an aide or attendant or long-term facility. In this session, we will discuss some crucial details you need to know about ACBs in day-to-day practice, including:

- Is HST part of the benefit limit or payable above the limit? An analysis of the *Dominion of Canada General Insurance Company v. Ridi* decision
- Are ACBs payable in accordance with the Form 1 or in a breakdown of all docketing time? The impact of the LAT decision in *Malitskiy v. Unica*
- The latest case law on entitlement, payments, and incurred expense/economic loss

1:15 p.m.

Quick Hits on Key Current Issues in AB

Receive critical updates in three important issues in the AB field:

Fabio Longo

Longo Lawyers

- Special awards and "deemed incurred" benefits and expenses

Trevor R. Guy

Counsel, Legal Services Unit, Tribunals Ontario, Ministry of the Attorney General (Ontario)

- Reconsiderations, appeals, judicial review, and the *Yatar v. TD Insurance Meloche Monnex* decision

Kevin Griffiths

Evans, Philp LLP

- The latest on exclusions under section 31 of SABS

2:00 p.m.

Wellness Break

2:15 p.m.

Mediating Accident Benefits

Ivan Luxenberg

Malach Fidler Sugar + Luxenberg LLP

Alexander M. Voudouris

Senior Litigator, Pace Law Firm

Practitioners must be familiar with both the written and unwritten rules when conducting AB mediations. There are hard facts as well as important soft skills that you

must harness for effective advocacy in this forum. The panel will offer helpful guidance and best practices, including:

- Strategies and tactics that work, and more importantly, which ones don't work
- Is alarm, charm, and disarm still a valid method of mediating?
- The benefits and detriments of combining Torts and AB claims in an AB-specific mediation
- What are the practical implications of having authority to settle and negotiating in good faith?

3:15 p.m.

Ethical and Professional Issues in Accident Benefits (full hour of professionalism)

Frank Benedetto

Flaherty McCarthy LLP

Laura Emmett

Strigberger Brown Armstrong LLP

Charles Gluckstein

Gluckstein Personal Injury Lawyers

An expert panel will examine realistic fact situations, addressing professional challenges you will sooner or later face in your AB practice. The emphasis will be on considerations that should guide lawyers and paralegals in meeting their professional obligations while effectively

"The professionalism section was great and very engaging. I learned a lot about the fundamental structure of LAT."

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

Rose Bilash, Shillingtons LLP

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Nathalie V. Rosenthal
Zarek Taylor Grossman
Hanrahan LLP

Trevor R. Guy
Counsel, Legal Services Unit,
Tribunals Ontario, Ministry of the
Attorney General (Ontario)

Dr. Eleanor White, DC
E.F. White Mediation

H. Jason Hickman
Laxton Glass LLP

“Great subjects, great speakers.”

“The speakers were excellent and knowledgeable. Very Informative.”

Registration Details

Fee per Delegate: \$695 plus tax

Newly Licensed*: 50% off regular price plus tax

**This fee applies to newly licensed professionals within the past 2 years*

Fees include online attendance, electronic program materials, and 120-day online access to program archive.

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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 14 days prior to the program date. If a cancellation request is made with less than 14 days notice, a \$75 administration fee will apply. No other refund is available.



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