



16<sup>TH</sup> ANNUAL UPDATE

# PERSONAL INJURY LAW AND PRACTICE

Join a knowledgeable, diverse faculty of experts for discussion and analysis of current issues in this complex, competitive and evolving field.

Get strategic insights and updates on important new cases and procedural changes, including:

- Practice in 2021: Rule changes, new (and old) Court processes and what these mean for you
- Concussions: Current approaches for counsel and medical perspectives on evidence, diagnosis, treatment and prognosis
- Causation in 2021: What's new? What's on the horizon?
- Nursing Home Liability in and after COVID-19
- Limitation Periods and Discoverability in 2021
- Navigating Ontario's 2021 Standard Form Contingency Agreement
- Critical Case Law Update (and how they will impact your practice)

## Program Chairs

**Richard M. Bogoroch**  
Bogoroch & Associates LLP

**Susan E. Gunter**  
Dutton Brock LLP

## Date and Time

April 29, 2021  
9:00 a.m. – 4:30 p.m. EDT

Online Replay: June 3, 2021  
9:00 a.m. – 4:30 p.m.

## Format

Online – Live, Interactive

*You will have online access to the program for 120 days.*

Register today at:

[osgoodepd.ca/  
personal-injury-law](https://osgoodepd.ca/personal-injury-law)

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## Personal Injury Law and Practice

Personal injury continues to be an evolving, high-stakes area of law. Already a complex field, COVID-19 has added many new challenges for those who practice in this area.

This comprehensive *OsgoodePD* one-day conference brings you the latest information you need to stay up-to-date. Benefit from the insight and practical guidance of experienced defence and plaintiff-side counsel, medical experts and a judge, as they guide you through a comprehensive review of the latest decisions, practice changes and other current issues.

### Topics Include

- Nursing Home Liability in the time of COVID-19
- Amendments to the *Occupiers' Liability Act*, taking advantage of misnomer relief and other developments in limitation periods and discoverability
- Latest updates on Accident Benefits and the Licence Appeal Tribunal
- Navigating Ontario's new standard form *Contingency Fee Agreement*
- Critical updates on Rule 7 motions, court practice post-Covid and more

### Who Should Attend

- Personal injury litigators (plaintiffs' and defence/insurers')
- In-house litigation counsel
- Litigation paralegals and law clerks
- Insurance professionals (claims examiners/managers)

Register today at:

[osgoodepd.ca/personal-injury-law](https://osgoodepd.ca/personal-injury-law)

## Agenda

9:00 a.m.

### Chairs' Introductory Remarks

**Richard M. Bogoroch**

Bogoroch & Associates LLP

**Susan E. Gunter**

Dutton Brock LLP

9:10 a.m.

### The Most Important Cases for Personal Injury Lawyers over the Preceding 12 Months

**Stephen R. Moore**

Blaney McMurtry LLP

A perennial favourite, this concise and comprehensive review will highlight and analyze the most important cases decided in the last year and assess their likely impact on your practice.

10:00 a.m.

### Causation: Doctrine, Problems and Solutions

**Prof. Erik S. Knutsen**

Faculty of Law, Queen's University

**Richard M. Bogoroch**

Bogoroch & Associates LLP

In tort cases, causation can often be the most challenging issue – both for counsel and the trier of fact. This interactive session, led by acknowledged experts, will take you through some of the key current and emerging issues in this thorny area, along with practical strategies for how to deal with them.

10:45 a.m.

**Health Break**

11:00 a.m.

## Concussion and Post-Concussion Syndrome: Medical and Legal Perspectives

### Dr. David Berbrayer

Medical Director, Physical Medicine and Rehabilitation Clinics, Sunnybrook Health Sciences Centre

### Catherine L. Wilde

Fleck Law

### Farrah B. Chaudhry

Senior Legal Counsel, Intact Insurance Company

Experienced faculty, including a medical expert, plaintiff and defence counsel will provide practical guidance on this thorny and ever evolving area, including:

- Understanding the science behind mild to moderate brain injuries
- Marshalling the evidence to advance or defend a concussion injury claim
- Diagnosis, treatment and prognosis

12:00 p.m.

## Lunch Break

1:00 p.m.

## Accident Benefits/SABS: What's New at the Licence Appeal Tribunal?

### David Raposo

Dutton Brock LLP

Get fully up-to-date on recent LAT decisions and learn about the latest developments in the following areas:

- CAT designation
- The Minor Injury Guideline
- Special awards
- The basis for awarding costs at the LAT
- Navigating LAT practice and procedures

1:30 p.m.

## Nursing Home Liability in and after COVID-19

### Shanti E. Barclay

Zarek Taylor Grossman Hanrahan LLP

### Melissa Miller

Howie, Sacks & Henry LLP

Already a complex area, COVID-19 and the industry and government's response has added many new challenges to the issue of nursing home liability. Benefit from plaintiff and defence counsel's perspectives on some of the key issues, including:

- Supporting *Ontario's Recovery Act, 2020* (Bill 218)
- Interim Recommendations of Ontario's LTC COVID-19 Commission through the lens of the *Crown Liability and Proceedings Act, 2019*.

2:15 p.m.

## Health Break

2:30 p.m.

## Limitation Periods and Discoverability in 2021 and Beyond

### Daniel Zacks

Zacks Law

- Amendments to the *Occupiers' Liability Act* (and how these will impact practice)
- Adding a party after the limitation period
- Strategies for taking advantage of misnomer relief
- Developments in appropriateness jurisprudence

3:00 p.m.

## Practice in 2021: Rule Changes, New (and old) Court Processes and What These Mean for You

### The Hon. Madam Justice Darla Wilson

Superior Court of Justice (Ontario)

### Heidi R. Brown

Bogoroch & Associates LLP

Practical guidance from the Court and experienced counsel about:

- Pandemic practice (including virtual trials and hearings) and CaseLines: Best practices, how-tos, and what things will look like post-COVID
- Rule 7 motions
- Amended *Rules of Civil Procedure*
- Making the most of To Be Spoken To (TBST) Court

3:30 p.m.

## Navigating Ontario's 2021 Standard Form Contingency Agreement

### Juda Strawczynski

Director of PracticePRO, Lawyers' Professional Indemnity Company

### Laura Hillyer

Martin & Hillyer Associates

Ontario's new prescribed standard form Contingency Fee Agreement and contingency fees process are a potential professional and ethical mine field for the unaware. Learn how to navigate these issues and manage your risk in an engaging discussion, using real-life fact scenarios.

4:30 p.m.

## Program Ends

## Chairs

Richard M. Bogoroch  
Bogoroch & Associates LLP

Susan E. Gunter  
Dutton Brock LLP

## Faculty

The Hon. Madam Justice  
Darla A. Wilson  
Superior Court of Justice  
(Ontario)

Prof. Erik S. Knutsen  
Faculty of Law,  
Queen's University

Shanti E. Barclay  
Zarek Taylor Grossman  
Hanrahan LLP

Melissa Miller  
Howie, Sacks & Henry LLP

Dr. David Berbrayer  
Medical Director, Physical  
Medicine and Rehabilitation  
Clinics, Sunnybrook Health  
Sciences Centre

Stephen R. Moore  
Blaney McMurtry LLP

Heidi R. Brown  
Bogoroch & Associates LLP

David Raposo  
Dutton Brock LLP

Juda Strawczynski  
Director, PracticePRO  
Lawyers' Professional  
Indemnity Company

Farrah B. Chaudhry  
Senior Legal Counsel,  
Intact Insurance Company

Catherine L. Wilde  
Fleck Law

Laura Hillyer  
Martin & Hillyer Associates

Daniel Zacks  
Zacks Law

## Registration Details

**Fee per Delegate: \$695 plus HST**

**Newly Licensed Rate (2018 – Present): \$347.50 plus HST**

Fees include attendance and electronic program materials. Group discounts are available. Visit [www.osgoodepd.ca/group-discounts](http://www.osgoodepd.ca/group-discounts) 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 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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