

ACCIDENT BENEFITS 2023: 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
- Important updates in the law and science of catastrophic impairments
- Rescinding settlements under SABS: the criteria and process
- Challenging insurer examination assessments and reports

Register today at:

osgoodepd.ca/accidentbenefits

PROGRAM CHAIRS

Amanda Lennox
Laxton Glass LLP

Alexander M. Voudouris
Senior Litigator, Pace Law Firm

REGISTRATION OPTIONS

Tuesday, February 7, 2023:
Online (Live)
9:00 a.m. – 4:15 p.m. ET

OR

Friday, March 31, 2023:
Online (Replay)

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

Accident Benefits 2023: What's New? What's Important?

Don't miss the 2023 edition of the most useful annual oneday overview of recent trends and practical solutions in the accident benefits field. Providing realistic solutions and clarity to the issues you can expect to face regularly, you will get a thorough and up-to-date briefing on the state of practice and law in Accident Benefits law today.

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

- Top cases of the past year, from both applicant and defence counsel viewpoints
- Important updates in the law and science of catastrophic impairments
- Rescinding settlements under SABs: the criteria and process
- Challenging insurer examination assessments and reports
- Best practices for leveraging technology in your practice (and pitfalls to avoid)
- Trends and updates in LAT practice

Who Should Attend

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

Register today at:

osgoodepd.ca/accidentbenefits

Agenda

9:00 a.m.

Introduction from course chairs

9:10 a.m.

Most Important AB Related Cases
Over the Previous 12 Months

Michelle T. Friedman

AVP Senior Practice Counsel, Accident Benefits, Aviva Trial Lawyers

Sharon Dagan

Senior Counsel,
Practice Group Leader – Accident Benefits,
Van Arnhem & Associates

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.

10:10 a.m.

CAT Update

Dr. William Gnam

TS Medical Centre

Amanda Lennox

Laxton Glass LLP

Defence counsel and an expert psychiatrist who conducts assessments for both Applicants and Insurers will discuss:

- Leading CAT Cases of the past year
- The law of causation in terms of CAT determination
- The conflict between the "But For Test" and Apportionment
- Why 3 marked impairments on their own no longer satisfies the CAT test for Mental and Behavioural Disorders

10:55 a.m.

Break

11:10 a.m.

Rescinding Settlements under SABs

Alexander M. Voudouris

Senior Litigator, Pace Law Firm

The solicitor who challenged the previous version of the Settlement Disclosure Notice discusses how the current SDN:

- Fails to comply with Section 9.1 of Ontario Regulation 664
- Fails to fulfill the requirements set out in *Parveen v. Aviva*

Plus, we will review how an AB settlement can be rescinded and set aside event after the lapse of 2 business days

11:55 a.m.

Lunch

12:40 p.m.

Challenging Insurer Examination Assessments and Reports

Cara Boddy

Evans Philp LLP

The significance of Rule 10.4 of the LAT's Common Rules of Practice and Procedure will be examined with a view to:

- Challenging the admissibility of an expert report
- Understanding what providing medical reasons entails
- Attacking or defending an IE report that was obtained without medical reasons
- Determining if the LAT has remedial powers to enforce a Rule 10.4 challenge and if so, what they are

1:30 p.m.

Life at LAT

Lori Marzinotto

Former Vice-Chair, LAT, and current Senior Legal Counsel, Definity Financial Corporation

Here from a former LAT official about essential practice points, including:

- Can a party obtain an adjournment of a hearing
- What is the role of motions at the LAT
- How is the LAT dealing with delays
- Is the LAT's compliment of Adjudicators at full strength or are more required
- Will the LAT institute regular meetings/ consultations with stakeholders
- What role if any do non-Adjudicators play in decision making at the LAT

2:15 p.m.

Break

2:30 p.m.

Quick Hits: Essential Insights on Timely Topics

May Gibillini

President, inHEALTH

Phil Thorpe

Vice-President,
McKellar Structured Settlements

The Publisher of the In Health newsletter reporting on LAT decisions will discuss:

- Decision trends at the LAT together with analyzing a myriad of LAT statistics dealing with case loads, timelines, reconsideration results and more

And, the world of structured settlements will be explained with a view to:

- Exploring the product and its elements
- How these can be a benefit to both parties, how it affects the return payout, taxes and even ODSP.
- Ways that counsel can immunize themselves from potential negligence claims involving structured settlements; or more specifically, the lack of a structured settlement or the failure of the solicitor to properly advise their clients

3:30 p.m.

Leveraging Technology in AB Practice

Monica Goyal

Director of Legal Innovation,
Caravel Law Professional Corporation

A leader in the field of legal technology and innovation will discuss how counsel can bring an efficient and tech-savvy approach to their AB practices. We will cover the current and future legal tech landscape for litigators, key ethical considerations, as well as essential safeguards to ensure when using technological suites, including confidentiality, privacy, and information security.

“Excellent... gives me not only information about key cases and trends in the industry, but also provides ideas and directions on how to implement strategies in the real world... this seminar has also taught me how to improve the quality of our cases and how to increase the quantum of our settlements.”

Kamelia Stancheva, Paralegal, Merricks Law Group

“Very good... All the instructors were well versed and great speakers.”

Neha Prabhakar, Hillier & Hillier

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

Rose Bilash, Shillingtons LLP

Chairs

Amanda Lennox
Laxton Glass LLP

Alexander M. Voudouris
Senior Litigator, Pace Law Firm

Faculty

Cara Boddy
Evans Philp LLP

Dr. William Gnam
TS Medical Centre

Sharon Dagan
Senior Counsel,
Practice Group Leader –
Accident Benefits,
Van Arnhem & Associates

Monica Goyal
Director of Legal Innovation,
Caravel Law Professional
Corporation

Michelle T. Friedman
AVP Senior Practice Counsel,
Accident Benefits, Aviva Trial
Lawyers

Lori Marzinotto
Former Vice-Chair, LAT, and
current Senior Legal Counsel,
Definity Financial Corporation

May Gibillini
President, inHEALTH

Phil Thorpe
Vice-President, McKellar
Structured Settlements

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

“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 regulated professionals within the past 2 years*

Fees include attendance and electronic program materials. Group discounts are available. Visit 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,



OsgoodePD has been approved as an Accredited Provider of Professionalism Content by the LSO.



Eligible CPD Hours – LSO (ON): 6h 20m CPD
(5h 20m Substantive; 1h Professionalism)

OsgoodePD programs may be eligible for CPD/MCLE credits in other Canadian and US jurisdictions. To inquire about credit eligibility, please contact cpd@osgoode.yorku.ca.

Register today at:

osgoodepd.ca/accidentbenefits



Email: osgoodepd@osgoode.yorku.ca



Phone: 416 597 9724



Mail: 1 Dundas Street West, 26th Floor, Toronto, ON, M5G 1Z3



Accident Benefits 2023: What's New? What's Important?

Register today at:

osgoodepd.ca/accidentbenefits