

ACCIDENT BENEFITS 2024: 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
- Minor Injury Guideline – critical legislation, case law and key considerations
- CAT Update: causation, apportionment, application of the “but for” test, inequality between physical and mental impairments
- Appeals and judicial reviews from LAT: when available, reconsiderations, standard of review, appeals from the Divisional Court

And much more!

PROGRAM CHAIRS

Lori Marzinotto
Senior Legal Counsel,
Definity Financial Corporation

Alexander M. Voudouris
Senior Litigator, Pace Law Firm

REGISTRATION OPTIONS

February 21, 2024:
Online (Live)
9:00 a.m. – 4:00 p.m. ET

OR

April 4, 2024:
Online (Replay)
9:00 a.m. – 4:00 p.m. ET

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

Register today at:

[osgoodepd.ca/
accidentbenefits](https://osgoodepd.ca/accidentbenefits)

Accident Benefits 2024: What's New? What's Important?

Register now for the 2024 edition of the most useful annual one-day overview of recent trends and practical solutions in the Accident Benefits field. Providing a critical update and clarity to the issues you face on a regular basis, you will get a thorough and up-to-date briefing on the current and evolving state of practice and law in Ontario's Accident Benefits statutory regime.

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
- Minor Injury Guideline – critical legislation, case law, and key considerations
- CAT Update: causation, apportionment, application of the “but for” test, inequality between physical and mental impairments
- Appeals and judicial reviews from LAT: when available, reconsiderations, standard of review, appeals from the Divisional Court
- Recent amendments to the LAT's Common Rules of Practice and Procedure: Everything you need to know
- Ethical and professionalism at LAT:
 - the duty to accommodate without prejudicing your client
 - dealing with unrepresented parties
 - issues with reasonable apprehension of bias at LAT
 - the duty to advise tribunal of all relevant cases

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 Accident Benefits
Related Cases Over the Previous
12 Months

Michelle Arzaga

Pace Law Firm

Brent McQuestion

Morris Law Group

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.

Update on Catastrophic Impairment
Under SABS

Nathan Tischler

TD Insurance

Dr. Zohar Waisman

Temerty Faculty of Medicine,
University of Toronto

Defence counsel and an Expert Psychiatrist who conducts assessments for both Applicants and Insurers will discuss the latest psychological-legal developments in CAT in Ontario's SABS regime, discussing:

- Causation
- Apportionment
- The application of the “but for” test
- Inequality between physical and mental impairments

10:55 a.m.

Break

11:10 a.m.

Keys to a Successful LAT Adjudication

Lori Marzinotto

Senior Legal Counsel,
Definity Financial Corporation

Deborah Neilson

Member, Licence Appeal Tribunal,
2016 – 2023

Join a former Vice-Chair of LAT for a crucial overview of key advocacy considerations when appearing at LAT, including:

- Step-by-step procedure
- Important rules to know
- Helpful tips

11:55 a.m.

Lunch

12:55 p.m.

Roundtable on Ethical Issues that Arise at LAT

Kris Bonn

Bonn Law

Sophia Chaudri

Flaherty McCarthy LLP

David Raposo

Dutton Brock LLP

A panel of experienced AB lawyers will tackle thorny issues and dilemmas particular to AB practice and LAT tribunal work, covering:

- The duty to accommodate without prejudicing your client
- Dealing with unrepresented parties
- Issues with reasonable apprehension of bias at LAT
- The duty to advise tribunal of all relevant cases

1:40 p.m.

Appeals and Judicial Reviews from LAT

The Hon. David Corbett

Ontario Superior Court of Justice

K. Jay Ralston

Murray Ralston Lawyers

Hear from the Bench and Bar about the requirements, options available, and procedures involved when challenging a decision from LAT, as well as important factors to consider:

- When appeals and judicial review are available
- Reconsiderations
- The applicable standard of review
- Appeals from the Divisional Court

2:25 p.m.

Break

2:40 p.m.

Quick Hits: Essential Insights on Timely Topics

Kimberley Tye

Aviva Trial Lawyers

Alexander M. Voudouris

Senior Litigator, Pace Law Firm

- Defining an “Accident”: What the cases say
- Recent amendments to the LAT’s Common Rules of Practice and Procedure

3:15 p.m.

Navigating the Minor Injury Guideline: Key Elements, Critical Legislation and Important Cases

Chloe Lester

Mediator and Arbitrator

Understanding the objectives and framework of the MIG and how it works in the real world is important for everyone handling Accident Benefits matters.

We will look at the MIG’s administrative process and jurisprudence, as well as underlying concepts, notably:

- Functional restoration
- What level of “compelling evidence” is required to move beyond MIG?
- Impairments that fall within or outside the MIG

4:00 p.m.

Program Ends

“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

Lori Marzintotto
Senior Legal Counsel,
Definity Financial Corporation

Alexander M. Voudouris
Senior Litigator, Pace Law Firm

Faculty

Michelle Arzaga
Pace Law Firm

Deborah Neilson
Member, Licence Appeal
Tribunal, 2016 – 2023

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The Hon. David Corbett
Ontario Superior Court
of Justice

Nathan Tischler
TD Insurance

Chloe Lester
Mediator and Arbitrator

Kimberley Tye
Aviva Trial Lawyers

Brent McQuestion
Morris Law Group

Dr. Zohar Waisman
Temerty Faculty of Medicine,
University of Toronto

“Overall, the program was informative, educational & relevant! I overall appreciated listening to all the speakers in each segment. The program overall was well put together and I would highly recommend others to enroll in next years program.”

Ava M. Hillier
Hillier & Hillier

Registration Details

Fee per Delegate: \$695 + TAX

Newly Licensed*: \$347.50 + 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, a \$75 administration fee will apply. No other refund is available.



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(4h 50m Substantive; 1h Professionalism)

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