Accident Benefits: A Practical Guide (YLD)

Date: Tuesday, November 25, 2014 | 9:00 am – 1:00 pm

Location: Twenty Toronto Street Conferences and Events
20 Toronto Street, 2nd Floor, Toronto

Program Chairs: Adrian Lomaga, Adrian Lomaga Personal Injury Law P.C.
Krista M. Groen, Samis & Company

Walk away with an understanding of the fundamental topics that are of key importance to the most simple and complex accident benefits. Get insights into how to identify, analyze, and apply the law to various types of accident benefits cases, including disputes brought before the Financial Services Commission of Ontario (“FSCO”) and the court system.

If your practice involves any component of accident benefits litigation, you will not want to miss this program - register now.

8:30 am Registration and Coffee
9:00 am Welcome and Opening Remarks from the Program Chairs
9:05 am Income Replacement Benefits (“IRBs”) & Non-Earner Benefits (“NEBs”)
  • What is the test?
  • What should you consider when making an election?
  • How to quantify the benefits
  • What collateral offsets apply? How?
Ryan A. Murray, Oatley, Vigmond Personal Injury Lawyers LLP
Zainab Walji, PricewaterhouseCoopers LLP
9:25 am Med-Rehab Benefits & Attendant Care
  • What is the test?
  • What is the procedure to claim benefits?
  • When is an IE reasonable? How many? How often?
Alisa Mazo, Mazo Chowbay
Jonathan R. Tatner, Brown & Partners LLP
9:45 am Limitation Period for Claiming Benefits
  • A discussion of the Court of Appeal decision of Seitzema v. Economical
  • The law before Seitzema – Goldamez v. Allstate
  • What triggers the start of a limitation period for a particular benefit?
  • Implications for a claimant
  • Obligations of counsel with respect to limitation periods for specific accident benefits claims - having an appropriate tickler system
Lisa Armstrong, Samis & Company
9:55 am Review of Top 10 Recent Decisions Highlighting Key Changes in Accident Benefits over the Past Year
  • Catherine A. Korte, McCague Borlack LLP
  • Renée Vinett, Howie, Sacks & Henry LLP
10:05 am The Minor Injury Guideline
  • What is it?
  • Who qualifies in the MIG? Who doesn’t? What is considered in this assessment?
  • Recent cases: Scarlett v. Belair and Augustin v. Unfund
Nicole Corriero, Lozano Corriero Personal Injury Lawyers
Sharon Dagan, Bell, Temple
10:25 am Catastrophic Impairment
  • What additional benefits are made available?
  • What is the test?
10:45 am Bad Faith & Special Awards
  • What duty is owed to an insured?
  • What evidence points to a breach of this duty?
  • How are these awards quantified?
  • A review of recent decisions
Leilah Edroos, Brown & Partners LLP
Maria L. Capulong, Carranza LLP
11:25 am Examinations Under Oath
  • An understanding of the requirements under section 33
  • Appropriate scope of the examination & production requests
  • What happens if the claimant fails to attend or answer certain questions?
  • Professional obligations dealing with unrepresented parties
Michael Fleischmann, Fleischmann P.C.
11:45 am FSCO Mediations & Arbitrations
  • How do you file a dispute?
  • What are the timelines?
  • What strategies can maximize your success for a resolution at mediation?
  • What are the pros and cons of arbitration vs. litigation?
  • What are the differences?
  • Respect & courtesy owed to judges & arbitrators
Robert S. Franklin, Reisler Franklin LLP
Rikin R. Morzaria, McLeish Orlando LLP
12:15 pm Review of Top 10 Recent Decisions Highlighting Key Changes in Accident Benefits over the Past Year
12:45 pm Questions and Closing Remarks

PROGRAM REGISTRATION IS ONLINE www.oba.org/pd
Questions? pd@oba.org
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