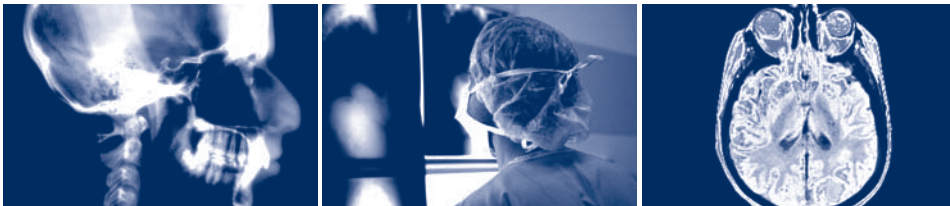


LITIGATING TRAUMATIC BRAIN and SPINAL CORD INJURY CASES

February 26, 2010 | St. Andrew's Club and Conference Centre | 150 King Street West, Toronto



PROGRAM CHAIR

Richard Bogoroch

Principal

Bogoroch and Associates

Hear from and meet with leading medico-legal experts and other distinguished professionals renowned in the field of traumatic brain and spinal cord injuries who will discuss these and other hot button topics:

- Latest developments in diagnosis and treatment options
- Trends in income, economic loss, non-pecuniary and punitive damages claims
- Assessing long-term rehabilitation strategies and attendant care needs
- Exploring liability and multiple defendant issues
- Analysing mediation opportunities and pitfalls in settling infant SCI and TBI cases
- Avoiding adverse tax consequences in structuring settlements
- Subjective versus objective evidence considerations

and much more...

PRE-CONFERENCE WORKSHOPS

February 25, 2010

Working with Health Professionals as Expert Witnesses

Dr. Harold Becker

Medical Director

Omega Medical Associates

Angela Comella

Lawyer

Gluckstein and Associates LLP

Achieving Quality and Timely Resolution through State of the Art Mediation, Pre-Trial and Settlement Conference Practices

James A.S. Dunbar and Paul Torrie

Mediators

Global Resolutions Inc.



This program has been accredited by the Law Society of Upper Canada towards the professional development requirement for certification. **Civil Litigation – 6.5 hours**

The pre-conference workshops have been accredited by the Law Society of Upper Canada towards the professional development requirement for certification. **Civil Litigation – 5 hours for both or 2.5 hours each**

Dear Colleague,

The recent tragic accidental deaths of celebrities resulting from head or spinal cord trauma have heightened an awareness of liability issues surrounding these misfortunes. At the same time revolutionary advances in new medical science such as stem cell research and brain scan imaging provide hope for the afflicted to return to a quality life. This good news actually poses a challenge for both personal injury lawyers and insurers. Unlike a death claim or 100% catastrophic impairment, how do you determine damages where quality of life improves, but is never returned to pre-accident form?

To best represent their clients, lawyers need to learn the relevant medical concepts and breakthrough developments from the leading physicians and scientists working at the cutting edge of research, diagnostic and treatment methodologies. Doctors need to learn about what is expected of them in the litigation of these claims, as their successful resolution is often a key ingredient to the accident victim's recovery.

As governments and insurers grapple with spiraling health care costs, effectively managing expensive traumatic brain and spinal cord injury cases is critically essential to control health care costs and insurance premiums.

By attending **Insight Information's LITIGATING TRAUMATIC BRAIN and SPINAL CORD INJURY CASES** conference, you will hear from a distinguished faculty of preeminent practitioners in this field who will address these and other burning questions:

- Is there over reliance on the Glasgow Scale?
- Can pain be invisible?
- How do you quantify future income loss claims?
- What can be detected from imaging technology?
- When do you know that your expert report file is complete?
- Should courts be more vigilant in approving settlements?

I look forward to seeing you at the conference! Don't miss this opportunity to have your questions answered by top experts in their fields.

Richard Bogoroch

Principal

Bogoroch and Associates

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For further details, please contact Kevin Jeanjacques at 416.642.6130 or kjeanjacques@alm.com

WHO SHOULD ATTEND

- Personal Injury Lawyers
- Defense Lawyers
- In-House Insurance Counsel
- Accident Benefits and Liability Insurance Claims Adjusters
- FSCO Regulators, in-House Counsel, Mediators and Arbitrators
- ADR Professionals
- Future Care, Vocational, Occupational and Rehabilitation Assessors and Consultants
- Medical Professionals
- Accident Benefits Consultants and Paralegals
- Law Clerks
- Actuaries

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WORKING WITH HEALTH PROFESSIONALS AS EXPERT WITNESSES

Dr. Harold Becker

*Medical Director
Omega Medical Associates*

- What type of expert is needed? Evaluating the expert's credentials
- Determining expert credibility
- Using demonstrative evidence to corroborate or discredit the expert
- What are the limits of the expert report?
- Understanding expert qualifications in reading the report

Dr. Harold Becker is an Assistant Professor in the Faculty of Medicine, Department of Family and Community Medicine at the University of Toronto. Dr. Becker was appointed the Ontario Medical Association representative to the Minister's DAC Committee in 1997, and held the position of Vice-Chair in 2000-2001. He presently operates Omega Medical Associates where he directs independent multidisciplinary assessments of catastrophic impairment for lawyers from plaintiff and defence bars.

Angela Comella is an Associate with Gluckstein and Associates LLP in Toronto. She completed her undergraduate studies at Queen's University in Kingston and her Bachelor of Laws at the University of Windsor. She has been practicing personal injury law since her call to the bar in 2006.

Angela Comella

*Lawyer
Gluckstein and Associates LLP*

- Working with the treating health care provider
- Reconciling discrepancies in experts' reports
- How to best assist and prepare health care providers for their assessments, pre-trial discoveries, depositions and giving evidence at trial
- Role plays and debriefs on lawyer-health professional interactions throughout the process

12:00 | 1:30 LIGHT LUNCH WILL BE SERVED FOR DELEGATES ATTENDING BOTH WORKSHOPS

ACHIEVING QUALITY AND TIMELY RESOLUTION THROUGH STATE OF THE ART MEDIATION, PRE-TRIAL AND SETTLEMENT CONFERENCE PRACTICES

James A.S. Dunbar

*Mediator
Global Resolutions Inc.*

- Best practices in preparing materials and strategies for mandatory and private mediations, pre-trial and settlement conferences
- Preparing the party representative for the mediation
- Selecting the mediator
- Timing issues in scheduling the mediation
- Using demonstrative evidence at mediation

James A.S. Dunbar is a mediator with Global Resolutions. He has over 25 years of experience managing complex commercial, product liability and insurance litigation, including spinal cord and traumatic brain injuries. He practiced with Fraser Milner Casgrain LLP, both as a litigation partner and as the firm's General Counsel, giving him unique insight as a mediator in accommodating and reconciling opposing views. Mr. Dunbar is currently a member of the Executive of both the Canadian Bar Association National ADR Section and Ontario Bar Association ADR Section. Mr. Dunbar received his Honours Bachelor of Arts from Queen's University in 1977 and his LL.B from Osgoode Hall Law School in 1980 and was called to the Bar in 1982.

Paul Torrie is the founder and president of Global Resolutions Inc., a Toronto-based dispute resolution company. Since 1987, Mr. Torrie has been resolving a range of disputes including multi-party personal injury matters. Mr. Torrie mediated one of Ontario's most complex motor vehicle accident cases known as "Operation Fog". He has been recognized by the Ontario Courts as an expert in dispute resolution. Mr. Torrie has written and lectured extensively to various professional bodies, corporations, law firms, and law schools on the topic of Dispute Resolution. He is a graduate of McGill University and Osgoode Hall Law School and was called to the Ontario Bar in 1982.

Paul Torrie

*Mediator
Global Resolutions Inc.*

- Tips to follow and traps to avoid in both counsel and party representative conduct in pre-trial settlement processes
- Negotiation strategies which work and avoiding those which don't
- The real meaning of confidentiality in settlement proceedings: overcoming ethical obstacles for the mediator and counsel
- Role playing mediation scenarios

8:00 | 8:30

Registration and Continental Breakfast

8:30 | 8:40

Welcoming Remarks from Insight Information

8:40 | 8:45

Welcoming Remarks from the Chair

Richard Bogoroch

*Principal
Bogoroch and Associates*

8:45 | 9:45

PANEL DISCUSSION

Medical Fundamentals in Traumatic Brain ("TBI")
and Spinal Cord Injury Cases ("SCI")

Dr. Donna Ouchterlony

*Director
Head Injury Clinic
St. Michael's Hospital (Toronto)*

Chantal G. Vaidyanath, MD, FRCPC (C)

*Physiatrist, Neurorehabilitation Program
Toronto Rehabilitation Institute, University Centre*

Spinal Cord Injury Specialist – to be announced

- Commonly encountered causes of TBI
- Distinguishing head injury from TBI
- Understanding contra coup injury, diffuse axonal injury, brain contusion and related conditions
- Severity classification for TBI; the significance of loss of consciousness and Glasgow Coma Scale score
- What factors can affect the Glasgow Coma Scale Score?
- "Subjective" versus "objective" evidence of TBI
- What we can learn from imaging?
- Prospects for recovery of cognitive and motor functions
- Identifying the roles of the experts

9:45 | 10:15

The Role of the Expert Witness in Litigation

Robert Traves

*Partner
Borden Ladner Gervais LLP*

- Determining who is an expert: selecting the right expert
- Preparing medical experts for discovery and trial
- Examining and cross-examining medical experts
- Obtaining, understanding and using medical expert reports
- Understanding the professional responsibilities of health professionals as assessors
- Privilege and ethical issues
- The expected impact of *Bill 198* reform on the role of the health expert in MVA litigation

10:15 | 10:30

Networking Coffee Break

10:30 | 11:00

Litigating Infant TBI and SCI Cases

Tammy Ring

*Lawyer
Lerners LLP*

- Developmental issues
- Assessing long-term rehabilitation strategies and attendant care needs
- Determining the proper range of damages: quantifying future losses
- Analysing mediation opportunities and pitfalls in settling infant SCI and TBI cases
- The role of the personal injury lawyer in working with medical professionals and the child's family

11:00 | 11:30

Best Practices in Settlement Structuring and Tax Planning

John Rousseau

*In-House Counsel and Structured Settlement Broker
McKellar Structured Settlements Inc.*

- Assessing settlement structure options
- Avoiding adverse tax consequences in structuring settlements
- Satisfying OHIP and health benefit plan requirements
- Subrogation issues
- Court approvals: ensuring the settlement is fair to minors and disadvantaged parties

11:30 | 12:00

Accident Benefits ("AB") Issues in TBI and SCI Cases

Jennifer Griffiths

*Partner
Zarek Taylor Grossman Hanrahan LLP*

- Catastrophic threshold versus catastrophic entitlement
- Managing attendant care and medical and rehabilitation claims
- "Burn rates" and the erosion of limits
- Capacity and administering the claims of a person under a disability
- Preparing the file for settlement negotiations

12:00 | 1:00

Networking Luncheon

1:00 | 1:30

New Approaches to Determine Catastrophic Impairment ("CAT")

Dr. Harold Becker

*Medical Director
Omega Medical Associates*

Robert Rogers

*Partner
Evans, Philp LLP (Hamilton)*

- New roles for the vocational evaluator, forensic accountants, life care and future cost planners in CAT findings
- Are the Glasgow Coma Score and Glasgow Outcome Score definitions relevant?
- Are the AMA Guides 4th edition here to stay? What other references to impairment analysis can be considered?
- How accurate are the AMA Guides in determining impairment ratings for medico legal purposes in Ontario?
- Effective strategies to make or break a CAT claim
- Examining recent trends in CAT determination: Where are the courts heading?

1:30 | 2:15

Tactics and Strategies in Advancing and Defending TBI and SCI Cases

Michael Shannon

Partner
Cassels Brock LLP

Janet Young

Partner
Devry, Smith & Frank LLP

Part A: Plaintiff's Perspective

- Understanding functional capacity evaluations, physical demands analysis and other expert reports
- Working up the case
- Identifying the multiple defendants and extent of exposure
- Exploring liability issues in head injury cases in the aftermath of the Mont Tremblant Natasha Richardson tragedy
- Preparing the injured plaintiff and family members for discovery and trial
- Successful mediation strategies
- Obtaining required expert reports
- Speaking to the jury at trial considerations

Part B: Defense Perspective

- Formulating multiple defense theories
- Spotting commonly made plaintiff assumptions and effectively attacking them
- Ruling out pre-existing disorders
- Working with the insurance adjuster
- Preparing for discovery and trial

2:15 | 2:45

Quantifying Past and Future Care Costs in TBI and SCI Cases

Charles Gluckstein

Gluckstein and Associates LLP

- What to claim as future care costs
- Calculating and advancing the claim
- Obtaining expert reports
- Analysis of Recent Court Decisions: *Sandhu, Morrison, Gordon and Marcoccia*
- Claiming management, guardianship and legal fees

2:45 | 3:00

Network Refreshment Break

3:00 | 3:30

Recent Developments in Assessing Damages

Robert Munroe

Partner
Ross & McBride LLP

- Analyzing recent damages awards in TBI and SCI cases: Is there an "upper limit"?
- Measuring difficult to detect TBI
- Trends in income, economic loss, non-pecuniary and punitive damages claims in TBI and SCI cases
- Optimal timing settlement issues in TBI and SCI cases
- Developing a "damages checklist"

3:30 | 4:30

PANEL DISCUSSION

Successfully Negotiating the Cashing Out of AB Claims and Seizing Settlement Opportunities

Moderator

Richard Bogoroch

Principal
Bogoroch and Associates

Ivan Luxenberg

Partner
Malach & Fidler LLP

Paul Torrie

Mediator
Global Resolutions Inc.

- When is the optimal time to mediate AB claims?
- Selecting a mediator — what should you be looking for?
- Preparing effectively for the mediation
- Winning strategies to coordinate the MVA claimant's AB and tort proceedings and achieve either optimal recovery (plaintiff) or reduced liability exposure (defendant)
- When is counsel at risk for settling too prematurely? Identifying the right time to settle

4:30 | 4:45

Update on Family Law Act ("FLA") Claims

Kate Cahill

Lawyer
Bogoroch and Associates

- Strategies for advancing FLA claims
- Recent damages awards for FLA claims
- Limitation periods for derivative claims

4:45

Chair's Closing Comments and Conference Concludes

LITIGATING TRAUMATIC BRAIN and SPINAL CORD INJURY CASES

FIVE EASY WAYS TO REGISTER Call 1 888 777-1707 | Fax 1 866 777-1292 | Internet: www.insightinfo.com/braininjurylitigation
Email: order@alm.com | Mail: Insight Information, 214 King Street West, Suite 300, Toronto, Ontario M5H 3S6

February 26, 2010 | St. Andrew's Club and Conference Centre
150 King Street West, Toronto

WORKSHOPS | February 25, 2010

Yes! Please register the following delegate(s) (photocopy for additional delegates)

Priority Code: 10467_A

Mr. Ms. Name _____

Title: _____

Area of practice: _____

Company: _____

Business Address: _____

City: _____ Province: _____ Postal Code: _____

Telephone: [] _____ Fax: [] _____

E-mail: _____

Type of Business: _____ #of Employees: _____

Registrant's Signature Required: _____

Signature _____ Date _____

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Workshop A or B \$600.00 + GST (\$30.00) = \$630.00

Both Workshops \$1,095.00 + GST (\$54.75) = \$1,149.75

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Payment enclosed. Payment to follow. (GST Reg. #856568779RT0001)

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The St. Andrew's Club and Conference Centre is conveniently located at 150 King Street West, Toronto, ON. Tel: 416-366-4228. For overnight accommodation, please contact The Hilton Toronto, located at 145 Richmond St. West, Toronto, ON. Tel: 416-869-3456 or Fax: 416-869-3187. Please ask for the Insight Information corporate rate # 2687149 (subject to availability).

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