



OCTOBER 20, 2016
THE CARLU, TORONTO

PRACTICAL STRATEGIES FOR
EXPERTS:
TESTIFYING WITHOUT FEAR

A ONE-DAY CONFERENCE FOR HEALTH CARE PROFESSIONALS
AND THOSE WHO MAY BE CALLED TO TESTIFY

Conference
sponsored by



MCLEISH ORLANDO
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PERSONAL INJURY LAWYERS



Personal Injury Alliance

Three of Canada's top ranked personal injury law firms, sharing one common goal; to restore the lives of accident victims with dignity and compassion.

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Accident victims often have nowhere to turn for advice regarding how to secure quality legal representation. Trying to properly assess a firm's competence, history, skills, and experience can be overwhelming. By contacting the Personal Injury Alliance and retaining a lawyer from one of the three Alliance firms, clients can feel confident that they are choosing a firm that has an established history of success.

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About the Conference

Conference Goals

This conference will enable participants to:

- Develop and enhance techniques for providing expert testimony
- Improve your confidence and avoid embarrassment in court
- Educate delegates about the technical requirements of Examination in Chief and Cross Examination
- Provide insight on how to handle difficult cross examinations
- Provide strategies for court preparation
- Help delegates become more effective witnesses

Who Should Attend

This conference will be of interest to all experts, health care professionals and those who may be called to testify, regardless of the level of experience.

Continuing Education Credits

Conference attendance certificates will be provided. Registrants are encouraged to review self-assessment guidelines issued by their professional college or association for continuing education credits, or contact their professional college association for further information.

Registration fees are donated entirely to:

PIA Law Educational Bursary Fund



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PRACTICAL STRATEGIES FOR **EXPERTS:** TESTIFYING WITHOUT FEAR

A G E N D A

7:30 Registration and Breakfast

8:30 Welcome and Introduction

Co-chairs: Aleks Mladenovic, Dale Orlando, Troy Lehman

8:40 The Law of Expert Evidence and Report Writing

John McLeish

- *Structure of the report: What should it look like?*
- *Use of legal terms and understanding causation*

9:10 Preparing for Examination in Chief of the Expert

Craig Brown

9:40 The Top 10 “Do’s and Don’ts” of Expert Evidence: A View From the Bench

The Honourable Justice Mary Anne Sanderson

10:10 Refreshment Break

10:40 Panel: Cross Examining the Neuropsychologists - The Anatomy of a Brain Injury, Tearing down the foundation of the Expert Opinion

Moderator: Brian Cameron

Participants: Dr. Paul Comper, Dr. Karen Wiseman

- *Mining the raw data and test results*
- *Undermining the experts assumptions*

11:30 Demonstrative Evidence: Bringing Expert Evidence to Life

Troy Lehman

- *Discover the importance of models, charts and other demonstrative tools*
- *Learn how these aids to testimony can make your evidence easier to understand and more persuasive*
- *Use of technology in the courtroom*



12:00 Lunch

1:15 Trial Demonstration: Examination in Chief and Cross Examination of the Life Care Planner

Moderator: Aleks Mladenovic

Participants: Dimple Mukherjee, Patrick Brown, Richard Halpern

- *Witness a life care planning expert testify in a mock trial*
- *Real Experts will be examined in chief and cross-examined on issues that arise in the courtroom*
- *Lawyers on both sides will test the expert on some discrete issues arising from their reports*

2:30 Refreshment Break

3:00 The Top 10 Tips to Relieve Your Anxiety About Testifying

Dr. Robert Van Reekum, Adam Little

3:30 Ask the Experts

Moderator: Dale Orlando

Panel: Aleks Mladenovic, Troy Lehman

- *An open forum for discussion and Q&A*

4:15 Cocktail Reception

All speakers are confirmed at time of printing but are subject to change.

About the Faculty

CRAIG BROWN Personal injury lawyer Craig Brown attributes much of his success to proper risk management. Craig, one of Lexpert Directory's "Leading personal injury practitioners" and listed in The Best Lawyers in Canada® 2016, counts several multi-million dollar court verdicts among his recent achievements. In the past five years, Craig has helped hundreds of clients achieve lucrative awards for brain and spinal cord injuries and other harms sustained due to negligence. Craig is passionate about seeking compensation for damages suffered by innocent people. An author and lecturer, Craig is a member of the Canadian Bar Association, the Advocates' Society, Ontario Trial Lawyers Association, the Association of Trial Lawyers of America, and serves on the Board of the Disabled Sailing Association of Ontario.

PATRICK BROWN is a partner at McLeish Orlando and has been practicing personal injury for over 20 years. He is a past president of the Ontario Trial Lawyers Association and was awarded the Distinguished Service Award. He is the past Chair of the Ontario Bar Associations Insurance Law Section. He is a Certified Litigation Specialist by the Law Society of Upper Canada and has been selected by peers to be included in Best Lawyers in Canada and is a Lexpert Ranked Lawyer. Patrick was appointed by the Office of the Chief Coroner of Ontario as an expert to the Ontario Coroners 4 Year Review on Cycling Deaths. He was selected to provide legal insight and expertise on ways to prevent cycling deaths within Ontario while representing the interests of cycling organizations such as CycleToronto, ARC, 8-80 Cities, and the United Senior Citizens of Ontario. When the Bike Law Network expanded to represent Canadian cyclists, Patrick joined as the representation for Canada in Bicycle Injury Cases.

BRIAN CAMERON Brian Cameron completed his LLB at Western University and was called to the bar in 2001. He joined Oatley Vigmond in 1999 and became a partner in 2008. Brian was named by the Ontario Trial Lawyers Association as the Outstanding Young Lawyer in May of 2008 and is a Certified Specialist in Civil Litigation. Due to the level of care and quality of service Brian provides his seriously injured clients, he was named "Outstanding Young Lawyer" by his peers in the Ontario Trial Lawyers Association in May of 2008.

Brian has acted as co-counsel with James Vigmond on several cases at the appellate level in Ontario that have resulted in significant gains for Plaintiffs injured in motor vehicle collisions in Ontario. He has been an invited speaker at conferences involving the advancement of personal injury law, notably before the Ontario Trial Lawyers Association of Ontario, the Canadian Bar Association and the Advocates Society. He speaks to health care professionals about the changing nature of insurance in Ontario. Brian is a co-editor for OTLA Notes and for The Litigator, publications on recent developments in the law published by the Ontario Trial Lawyers Association.

DR. PAUL COMPER is a clinical neuropsychologist and research scientist at the Toronto Rehabilitation Institute – University Health Network. In addition to his clinical and research interests in the area of traumatic brain injury, Dr. Comper holds faculty appointments at the University of Toronto in the Faculty of Kinesiology and Physical Education, the Graduate Department of Rehabilitation Science (Faculty of Medicine) and the Faculty of Graduate Studies.

Paul has published and presented internationally in the area of mild traumatic brain injury and sports-related traumatic brain injury. For the past 14 years Dr. Comper has been the neuropsychology consultant to the National Hockey League Players' Association (NHLPA) and is the Co-Chair of the joint

NHL/PA Concussion Subcommittee. For the past 7 years, Paul and his colleague Dr. Michael Hutchison have conducted an exhaustive study of the events and mechanisms of head trauma in NHL hockey players and their work formed the scientific basis that led to the introduction in 2010 of Rule 48, penalizing lateral or blindside hits to the head.

RICHARD HALPERN is a senior lawyer acting exclusively for injured people in medical negligence cases, with a special focus on infants injured at or around the time of birth. In 2015 Richard was the recipient of the Award for Distinguished Service to the legal profession, conferred by his peers at the Ontario Bar Association. Richard has been recognized by and listed in Best Lawyers in Canada. He has been recognized in the Canadian Legal Lexpert Directory. Richard is currently a member of the Holland Group, a group that promotes reforms in medical malpractice cases aimed at increasing access to justice and timely and equitably resolution of medical malpractice claims. Richard is also a member of a bench a bar committee established by the Ontario Court of Justice. Richard is a past President of the Ontario Trial Lawyers Association. He is a past member of the Judicial Advisory Committee on Judicial Appointments (GTA) appointed by the Federal Minister of Justice. He is a member of the Advocates' Society, the Ontario Trial Lawyers' Association, the Ontario Bar Association and the American Association of Justice.

TROY LEHMAN is a Partner at Oatley Vigmond. He is a graduate of the University of Western Ontario law school, Troy was called to the bar in 2001. Troy received the highest mark on the Bar Admission course by anyone from Western University. Troy joined Oatley Vigmond in 2006 and became partner in 2010. Troy's accomplishments include: Director of Simcoe County Law Association 2014, Guest Lecturer University of Western Ontario in 2001 and 2002, Guest Lecturer Queens University since 2013, and a Certified Specialist in Civil Litigation.

Troy has been invited to educate other lawyers on various topics relating to personal injury law at conferences hosted by the Law Society of Upper Canada, the Ontario Trial Lawyers Association and York University. He has represented many clients at trial and has been lead counsel in appeals to the Divisional Court and Court of Appeal. Troy volunteers his time with Mothers Against Drunk Driving and the Brain Injury Society of Toronto.

ADAM LITTLE is a Partner at Oatley Vigmond. He is a graduate of Queen's University Faculty of Law (2000) and the University of Toronto (1996); Adam was called to the Bar in 2002. Since that time, Adam has dedicated his practice to obtaining compensation for motor vehicle accidents, medical negligence, occupiers' liability claims, long-term disability and other insurance disputes.

Adam has experience before all levels of court in the province, from jury trials in the Superior Court of Justice, to appeals at the Ontario Court of Appeal. In 2011, Adam obtained the highest damages award in Ontario history for two young girls who lost their mother in a motor vehicle collision. His other accomplishments include: Past President of the Simcoe County Law Association, recipient of the Ontario Trial Lawyers' Association's Dean F. Edgell Award, and recipient of the Ontario Trial Lawyers' Association's Distinguished Service Award. Adam is a Certified Specialist in Civil Litigation.

Adam is a regular contributor and speaker at continuing legal education events in the industry, and a co-author of the Lexis-Nexis Practice Advisor – Personal Injury Module.

JOHN MCLEISH is a founding partner of McLeish Orlando LLP. His practice is dedicated exclusively to representing individuals who have suffered serious personal injuries, including traumatic brain injuries and spinal cord injuries, as

well as representing family members in wrongful death cases. He lectures and publishes extensively for various continuing legal education programs on trial advocacy and all matters related to actions for personal injury and wrongful death damages. He is a co-author of five texts on Personal Injury and Trial Advocacy. John has served as a past president of the Ontario Trial Lawyers Association. He is named in the National Post's list of Best Lawyers in Canada. He is recognized on Lexpert's list of Leading Practitioners in Toronto as Most Frequently Recommended and is rated AV (Pre-eminent) by Martindale-Hubbell Peer Review. John is listed in the Best Lawyers in Canada for Personal Injury Litigation. He has been named as Toronto's Best Lawyer of the Year in the 2013 edition of Best Lawyers in Canada. In 2016 he received the Award of Excellence in Insurance Law from the Ontario Bar Association. As well, he is an elected Fellow of the American College of Trial Lawyers, a North American organization which recognizes excellence in trial lawyers.

ALEKS MLADENOVIC Aleks is a partner in the Personal Injury group at Thomson, Rogers.

Aleks was named one of the leading medical malpractice lawyers in Canada by Lawday, a North American resource for the legal profession. He also has the honour of having been selected by his peers to be published in the Canadian Legal Lexpert® Directory 2015 as a leading practitioner in the field of personal injury litigation and medical negligence.

Aleks has authored numerous articles on litigation and the importance of the litigation process in ensuring safety in medical care. He is a member of the Ontario Trial Lawyers Association, The Advocates' Society and the Medical-Legal Society.

Prior to joining Thomson, Rogers, Aleks worked in the United States and Canada on behalf of physicians in medical negligence matters. As such, Aleks has a keen understanding of both sides in personal injury matters, and medical cases in particular.

DIMPLE MUKHERJEE is a graduate of Queen's University, and has worked as a registered Occupational Therapist for 20 years. She is a member of the Ontario Society of Occupational Therapists (OSOT) and a Canadian Certified Life Care Planner.

Dimple has practiced as an Occupational Therapist in a variety of clinical settings, including internal medicine, geriatrics, hand therapy, orthopedics and rheumatology.

Over the last 13 years Dimple has been in private sector community rehabilitation, with Carol Bierbrier & Associates (CBA), providing services to the medical-legal community. She has developed extensive expertise in the quantification of damages for personal injury actions as a result of motor vehicle accidents, slip and falls, sexual assault, medical malpractice, and wrongful deaths. She has specialized in the preparation of future care needs and cost analysis reports, housekeeping and home maintenance needs and costs reports, attendant care needs assessment, in home occupational therapy assessments and loss of services analysis.

Dimple has been accepted as an expert witness in the area of future care costing in the Ontario courts and has testified on multiple occasions in this capacity.

DALE ORLANDO is one of the founding partners of McLeish Orlando. He practices exclusively in the area of plaintiff's personal injury litigation and has represented catastrophically injured people and their family members throughout Ontario. Dale is a Past President of the Ontario Trial Lawyers Association and is a member of the American Association for Just and the Advocates' Society. Most recently, Dale was selected by his peers for inclusion in the Best Lawyers Registry and the Lexpert Directory. Dale is frequently asked to chair and lecture at continuing legal education programs, numerous law schools in Ontario and community hospitals and legal clinics.

JUSTICE MARYANNE SANDERSON was called to the bar of Ontario in 1976. In 1976-77 she clerked in the Ontario Court of Appeal. In 1977 she joined Lerner and Associates. Prior to her appointment to the Superior Court of Justice in March 1997, she practised primarily in civil litigation. She is a Past President of the Advocate's Society and a former member of the Canadian Bar Association, the Ontario Judicial Council and the Civil Rules Committee.

DR. ROBERT VAN REEKUM completed his Honours Biochemistry Degree at McMaster University in 1981, and his Medical Doctor degree at McMaster in 1985. He went on to complete his Residency in Psychiatry at McMaster in 1991 and is a Fellow of the Royal College of Physicians and Surgeons of Canada. He has completed two Fellowships; one in Behavioural Neurology at Boston University in 1990, and one in Research Design and Methodology at McMaster in 1992. Dr. van Reekum has served as a Neuropsychiatric consultant to the Acquired Brain Injury Program at the Hamilton Health Sciences Centre since completing his training. He was also a staff psychiatrist, and Associate Scientist, at Baycrest Centre for nearly fifteen years. Dr. van Reekum is currently an Assistant Professor in the Department of Psychiatry at the University of Toronto, an Associate member of the Institute of Medical Sciences at the University of Toronto, and an Associate Professor in the Department of Psychology at Laval University. Dr. van Reekum is an author on over 100 scientific articles and chapters, has edited a number of chapters and sections of important textbooks, has been a reviewer and/or board member for a number of scientific journals, was a contributor to Ontario's mTBI Practice Guidelines (both editions), has held over two million dollars in research grants, has supervised a number of post-graduate students, and was co-chair of the DSM-V committee on the diagnosis of Apathy. He is currently healthy, happy, and beginning to anticipate growing up one day, and perhaps aging.

DR. KAREN WISEMAN is a registered clinical psychologist and clinical neuropsychologist practicing in Toronto. She obtained her undergraduate degree from McMaster University in Biology and psychology, her Master's in Clinical Psychology at Lakehead University and her doctoral degree in Clinical Psychology at the Indiana University of Pennsylvania. She completed a neuropsychology and clinical psychology internship at Henry Ford Health System in Detroit Michigan, and a two year postdoctoral fellowship at The Institute of Rehabilitation and Research/Baylor College of Medicine in Houston Texas.

Dr. Wiseman has practiced independently in clinical neuropsychology and clinical psychology since 2003, specializing in the assessment and treatment of individuals with developmental and acquired neurological conditions, mild traumatic brain injury (concussion) and psychological conditions such as personality difficulties, anxiety, mood disorders and chronic pain. She has extensive experience conducting Insurers' Examinations, Disability Assessments and Independent Medical Evaluations, and medical legal consultation, including expert testimony.

Dr. Wiseman is certified by the American Board of Clinical Neuropsychology and American Board of Professional Psychology Clinical Neuropsychology Division, and a certified catastrophic impairment and disability assessor. She is also an active member in several professional organizations and currently serves on the membership committee of the National Academy of Neuropsychology where she is assisting with the initiative of increasing Canadian membership.

REGISTRATION

Register online at www.PIALaw.ca/Experts2016 or complete the form below.

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Please make your cheque payable to **McLeish Orlando LLP**.
Return your registration form and cheque to: Mara Da Camara at McLeish Orlando,
One Queen St. E., Suite 1620, Box 76, Toronto, Ontario M5C 2W5.
Registration is not complete until payment is received. A confirmation of registration will be sent to all attendees. If you do not receive a confirmation of registration, you are not registered for the conference.

For further information, call Mara Da Camara of McLeish Orlando at 416-366-3311, or email rsvp@PIALaw.ca.

CONFERENCE COST

Early Bird Registration: \$175 until August 31.
Beginning September 1, the conference cost is \$225

Conference materials, breakfast buffet, refreshments, and luncheon are provided compliments of the conference sponsors.

REGISTRATION FEES

Registration Fees are donated entirely to:
PIA Law Educational Bursary Fund



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THE CARLU

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You may enter off College St. (by the Winners and Tim Hortons) or from Yonge Street (just south of College). The elevators to the 7th floor are located across from the escalators.