

OIAA 2018 Professional Development & Claims Conference Seminars

ADJUSTER EDUCATION IS OUR PRIORITY

SEMINAR

A

Accident Benefits: The Top Ten Lat cases of 2017

Presented by **Philippa Samworth, LL.B., LL.M., B.A., LL.B.**, Partner Dutton Brock LLP

You will hear about the latest cases from the Lat. Procedural rulings, substantive law changes, Cat, MIG and everything in between. The Lat's approach to a special award as well as when the Lat will award costs. The use of ranges in Cat cases; good or bad along with the new Cat questionnaire; to fill in or not to fill in.



Philippa Samworth, B.A., LL.B.,

Philippa G. Samworth is a partner at Dutton Brock and her area of practice is exclusively insurance defence with a specialty in Accident Benefits. Philippa received her B.A. and LL.B. from Queen's University and was called to the Bar of Ontario in 1979. In 1990, she was certified by the Law Society of Upper Canada as a Specialist in Civil Litigation. In October of 2007, Miss Samworth was inducted into the American College of Trial Lawyers. In 2002 Philippa was the first recipient of the prestigious Canadian Defence Lawyers' Lee Samis award for excellence. Philippa is a past President of the Advocates Society, a founding member of the Canada Defence Lawyers and a past President of the Medical Legal Society. On April 27, 2006 she became the first recipient of the OBA Award of Excellence in Insurance Law. Philippa has also been recognized in "Best Lawyers in Canada" annually since 2008. In September of 2014 Philippa was awarded the Advocates Society Medal.

SEMINAR

B

Mediation Representation: The Tricks of the Trade for Adjusters

Presented by **Cecil Jaipaul**, Consultant, Jaipaul Consulting

While there may be similarities, each claim presents different challenges for the mediation representative. In this session, besides knowing the facts of the claim, we will discuss several tips for adjusters attending mediation – Preparation, presentation, what to say and when to say it, listening, empathy, the power of an apology and keeping tabs on defence counsel and the mediator.



Cecil R. Jaipaul

Cecil R. Jaipaul is a Fellow, Chartered Insurance Professional (FCIP), Fellow, Life and Health Claims (FLHC), Associate in Risk Management (ARM), Chartered Insurance Operations Professional (CIOP), Certified Fraud Examiner (CFE), Associate Insurance Regulatory Compliance (AIRC), Master Insurance Business Analyst (MIBA) and Fellow of the Society of Insurance Leaders (FSIL). He is a Chartered Mediator and has a Bachelor of Education in Adult Education (BEd.). Cecil has more than 25 years of insurance industry experience. In addition to his consulting work for insurers, for more than seven years, he worked at the Financial Services Commission of Ontario (FSCO), where as audit team leader in the market conduct and compliance branch, he conducted compliance audits for most of Ontario's P&C companies. For more than twenty years he taught insurance, human resources management, dispute resolution and fraud awareness and prevention and other courses at various community colleges in the GTA. He has participated in more than 5,000 mediations and arbitrations proceedings in Canada and the Caribbean dealing with personal injury and other insurance claims. Cecil has presented at many seminars including those organized by OIAA, OTLA, Thompson Rogers, Lerner LLP, and McLeish Orlando. He is a member of the Board of Examiners of the Association of Insurance Institutes of the Caribbean (AIIC) and has written pro bono, several of the textbooks used by the AIIC.

SEMINAR

C

Rise of the Machines: Appliance Fires and Flood Claims

Presented by **Mazen Habash**, President, Origin and Cause

You will learn about the appliances that are most likely to be the cause of a fire and flood claims. Most commonly found in kitchens, laundry rooms and basements, they include:

- Refrigerators
- Ranges
- Dishwashers
- Washing machines
- Dryers
- Sump Pumps
- Countertop appliances such as toasters, microwaves, coffee machines, etc.

Find out:

- How and why these appliances fail
- The most common causes of loss
- How to identify opportunities of subrogation
- How to properly preserve evidence



Mazen Habash

Mazen is the President of Origin and Cause and specializes in fire investigation, electrical and electronic failures, product liability and alarm system analysis. With over 30 years of experience in the industry, he has performed over 3,000 fire, product liability and alarm system investigations. Mazen has been qualified as an expert witness in civil and criminal courts in four provinces. He is also certified at two levels by the Canadian Alarm and Security Association as an alarm technician.

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D

CGL Policies and the “Your Work” Exclusion

Presented by Kevin Lasko, Associate, Blouin, Dunn LLP

The Commercial General Liability Insurance Policy (“CGL”) is a policy of insurance that covers businesses from a variety of insurance related third party claims that generally arise out of business activities or operations. But what happens when there is a product failure or faulty workmanship? Often, the CGL policy contains exclusions to coverage for damages arising out of such circumstances. This is commonly referred to as the “your work” exclusion. This seminar will cover a variety of coverage situations in which the court has interpreted CGL policy wording and terminology in respect of the “your work” exclusion.



Kevin Lasko

Kevin Lasko is a graduate of Western University and was called to the Ontario Bar in 2005.

For the last decade, Kevin’s practice has focused exclusively on civil litigation with an emphasis on auto insurance, property and product liability claims.

Kevin spent several years working directly for one of North America’s pre-eminent home and auto insurance companies. Since 2012 he has been providing legal services to a variety of insurers at Blouin, Dunn LLP.

Kevin’s experience includes both trial and appeal work.

SEMINAR

E

Present and Future Applications of the Black Box

Presented by Sam Kodsi, P.Eng, President and Consulting Engineer, Kodsi Forensic Engineering

This seminar will bring attendees up to speed on “black box” (EDR) basics, the latest advancements, and the EDRs of the future as the “safety brains” of driverless cars. We also discuss the types of vehicles with black boxes that can be accessed, the available crash data that can be downloaded, and how that data can be used effectively to answer common questions, such as:

- How fast was the vehicle travelling before impact?
- How severe was the crash?
- How reliable is the data?
- How is the data utilized in the investigative process?



Sam Kodsi, P.Eng.

Sam Kodsi, P.Eng., graduated with a Bachelor of Engineering (Mechanical) from McMaster University and is a registered Consulting Professional Engineer in Ontario. He is also a Certified CDR Analyst and CXLT Certified XL Tribometrist. Mr. Kodsi has been active in automotive engineering safety since 1995 and has specialized in Accident Reconstruction since 1997. He has been involved in more than 5,000 technical

investigations and has been the lead engineer in more than 4,000 reconstructions involving motor vehicle collisions and other personal injury incidents. Mr. Kodsi has been involved in peer-reviewed research and testing and has qualified to provide expert evidence in the Ontario Court of Justice, Superior Court of Justice and in Arbitrations in the following areas:

- Accident Reconstruction (dynamics & speeds)
- Biomechanics
- Collision consistency
- Mechanical failures
- Driver perception & response

SEMINAR

F

Desktop and Surveillance Investigations

Presented by Anthony Kunkle, Co-founder and General Manager, Mitchell Partners Investigation Services

The presentation will include multimedia and online demonstrations and explanation of desktop investigations - finding information on the internet quickly and efficiently including interesting free sources of information on the web. The presenter will also explain changes in surveillance investigations over the past few years, providing some examples of covert surveillance technology, and offering insights into recent case law illustrating the right and wrong ways to handle and present surveillance evidence at trial.



Anthony Kunkle

Anthony Kunkle has been licensed as a Private Investigator since 1986, when he began his career working undercover in factories and warehouses, monitoring for organized thefts and drug use. He joined Mitchell and Associates three years later and was offered a partnership in 1995, when Mitchell Partners was formed. As co-founder and General Manager of Mitchell Partners, Anthony conducts and supervises inquiries, online investigations and surveillance cases for insurers, and also trade-mark and anti-counterfeiting investigations for brand owners and major sports leagues.

SEMINAR

G

Dig Deeper: Investigative Techniques for Trial Preparation

Presented by **Brian King, CFE, CII**, King International Advisory Group and **Jeremy King, QII**, King International Group

Are you confident you have all the facts? Combining new investigative techniques and technological capabilities with proven methodologies that have stood the test of time, we will guide you through best practices for obtaining evidence for trial.



Brian D. King, CFE, CII

King International Advisory Group's President & CEO, Brian D. King is viewed by many as Canada's foremost expert on sensitive private investigations and privacy matters. Since 1979, Brian D. King has been a trusted investigative advisor to numerous financial institutions and insurance corporations. Over his 38-year career, Mr. King has led teams which have worked on some of the most in-depth special investigations, staged-accidents, and opportunistic fraud cases.



Jeremy H. King, QII

Jeremy H. King is a Partner and the Executive Vice President of King International Group. For the last several years he has been mentored by some of the top investigators in the field and has acted as the primary investigative advisor to many of Canada's foremost litigators and senior claims staff. Jeremy has extensive surveillance and cyber research capabilities on a variety of topics including fraudulent or exaggerated claims related to insurance, corporate and human resource matters. He is also responsible for international development, including partner relationships in over 56 countries worldwide.

SEMINAR

H

Accident Benefits: Priority and Loss Transfer Claims: How to identify them, investigate them and win them

Presented by **Nathalie Rosenthal, Partner**, Zarek Taylor Grossman Hanrahan LLP

This seminar will provide a crash course on the legislation involving priority and loss transfer claims. Learn efficient and effective strategies to identify a potential dispute early on and how to collect the right information to win your case. This seminar will also touch on the pitfalls of flawed policy terminations in the context of these disputes and how the priority regulations are holding up in the shared economy world.



Nathalie Rosenthal

Nathalie graduated from the University of Western Ontario with a B.A. (Hons.) in Sociology in 1999. She received her J.D. from New York Law School in 2002 and was called to the bar in New York in 2003. Nathalie practiced real estate litigation in New York City for several years until she returned to Ontario and was called to the bar in 2006. She articulated with the firm and became a partner in 2011.

Nathalie's practice includes commercial general liability/occupier's liability/municipal liability work for both for plaintiffs and institutional clients. She has appeared before the License Appeal Tribunal, Financial Services Commission of Ontario, the Ontario Superior Court of Justice and Divisional Court for both tort and accident benefit matters. Nathalie has also appeared as counsel in priority/loss transfer private arbitration proceedings and Workplace Safety and Insurance Appeals Tribunal hearings. Nathalie is the chair of the loss transfer and priority dispute group at the firm.

SEMINAR

I

Insurance and the Sharing Economy

Presented by **Johanne Desloges, VP Casualty & Recovery**, Aviva Canada

Airbnb. DogVacay. RelayRides. Poshmark. These are but a few examples of the sharing economy that is growing and evolving around us. The creativity is endless and more is yet to come as technology continues to enable new and innovative approaches to support the peer to peer exchange of goods and services. As this growing trend evolves and disrupts the global economy, how can the insurance industry be seen as an enabler rather than a roadblock?



Johanne Desloges

After practicing insurance defence litigation and media law in Toronto for a few years, Johanne's need for a more collaborative environment led her to Aviva where she began her insurance career as an Analyst in the Major Case Unit in 2003, a position she held for 5 years until she began leading her own team in that same unit. In 2010, she put her litigation skills to use and was selected to assemble and lead a team of adjusters dedicated to handling Ontario litigation claims with the stated mandate of streamlining litigation handling and developing strategies for more effective handling of litigation matters all the while ensuring that Aviva's insureds received the best possible defence. In or about 2012, Johanne's role expanded to include a larger focus on Casualty results and strategy, and eventually she took over leadership of the Casualty team, a position she continues to hold today. Johanne was admitted to the Ontario Bar in 2000 after receiving her Bachelor of Arts degree from Carleton University and her Bachelor of Laws degree from the University of Windsor.