

W/P

Without Prejudice

Official Journal of the Ontario Insurance Adjusters Association

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HAMILTON SUPERCRAWL



Photos submitted by Laura O'Hearn, Hamilton Chapter Delegate

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Get to know the Hamilton Chapter

OIAA Annual Kick-Off Event



Oktoberfest at the Collective Arts Brewery

207 Burlington Street East, Hamilton

Wednesday, October 6, 2021

Time: 5:00 pm to 8:00 pm

Cost: \$50.00 for OIAA Members (including Social Members) & \$75.00 for Non-Members

Appetizers to be provided & Cash Bar.

This event is being held on a outdoor patio and is limited to a maximum of a 100 attendees, rain or shine with no refunds. COVID Protocols in place.

Sponsorship Opportunities available at \$1,000.00 which includes signage at the event & social media shout-outs.

Sponsorship can be purchased at <https://www.oiaa.com/events/oiaa-annual-kick-off-2021/>

For Registration information please contact:
Shawna Gillen at Shawna.Gillen@aig.com

For Sponsorship information please contact:
Emily Feindel at Emily.Feindel@aig.com
or Bryan Levisauskas at bryan.levisauskas@sedgwick.com.



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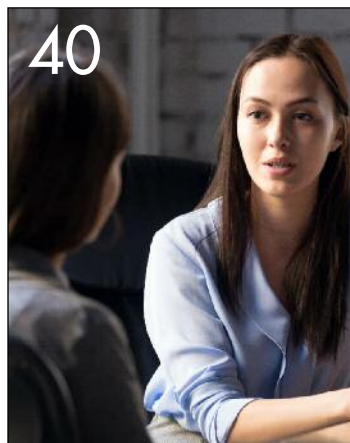
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Rhu Sherrard
President, OIAA

President's Message

Autumn officially arrives in the northern hemisphere on Wednesday, September 22, 2021, and automatically brings to mind warm cozy nights, bountiful harvests and of course the spectacular show of colours. Mother Nature sure knows how to sparkle.

October brings Thanksgiving Weekend, a time to spend with family and friends and enjoy some old traditions and to make new ones. Truly a favourite time of the year for most people.

In giving thanks I could mention all the support I have had both privately and professionally, but I do believe I have reached out to all those close to me and have expressed my warmest wishes and gratitude along the way. Plus, I would hate to miss someone on my list of people who have truly inspired and encouraged me throughout the years. I have had a chance to re-connect this past month or two (pending protocols of course). And it has been pure joy. I believe we may have all realized in some way that we do need kindness, touch, and the reflection of all those around us, not only those who are close to us but those that support us and are outside our "bubble".

Autumn is also a great time to get outside, take a hike, walk your dog, sit on a patio, take a road trip, or cozy up with a great book. I don't have a dog, but love seeing the regulars on my walks/hikes.

The bounty of harvest across the province is lovely to see and taste if you are lucky. Hopefully a few fall fairs will reopen, and we can all enjoy our community's local food, drink, and artisan's craft.

I am fortunate that one of the oldest fairs in my area will hopefully be taking place on Thanksgiving Weekend (Rockton Fair). I can smell and taste the pumpkin spice already.

Autumn brings with it some great food to eat and share, baked goods that just smell sweet and great recipes to share with family and friends. We have the luxury of beautiful vistas across the country and lovely places to enjoy with friends and family.

The OIAA is made up of some exceptional volunteers and as the current president I want to thank every member of the 2021-2022 Team. We truly will have a hybrid year of events (webinars and in person events) and we truly appreciate all our industry partners for their ongoing support.

Please take the time to enjoy nature's best performance and thank you again for all your support and encouragement throughout the years.

"As we express our gratitude, we must never forget that the highest appreciation is not to utter words, but to live by them." – JFK

Rhu Sherrard

President, Ontario Insurance Adjusters Association
E-mail: president@oiaa.com





Upcoming Monthly Webinars

Mark these dates down on your calendar

DON'T MISS THEM!

- | | |
|--------------------------|--|
| October 21, 2021 | Presented by Oliver Gonzalez , OGEE Solutions Inc.
Topic - Mould & Asbestos |
| November 18, 2021 | Presented by Colleen Arsenault and Bonnie Clarke ,
Beard Winter LLP
Topic - Slip Slidin' Away: Contemporaneous Steps to
Take for a Better Slip and Fall Defence |
| December 9, 2021 | Presented by Blair Nitchke , Black Sutherland LLP
Topic - Chronic Pain |
| January 20, 2022 | Presented by Barry Cox , Boghosian + Allen LLP
Topic - Expert Witness |
| February 17, 2022 | Presented by Keith Elliott , Reed Research
Topic - Scams & Schemes in the New Normal? Or is it
the Same as Always? |
| March 24, 2022 | Presented by Lisa Armstrong and Krista Groen ,
Strigberger Brown Armstrong LLP
Topic - Family Law Act Damages: An Update |
| April 21, 2022 | Presented by Sandra Cramb , SCM Insurance Services
Topic - Social Host Liability |

Member Cost: Free Non-Member Cost: \$50.00

A **\$50 gift card** will be raffled off at each webinar.
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OIAA - Executive Council 2021 – 2022



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Bursary	Mike Bottan	Christine Andrews, Conar Marcoux
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2022 Claims Conference - Toronto	Joe Cumming	Laura O'Hearn, All Committee Members
2022 Career Fair (TBD- ZOOM)	Kyle Case	Terry Doherty, Shawna Gillen

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Handbook	Claire Richardson	Christine Andrews, Jason Saucier
Mentoring (Ways and Means)	Kyle Case	Rhu Sherrard, Terry Doherty
Nominating	Simone Cybulski	
Vendor Relations/Sponsorship	Terry Doherty	Shawna Gillen, Kyle Case
ENTERTAINMENT		
Past-Presidents' Night	Laura O'Hearn	Carrie Keogh, Christine Andrews
Holiday Party	Joe Cumming	Carrie Keogh, Christine Andrews
Golf Tournament	Carrie Evans	Jason Saucier, Jordan Tremblay
September Kick Off	Emily Feindel	Brian Levisauskas Shawna Gillen

FOR THE MAGAZINE



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Official Journal of the
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Deborah Crowe

The Power of Heart-Centered Leadership (page 8)

As founder and CEO, Deborah started her own company in 1990. She knows what it takes for a leader to get to the top, hold a senior position, and integrate career and family. Deborah provides the tools, strategies, programs, and support to help create meaningful change in her clients' lives in her coaching practice.



Barry Cox

"Tech Tips" for Defending Personal Injury Claims Involving Cyclists and Runners (page 20)

Barry Cox is Counsel at the law firm of Boghosian + Allen LLP. He has been certified by the Law Society of Ontario as a Specialist in Civil Litigation since 2013. In addition to representing Boghosian + Allen's municipal clients, Barry has a diverse insurance defence practice encompassing personal injury, products liability and professional negligence matters.



Derek Sayers

Engaging the Right Construction Claims Experts Wisely (page 26)

Derek Sayers is a Practice Lead for the Construction Claims Group at Haag Canada, based out of Calgary, Alberta. Mr. Sayers has over 30 years' experience as claims professional: project contracts manager, corporate claims manager and commercial specialist. In addition to this, he has built up the brand name and business of consulting firms in Canada since 2016, building solid and enduring relationships with owners, lawyers, and contractors across Canada.



Dr. Jonathan Evan Siegel

What Is Psychopathology and How Is It Measured? (page 40)

Dr. Jonathan Evan Siegel earned his Bachelor's degree in physiological psychology from McGill University in 1978, both his Master's degree (1982) and Doctorate in counselling psychology (1986) from the University of Toronto. Dr. Siegel specializes in both providing psychological assessments for individuals involved in accidents as well as addictions.



Chendur Gandhidoss

What Is Psychopathology and How Is It Measured? (page 40)

Chendur Gandhidoss earned his Bachelor's degree in Quantitative and Mathematical Economics and Statistics at Carleton University in 2013, his Master's degree in Probability and Statistics at Carleton University, in 2016, and is currently conducting research in Statistics.

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The Power of Heart-Centered Leadership





Leaders across the globe have been significantly challenged by the events affecting our daily lives since March 2020. All this time, I have had a virtual front seat to get to know and observe how leaders have utilized both sides of “VUCA.”

*By Deborah Crowe,
Executive & Business Coach*

The Power of Heart-Centered Leadership

As you may already know, VUCA is an acronym first used in 1987. The U.S. Army War College introduced it to describe today's Volatility, Uncertainty, Complexity, and Ambiguity, which is the multi-lateral world we had entered at the end of the Cold War. By early 2017, Bill George – prominent executive and Board member – wrote in Forbes that our uncertainties had increased so much that we had entered VUCA 2.0. And that was long before the disruptions of COVID.



Bob Johansen of the Institute of the Future has suggested that leaders transform the VUCA acronym into Vision, Understanding, Clarity, and Agility instead of its current meaning. Leaders from all levels who have successfully shifted their focus achieved that outcome by reviewing, repositioning, and reassessing their organizations.

In following this trend among leaders as part of my coaching practice, I have observed six specific current global leadership challenges:

1. Being practical & encouraging effectiveness in others
2. Inspiring all employees
3. Developing employees
4. Leading a team with heart-centered qualities
5. Guiding change
6. Managing stakeholders

The critical element to all six of these challenges is people. When leaders can view their leadership intrinsically and see people first, it is a win-win for everyone.

Within the space of your calendar and the considerable number of decisions you need to make in a typical day, various sources estimate that an adult makes about 35,000 remotely conscious decisions each day. This number may sound ludicrous, but in fact, we make 227 decisions each day on food alone, according to researchers at Cornell University. As your level of responsibility increases, so does the vast number of choices leaders face and, in instances, with milliseconds to respond, delegate, or decide.



“They’re unspookable this year.”



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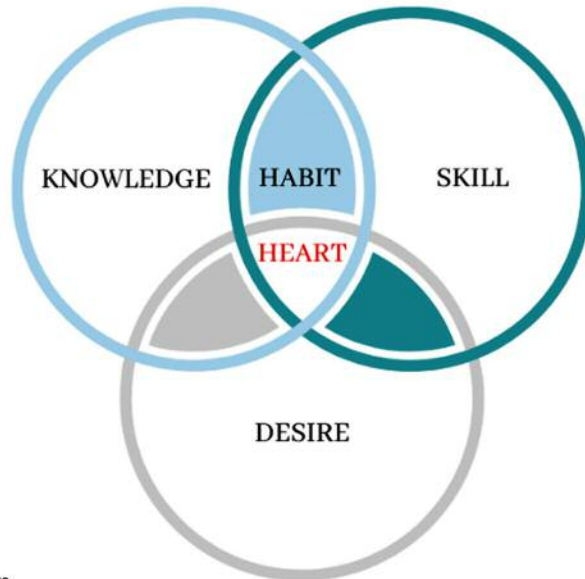
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HEART-CENTERED LEADERSHIP



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The Venn diagram above shows a clear depiction of a VUCA 2.0 model. It allows the business acumen components of knowledge, skill, and abilities combined with EQ, not IQ – fueled by your journey toward being a great, ongoing leader. When these components are combined, they form a natural and habitual way of being and thinking for someone in your leadership position, with heart-centered qualities as part of the core of your daily behavior.

What does the future look like now?

As the world came to a halt with the COVID-19 pandemic, many of us experimented with a new employment model. Work-from-home and remote working policies went into effect.

However, the nature of some firms' work does not allow for a

100% remote work policy. The solution was to strike a balance between the two approaches — a compromise that has given rise to a hybrid workplace paradigm.

Many employees can now do



As a leader, what are you prouder and more satisfied to have organized and put into place? But also – what, with 20/20 hindsight, might have been “imperfect” about what you have done?

their jobs while conducting some of their work outside the office with this arrangement. (The out-of-office component is completed from home.) As a result of social distancing policies, office spaces were redesigned based on the number of physical people at a given workplace based on their particular “socially distanced” capacity. Work schedules have been rearranged and made more flexible to accommodate both remote and in-office personnel.

According to a recent Salesforce survey, at least 64% of employees are open to working from home occasionally. Another 37% wish to continue working from home full-time after the outbreak. This approach may sound quite intriguing in principle but putting it into practice can be a challenge.

Let us look at some of the bene-

fits and drawbacks of a hybrid workplace:

Advantages of a Hybrid Workplace

- Emphasis on productivity rather than efficiency
- Operational cost savings
- Collaboration redefined
- Prioritization by employees

Disadvantages of a Hybrid Workplace

- Client experience has deteriorated
- Isolation of employees has increased
- Increased cyber-threats
- Overly politicized workplace

CONSIDER YOUR ACHIEVEMENTS

As a leader, what are you prouder and more satisfied to have organized and put into place? But also – what,



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with 20/20 hindsight, might have been “imperfect” about what you have done?

Embracing your imperfection is key to heart-centered leadership being borderless. Offer an open invitation to allow others to sit in the observer’s chair. Share your ‘day in a life of’ with your leadership with transparency, vulnerability, and authenticity elements.

We are now a borderless global society, and we are all in the people business. The sector is no longer spoken of or separating us.

Also, please consider the various kinds of value you offer to the people and organization(s) you lead. Conduct a daily self-audit of the three best qualities you possess and note the ones you are consistently working to improve. Attentive listening seems to be at the top of the list for many executives.

END OF LIFE

Think about your legacy. Yes, we will all get there, but none of us knows when our ‘end’ is.

I made a promise 11 years ago to five amazing people. 3 Vice Presidents and two CEOs. They are in my mind and heart daily. As I held their hands at the end of their lives in hospice, they spoke to me and questioned **why** they chose to pay the price to climb the proverbial ladder of success. Lost health, lost marriages, failed relationships with children and grandchildren, and for what?

I see the future as I used to manage it.

We have **ONE** life.

We have **ONE** chance to BE.

Whatever leadership level you now are at, consider these questions as a

self-audit?

1. What do I want?
2. What is my end game?
3. Can I lead and inspire others?
4. Do I consider that your leadership qualities are evident to everyone?
5. Have I spent years developing your ability to lead a wide variety of people in any circumstance?
6. Is my charisma natural that people find irresistible?
7. Do I make it easy for people to trust and believe in your words and vision?
8. Are people attracted to me, and what do I have to say?
9. Are you a person that people follow willingly?
10. Is it my ability to inspire others that sets me apart?

When leaders know how to motivate people and present a probable future that others find attractive, it breeds trust and rapport. When leaders inspire others, they can give

We are now a borderless global society, and we are all in the people business. The sector is no longer spoken of or separating us.





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20. **STRIVE TO MENTOR** 





their best each day. When leaders inspire others to do their best, they demonstrate the depth of their leadership skills.

Perfect your ability to be imperfect to lead and inspire. Leaders may feel that they know so much; however, there is always more they can learn. Leaders avoid becoming lazy and complacent and are continuously improving their skills.

Leadership skills are at a premium in today's world. Do you know and feel that your skills are valued across the globe? As your leadership ability to lead grows, the number of opportunities available to grow as well.

Today, I challenge you to take full advantage of any opportunities to lead and inspire others. Intrinsicly do your best to be a great leader and strengthen your leadership skills even further.

Here is to being heart-centered. Suppose you are there, kudos to you. If you want to be, let us start. Join me in being an **imperfect** Chief Equanimity Officer. Equanimity will separate you from everyone else in leadership.

Self-Reflection Questions:

1. What opportunities do I have to be a leader in my life?
2. What can I do to enhance my leadership abilities?
3. What are my greatest strengths as a leader?



As founder and CEO, Deborah started her own company in 1990. She knows what it takes for a leader to get to the top, hold a senior position, and integrate career and family. Deborah provides the tools, strategies, programs, and support to help create meaningful change in her clients' lives in her coaching practice. Deborah prides herself on being a heart-centered leader who thrives on helping others become successful and fulfilled. Deborah's passion is to help people and organizations create an experience they envision and coach them to achieve their dreams, goals, and aspirations.

Deborah Crowe is a community builder, hospice volunteer, hiker, traveler, yoga teacher, wife, mom, sister, and friend in her spare time. She has a deep passion for self-care and ensures that mindset is actively ensconced in her client's and loved ones' lives, first.

*Let Deborah help you create and lead your life by design.
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imperfect: The Heart-Centered Leadership Podcast*

Opportunities Await You



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Monthly Webinar Series October Edition

Mould & Asbestos

**Presented by: Oliver U. Gonzalez, P.Eng.
OGEE Solutions Inc.**

Date: October 21, 2021 – 10am

Member Cost: Free Non-Member Cost: \$50.00

This webinar provides useful information regarding the history, dangers, regulatory framework, and responsibilities associated with Mould and Asbestos. The webinar aims to help raise awareness of potentially hazardous situations that may be encountered during the process of assessing or handling a loss, and how to protect yourself from inherent dangers. Case studies will be reviewed during the webinar and a question and answer period will be available at the end of the presentation.



Mr. Oliver U. Gonzalez is a Professional Engineer (P.Eng.) licensed in the Province of Ontario. Mr. Gonzalez holds the accreditation of Qualified Person (QP), as per Ontario Regulation 153/04 and specializes in the areas of Civil and Environmental Engineering. Mr. Gonzalez is also instructed in the designations of Certified Mold Inspector (CMI) and Certified Mold Remediator (CMR). Mr. Gonzalez has completed additional training in conducting Phase I and II Environmental Site Assessments (ESAs) through the Associated Environmental Site Assessors of Canada Inc. (AESAC) association and is a Certified Environmental Site Assessor (CESA) – Phase I, under AESAC's National Certification Programme. Mr. Gonzalez possesses over 16 years of forensic engineering experience and has been involved in hundreds of projects and investigations ranging from environmental site assessments, mould and hazardous substances assessments, land contaminant assessments and remediation, as well as litigation support and peer reviews. Additional information may be found on OGEE Solutions Inc.'s website at www.ogeesolutions.com.



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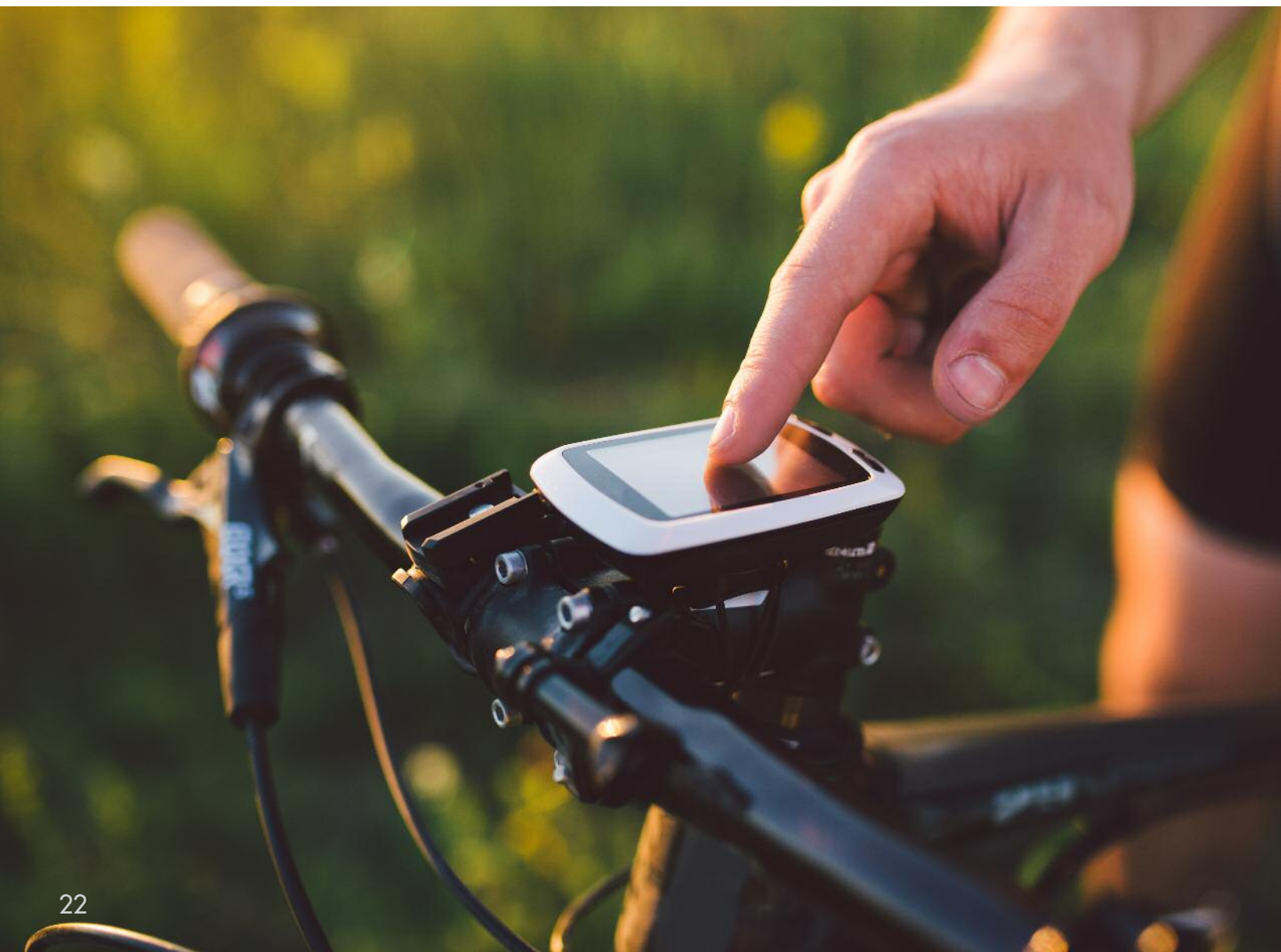
A couple of years ago, The Guardian published an article about how an individual identified the locations of secret U.S. military bases in the Middle East though GPS signals from Fitbit trackers worn by the soldiers stationed there. This started me thinking about how it is possibly to obtain significant liability and damages information in personal injury cases in the same manner.

By Barry Cox, Boghosian + Allen LLP.



“Tech Tips” for Defending Personal Injury Claims Involving Cyclists and Runners

Many cyclists these days, particularly serious recreational cyclists, use a bicycle computer which uses a GPS tracker to record their speed, average speed, distance travelled and various other data while riding. These computers are made by a company called Garmin, and in the cycling community, are generally known as “Garmins”, in the same way that tissues are generically known as “Kleenex”. There are also models of Garmin used by runners in a similar manner.



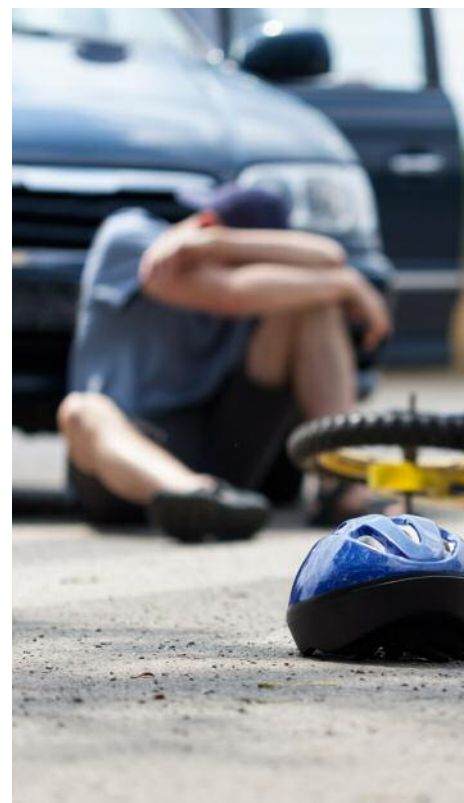
The data that a Garmin records can then be uploaded by the cyclist or runner to a website, so they can look at the data from their ride, including speed, distance travelled, average speed and such like. This website will also generate a map of the athlete's route from the GPS data recorded during the ride. The three most popular websites of this kind are Strava, Garmin-Connect and IMapMyRide / IMapMyRun. Although this might sound a bit nerdy, these sites are essentially like Facebook for athletes, where people can share their rides with other athletes.

It appears quite clear that the data from the Garmin bike computer is a Schedule "A" document and ought to be produced in litigation. Similarly, the data from Strava, Garmin-Connect and/or IMapMyRide is also producible.

This is important for two reasons. Firstly, it is possible to tell the speed at which a cyclist is travelling when they crashed by reviewing this data. Secondly, and perhaps more importantly, historical Garmin data will show how often a cyclist or runner has ridden or run a particular route, or passed a particular location on occasions prior to the date of loss, which could be relevant for establishing their familiarity with a route, and whether they knew or ought to have known that a particular hazard was present. Thirdly, on Strava, a cyclist or runner's profile will show the names of other cyclists who were present on the ride or run in question, who might have relevant eyewitness testimony to offer as to how the incident happened.

Many (non-cyclist or non-runner) lawyers will not be aware of the existence of these social media pages or this data. Accordingly, as a matter of best practices, counsel, or the adjuster initially investigating a claim, should be sending a letter to the Plaintiff's lawyer in any personal injury case involving a cycling or running accident very early on explaining about Garmins, Strava and such like and asking that the Plaintiff's data be preserved and produced.

A cyclist's or runner's Strava (or similar) page is also relevant to the issue of damages, as it will show the Plaintiff's level of activity following the accident. Similarly, Fitbit data is also relevant for the same reason and requests should be made for this at discovery.



Barry Cox is Counsel at the law firm of Boghosian + Allen LLP. He has been certified by the Law Society of Ontario as a Specialist in Civil Litigation since 2013. In addition to representing Boghosian + Allen's municipal clients, Barry has a diverse insurance defence practice encompassing personal injury, products liability and professional negligence matters.

Prior to joining Boghosian + Allen in February 2016, Barry practiced with another prominent Toronto litigation firm. Over his 20 year career as a lawyer, he has acted for architects, engineers, insurance brokers, property developers, commercial property owners, paramedics, transportation companies and nursing homes. When not serving Boghosian + Allen's clients, Barry is a competitive cyclist, who has engaged in cross-country mountain biking at the provincial level (with varying degrees of success) for the past two decades. Barry earned a B.A. (Hons) in Political Science from Queen's University and graduated from the University of Western Ontario Faculty of Law in 1996.

By virtue of writing this article, Barry officially now knows what to deduct.

2021 OIAA Holiday Murder Mystery Virtual Event

December 2, 2021 at 5:30 - 8:00pm

A Very Merry Mystery: A Holiday Whodunnit

Our holiday themed heist, A Very Merry Mystery, takes place at the Kringle Toy's product launch office party. However, it's revealed that every unit of the hottest toy of the season has been stolen! Participants are members of a PR firm tasked with finding out who stole the toys, and more importantly, why.

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Monthly Webinar Series

November Edition

Slip Slidin' Away: Contemporaneous Steps to Take for a Better Slip and Fall Defence

Presented by: Colleen Arsenault and Bonnie Clarke
Beard Winter LLP

Date: November 18, 2021

Member Cost: Free Non-Member Cost: \$50.00

This webinar will deal with tips and tricks for occupiers to implement in real time before and after a slip/trip and fall occurs to bolster a legal defence down the road.



Colleen Arsenault is a partner at Beard Winter LLP and a member of the firm's insurance litigation group. A tireless advocate for her clients' interest, Colleen deals with tort matters encompassing disability benefits, motor vehicle accidents, property damage, occupier's liability matters, product liability, construction, CGL issues, coverage issues, subrogation and

general bodily injury claims. She has appeared at all levels of court in Ontario, including the Court of Appeal and has conducted hundreds of Examinations for Discovery.



Bonnie Clarke is an associate and a member of Beard Winter LLP's insurance litigation group.

Passionate about advocacy, Bonnie provides representation to clients on a wide variety of commercial and civil litigation matters including tort, accident benefits, negligence,

occupiers' liability, commercial contracts, as well as disability-related matters, real estate, employment, and property and commercial liability.

Beard Winter LLP is a multi-service, mid-sized law firm located in downtown Toronto. We have been providing insurance defence litigation expertise to Ontario insurers since 1964. We are recognized by Canadian Lawyer magazine as a Top 10 Ontario Regional Law Firm for 2021-22, and a Canadian Law Awards Excellence Awardee for Ontario Law Firm of the Year for 2021.

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Engaging the Right Construction Claims Experts Wisely





You can always sense the subtle urgency in their voice when the call comes in. A situation is unfolding and the person at the other end of the line is trying to pick their path forward.

They've hit that juncture when it's time to reach out and find the skillset that can manage the issue. It's not an unfamiliar request.

"I need an expert!" they say.

*By Derek Sayers, MRICS, MSCL,
Haag Canada*



Engaging the Right Construction Claims Experts Wisely

"I need an expert!" they say. That's the short form of the conversation. I appreciate the approach, because it suggests they want to get the wheels rolling in the right direction. However, the distinction needs to be made between those who would immediately respond 'yes' to the request just to secure the business, as opposed to those who have your best interests at heart and are looking to provide experts who'll actually get you to the desired result and best possible outcome.

So, the response is not, as one might assume, "Of course we can help! What kind of expert do you need?" No, the response should be "We're ready to help, let's fix a time to have an in-depth chat so we can be sure we can provide you with the most effective and economic solution."

A very important part of my job is to ensure that our clients get value for money. It can be very easy to spend too much money should you be provided with the wrong experts. These circumstances call for a more measured response. Every situation is different and each needs to be given context for a comprehensive evaluation. The first rule of order is for our team to listen to the client explain matters. Then ask questions. And then prepare to listen some more and pose more questions to fully understand the issue.

You've been told what you need? Really?

As a construction dispute specialist, I commonly see clients mistaking immediate action for good decision making when faced with a troublesome situation.

A recent client of ours was faced with a failed sub-surface pipe, and they had called us seeking a second opinion. They'd been informed that they only needed a mechanical engineer to resolve their issue. The situation involved a claim intended to determine the reason for the delays associated with the unexpected pipe failure, as well as the related costs. Sounds straightforward, right?

Well not completely. We didn't have all the facts yet. We needed to conduct the necessary upfront work – ask the pertinent questions and develop a clear, deliberate plan of action. A plan of action that our client could understand and be confident in before the real work started. That's how to arrive at a successful resolution.

Facts to be established included:

- Was it known if the pipe was leaking?
- What were the ground conditions?
- Had there been unusual weather leading up to the event?
- Are there any progress photos?
- What was the pipe material?
- At what depth did this occur?



- How long after laying the pipe did the failure come to be known?
- When was the pipe supplied?
- How long and in what weather conditions was the pipe stored, and where?
- What material was used for backfilling and how it was compacted?
- Are the quality records available? (e.g. welds, joints, materials, inspections, air and hydro tests)
- Can quality of workmanship be established?
- Did this event occur during construction?

By asking the right questions we were able to identify the proper experts. In this case we recognized the need for a mechanical engineer supported by a geotechnical engineer and a delay expert supported by a quantum expert. We explained the benefits to our client and with their agreement, proceeded to undertake the work required to establish the facts of the matter which led to an effective, economic, and efficient resolution.

Simply put, different issues demand specific expertise. It takes experience to know who to use and when to enlist their services. Assigning an expert to the issue only to discover they were not aware of all the activities involved before and after a particular event could result in a net negative effect. That's why it's important to contact an expert who will conduct the necessary work upfront – ask the pertinent questions and, working with you, develop and explain a clear, deliberate, plan of action that optimizes all the required resources. That's how to arrive at a successful resolution.

Be It Resolved: The Right Experts are Worth It

When a claim is going down the darkening road towards an intractable dispute, it's important to look beyond simply hiring a "widget" or subject matter expert. These scenarios call for hiring those who have a clear eye for the many details that the situation demands. Someone who knows how much—or how little – time and money may be required to successfully resolve the matter and land on a mutually beneficial outcome.

For the time, aggravation, and money ultimately saved, it's a modest investment of time upfront to find the right expert(s). Doing so can make a sizable difference when you find yourself travelling down that road of dispute. It's important to know that you can make that situation far more manageable simply by knowing who to call first.



Derek Sayers is a Practice Lead for the Construction Claims Group at Haag Canada, based out of Calgary, Alberta. Mr. Sayers has over 30 years' experience as claims professional: project contracts manager, corporate claims manager and commercial specialist. In addition to this, he has built up the brand name and business of consulting firms in Canada since 2016, building solid and enduring relationships with owners, lawyers, and contractors across Canada.



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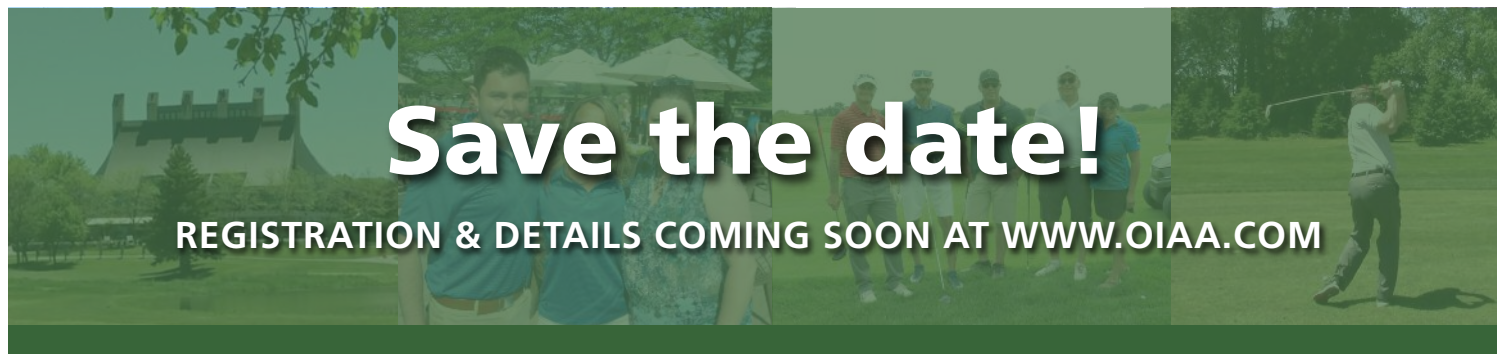
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Thank You Geoff...



The OIAA would like to thank Geoffrey Keating for his webinar presentation: *Repayment under the SABS – Best Practices.*

Congratulations to Audrey Taillon for winning the OIAA Webinar \$50 Gift Card Draw

Don't miss the next OIAA webinar on October 21, 2021. Please visit www.oiaa.com for details and to register.

Geoff Keating is a partner with the firm of Kostyniuk & Greenside Lawyers, practicing in the area of insurance defence and specializing in the area of no-fault statutory accident benefits. He has proudly acted as lead Counsel in numerous accident benefits dispute hearings since his call to the bar in 2013. When not working, Geoff enjoys spending time with his family.



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Get to know your Chapter

OIAA Hamilton Chapter

If you know your history then you will know that Hamilton has played an exceptional role in the insurance industry. Many of the big names in the business had headquarters here before the consolidation of the financial district in downtown Toronto, and the growth of the health care and education sector here in Hamilton. It is no wonder then that many of the industry's most respected, and accomplished professionals started their career here in Hamilton, and many continue to call Hamilton home. Now with the advent of expanded work-from-home due to the unprecedented conditions that we are now living in, many more insurance professionals continue to flock to Hamilton as a home base.

The move is understandable since, although it may not look like it from the Skyway Bridge, Hamilton has some of the most natural beauty in southern Ontario. From the wooded trails on the escarpment and rolling countryside in the Greenbelt, to the Hamilton waterfront, the city has a lot to offer. With an ambitious growth plan for the downtown and city core, we are also seeing a revival in great restaurants, and entertainment venues to rival any other major city. Not to mention our already strong arts and music scene (Eugene Levy, Martin Short, Stan Rogers, The Arkells, etc).

Since its inception, the OIAA Hamilton Chapter has had a strong connection to the fabric of the insurance world in the city. From the annual Hamilton Law Association Joint Insurance Seminar (Thursday, December 2nd 2021 - email events@hamiltonlaw.on.ca for details), and our spring educational event - we are committed to providing top-notch professional development in the insurance space.

We also host a variety of fundraising events throughout the year and take pride in giving back to the community wherever we can. This includes our annual Bowling Bash fundraiser where we partnered with Dr. Bob Kemp Hospice, as well as our annual Golf Tournament and Christmas Party where proceeds go to various charitable organizations.

All of which is only made possible through the hard work and dedication of our exceptional executive team including: Jennifer Allen (Brant Mutual), Laura O'Hearn (Maxwell Claims), Armaine Smith (WSIB), Bradley Remigis (Agro Zaffiro LLP), and our past executives who have contributed so much over the years: Janice Brooks (Dumfries Mutual), Alyson Harper (Sedgwick), Dave Hladysh (Desjardin) and so many more.

I am very fortunate to have been selected by such wonderful people to be Chapter President and I look forward to growing the OIAA Hamilton Chapter to provide professional development and networking opportunities to aspiring and accomplished insurance professionals alike.

Whether you are local, new to the area or just visiting, the OIAA Hamilton extends our warmest welcome!

Aidan McCardle

OIAA Hamilton Chapter President

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With 2020 being an extremely different year for the world, it's never been more apparent that things can change for us in the blink of an eye. I'm certain everybody is on the same page of wanting to get back to normal as soon as we can, but when that happens is far beyond any of our control.

In the meantime, we're always looking for ways to expand the reach of the association, connect with people and create great experiences for our members. WP Radio has been something that over the past three years, has really evolved into something that is consistently seeing year-over-year growth and even the pandemic did not stifle that.

In 2020 alone, WP Radio reached over 3,000 listeners from Apple Podcasts, SoundCloud and YouTube and an entirely new roster of podcasts and episodes will be released in the coming year.

On the distribution end, we're very excited to announce that all episodes of WP Radio are now available on Spotify. Our first podcast release of 2021 is brought to you by Arcon Forensic Engineers, called "Guess What I Learned Today", which will be releasing every month throughout the year.

More projects will be announced for the OIAA and WP Radio in the coming year, and we look forward to connecting with you all as 2021 progresses.

If you or your company are interested in sponsoring a podcast and being part of the 2021 roster, please contact **Terry Doherty** at **wpdigital@oiaa.com** for more information.

We want to thank all of our listeners and sponsors for their continued support, and we look forward to a great 2021 year.

- The WP Radio Team



Christina Welton, FCIP

OIAA Past President

Honourary Life Member 2001-2002

The end of my tenure with the OIAA was a difficult separation, having been on the executive for 12 years. However, with endings come new beginnings. I redirected my attention to the company in which I was a partner, Szyпка Welton & Associates, then in Mississauga. I had been on the Society of Fellows executive for the Starlight Childrens Foundation Charity for a number of years, ending as Chair of their annual Gala. The stars aligned for my husband and I to move to Peterborough in 2004. After several years, I sold my shares in Szyпка Welton & Associates. I was fortunate to be given an opportunity to open an office for McLaren's, who later became Granite Claims. I was proud of my Peterborough office, which started with one adjuster, myself, and grew to 8 employees over time. While continuing as Branch Manager, my portfolio of work transitioned from general adjusting to Lloyds liability examining.

When Granite Claims was acquired by Claimspro, I continued to manage the office, taking my Lloyds liability account with me. I had the great fortune of travelling to London England on several occasions to meet and interact with the Lloyds examiners there, and see first-hand the original seat of insurance, Lloyds of London.

Being on the OIAA executive was a tremendous growth experience, on many levels. The diversity of responsibilities on the executive, the interaction with fellow adjusting personnel, and the avenue for development as a leader were all invaluable to my continued growth as an insurance professional.

The OIAA Executive road was lined with amazing, wonderful people, many of whom are still close friends. I credit those people with helping me grow and develop in my successful and rewarding career.

Christina Welton

From Around the World...

Ever Given that blocked the Suez Canal

International supply chains were thrown into disarray when the 400 metre (430 yard) Ever Given ran aground in the canal on 23rd March, with specialist rescue teams taking almost a week to free the vessel. It took six days to free a giant container ship that ran aground and clogged the Suez Canal, one of the world's most crucial shipping arteries and was thereafter impounded for three months near the canal city of Ismailia.

The 193km (120-mile) Suez Canal connects the Mediterranean Sea at the canal's northern end to the Red Sea in the south and provides the shortest sea link between Asia and Europe.

The ship is as long as the Empire State Building is tall, with the capacity to carry 20,000 containers stacked 12 to 14 high. The Ever Given is one of a fleet of 13 in a series designed by Imabari, part of a push to lower the costs per container and make the ships more competitive in an increasingly fierce market dominated by Chinese and South Korean ship-builders.

The financial mess will ensnare a multinational web of businesses, led by the Japanese owner of the ship, its Taiwanese operator and the German management agent that hired the crew, as well as myriad cargo companies that rented space in the ship's containers and a pool of insurance firms stretching from Tokyo to London. The ultimate responsibility may fall to the insurers for the ship's owner, Shoen Kisen Kaisha, a subsidiary of the 120-year-old privately owned Japanese ship-builder Imabari.



It could take years to sort out who will pay for the disaster. Repairs to the Vessel, bill for the tugboats, front end loaders that dug the vessel out from the mud. The Suez Canal Authorities have said the crisis has costed the Egyptian government in lost toll revenue as hundreds of ships waited to pass through the blocked waterway or took other routes. The ship held up \$10 billion of cargo a day from moving through the canal which included, not limited to cars, oil, livestock, laptops, sneakers, electronics and toilet paper.

The cargo just sat there and the chances of it going bad is negligible. However, the ship's owner could have to pay for cargo delays, if its crew is found to be at fault for the accident.

Suez Canal Authority (SCA) chairman Osama Rabie said that losses and damages from the Ever Given blockage could reach around \$1 billion, but that the actual amount would be calculated after the investi-

gations, though it was unclear when this would be completed.

The SCA initially asked for \$916 Million in compensation, including \$300m for a salvage bonus and \$300m for loss of reputation. But UK Club - which insured Shoen Kisen for third-party liabilities - rejected the claim, describing it as "extraordinarily large" and "largely unsupported". The SCA later lowered its demand to \$550m. The final settlement, which has not been revealed, was agreed and coincided with the ship's release.

The UK Club will cover the first \$10 million of P&I losses. Beyond that, the wider pool of P&I insurers will cover up to \$100 million, at which point re-insurers such as Lloyd's of London step in for up to \$2.1 billion of claims. P&I insurers would contribute for part of a further \$1 billion of cover.

By Zohair Nassur, Managing Editor.

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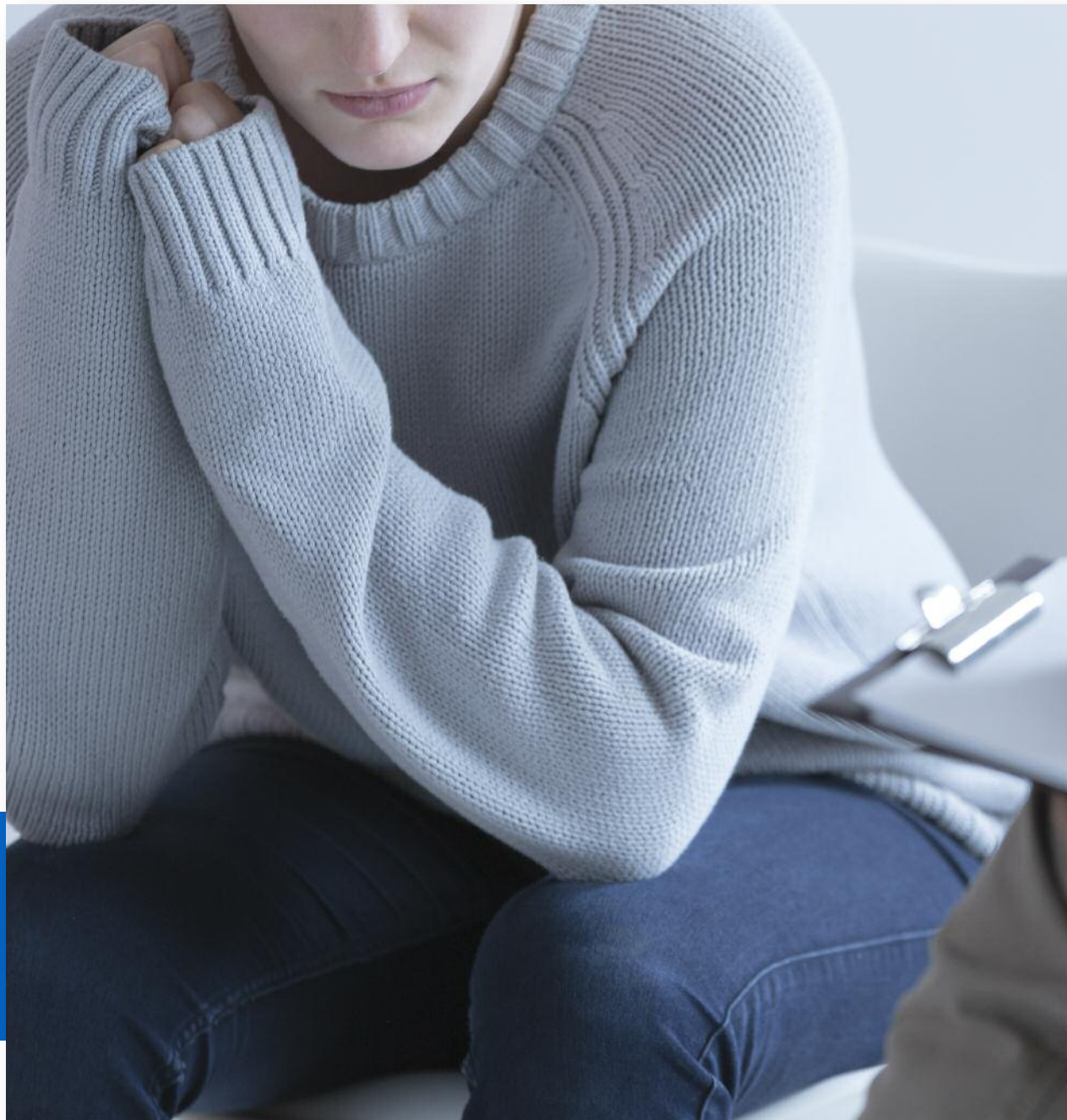
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What Is Psychopathology and How Is It Measured?

An Illustrative Example with the Minnesota Multiphasic Personality Inventory 3 (MMPI-3).





What is Psychopathology?

Psychopathology refers to disorders in the way people think, feel, and behave. When psychologists refer to 'normal' human behaviour, they often think of a range of patterns of attitudes, beliefs, and behaviours that a significant majority of people exhibit in most circumstances.

*By Dr. Jonathan Evan Siegel and
Chendur Gandhidoss*

What Is Psychopathology and How Is It Measured?

From a statistical perspective, for example, (and the basis of most of the widely-used tests of personality and psychopathology are evaluated in statistical terms), 'normal' refers to a percentage. For example, 95% of individuals will have scores on a test that fall within two standard deviations from the mean, or average, when compared to all the individuals who took the test. Scores that fall outside of that range are outliers. This means that most individuals do not score in that range. In other words, the chance for someone from a population who scores outside that range of scores is very small.



When someone takes a test of psychopathology, the psychologist attempts to evaluate how far that individual's test score is from the average score of all other individuals who took the test. This is usually described using a statistical metric such as standard deviation. Other information besides test scores are required for clinical determinations. Test data, however, provides quantitative information that supplements the qualitative information drawn from a clinical interview.

Minnesota Multiphasic Personality Inventory 3 (MMPI-3)

The MMPI-3, which consists of 335 items and contains 52 scales (10 of which are validity scales) is a test of psychopathology. It requires the individual to answer 'mostly true' or 'mostly false' to each item. The

MMPI was originally developed in 1939 and has undergone revision over the years based on extensive research with the test. The MMPI-3 was administered to 810 men and 810 women (total sample size 1620) in nine different cities across the United States. Of note, none of the individuals in this normative sample, therefore, are from Canada. While other research continues to be conducted with different samples and clinical groups, psychologists need to be particularly mindful of the limits of interpreting a Canadian's test score specifically and narrowly against the normal sample group. Psychologists, adjusters, and arbitrators also need to recognize that there are no confidence intervals published in the administration and technical manuals of the MMPI-3. Confidence intervals are particularly important because these address

Psychologists, adjusters, and arbitrators also need to recognize that there are no confidence intervals published in the administration and technical manuals of the MMPI-3.



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Can we count on this person's test score to be an accurate reflection of what the person/claimant is really experiencing?

margins of error, and margins of error highlight the limitations of relying narrowly on any one point estimate (a single test score). If one does not pay attention to confidence intervals, it is possible that one may overestimate or underestimate the degree of psychopathology.

Validity Scales

There are 10 validity scales on the MMPI-3. While there are many different types of validity, the essence of this term, from a practical, clinical perspective, addresses the question: 'Can we count on this person's test score to be an accurate reflection of what the person/claimant is really experiencing?' The following is a simplified description of each of the 10 validity scales. Notice that there may be some overlap of ideas from one scale to the next. The goal is to

try and separate each idea from the next. However, like the colours of a rainbow, when it comes to psychopathology, it can be challenging to sometimes discern where one colour begins and the other ends. In statistical terms, psychologists determine the degree of overlap by evaluating the statistical correlations between one scale and the next.

If an individual does not answer a certain number of items (out of the 335 total items), then the profile cannot be properly evaluated. While the number of missing items is not defined as one of the scales on the MMPI-3, it is important to note that the number of omitted items is critical for determining the overall validity for all of the other scales. If an individual does not answer a certain number of items, the test scores from the other scales cannot be counted on to be reliable and valid.

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Scale 1: This scale captures the combined inconsistency of scales 2 and 3 below. The scale captures whether individuals are paying close attention to each item when answering.

Scale 2: This is an inconsistency scale that specifically looks to determine if the nature of the inconsistency is where a person answers 'false' to one item and 'true' to another similar item.

Scale 3: This is an inconsistency scale that specifically evaluates the nature of the inconsistency where a person answers 'false' to one item and 'false' to another, or alternatively, where a person answers 'true' to one item and 'true' to another item. The items are worded negations of one another.

Scale 4: The total score on this scale captures to what extent the indi-

vidual endorses items that are extreme relative to the normative sample.

Scale 5: This scale is similar to scale 4 but provides the additional nuance that even individuals with severe psychopathology are not likely to get scores in a certain range, and if they do, this is a red flag that requires further investigation.

Scale 6: This scale identifies the extent to which people are bothered by physical symptoms which may (or may not) be associated with psychological (as opposed to only physical) factors.

Scale 7: This scale builds on scale 6. It includes reported problems of thinking, such as concentration and memory.

Scale 8: This scale attempts to further build on distinctions noted by combining symptoms from scales 6, 7, and 8 to distinguish those individuals who are likely reporting credible symptoms versus those individuals who may be exaggerating.

Scale 9: This scale captures items that suggest that an individual may not be straightforward in providing answers to questions that the majority of individuals in the normative group would not have difficulty answering.

Scale 10: The total score on this scale attempts to capture the ways in which an individual may be attempting to seem as if they are more well psychologically adjusted than is actually the case.

Personality and Psychopathology Scales

The remaining scales capture the ways in which a person's feelings, beliefs, attitudes, thoughts, and behaviours can result in psychologi-


cal adjustment difficulties and what may be statistically defined as 'abnormal' or problematic behaviour, from a functional perspective. When scores are high on these scales the clinician is using this information to corroborate clinical impressions for forming a psychiatric/psychological diagnosis (or diagnoses).

While the goal is to have each scale be distinct in what it is measuring, since similar psychological adjustment difficulties (e.g. feelings of low self-esteem) can manifest with different types of clinical conditions, there is going to be some correlation or overlap between the items on the scales below.

Scale 11: This scale captures emotional problems associated with low self-esteem.

Scale 12: The score reflects distur-

When scores are high on these scales the clinician is using this information to corroborate clinical impressions for forming a psychiatric/psychological diagnosis (or diagnoses).

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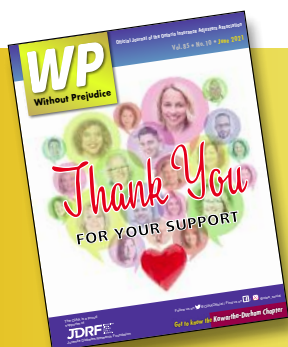
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bances in thought processes and the ability to use one's mind to reason clearly and in an adaptive manner.

Scale 13: The scale identifies behavioural (lack of self restraint) problems.

Scale 14: The scale reflects feelings of being demoralized.

Scale 15: The scale captures how people feel physically and the severity of physical symptoms.

Scale 16: Test scores identifies levels of emotional investment in one's life.

Scale 17: The scale reveals level of concern for others.

Scale 18: The scale taps questions related to how well people can trust others.

Scale 19: The scale identifies negative thoughts and feelings related to worry and anxiety.

Scale 20: The scale reveals disorganized thought processes.

Scale 21: The scale identifies problems with racing thoughts, overreaction to others, and irritability.

Scale 22: Test items address issues of general physical health and well being.

Scale 23: This scale builds on scale 22. Neurological evaluation may be required.

Scale 24: This scale deals with problems associated with eating.

Scale 25: The items on this scale reflect problems with thinking efficiently.

Scale 26: The scale identifies thoughts associated with suicide risk.

Scale 27: Test items reflect feelings of being overwhelmed and psychological resources for making changes.

Scale 28: The scale captures items relate to self-confidence.

Scale 29: The scale identifies ways that people can handle crises.



Scale 30: Test items capture general stress levels.

Scale 31: The scale measures levels of worrying.

Scale 32: Test items reveal perfectionist tendencies.

Scale 33: The scale captures intrusive and worrisome thoughts and anxiety.

Scale 34: Test items evaluate anger,

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impatience, and readiness to get upset easily.

Scale 35: The scale captures level of fear and how this affects behavioural functioning.

Scale 36: The scale evaluates level of conflict with family members.

Scale 37: The items reflect childhood conduct problems.

Scale 38: The scale addresses problems with alcohol and drugs.

Scale 39: Test items address impulsive behaviours.

Scale 40: Test items capture a person's energy levels.

Scale 41: The scale measures levels of aggression.

Scale 42: The test items identify the level of trust when interacting with others.

Scale 43: The test items capture levels of self-centeredness and grandiosity.

Scale 44: The test captures levels of assertiveness.

Scale 45: The test items captures one's general level of comfort.

Scale 46: This scale relates to scale 45 and the degree of one's comfort in social interactions.

Scale 47: This scale captures items associated with shyness.





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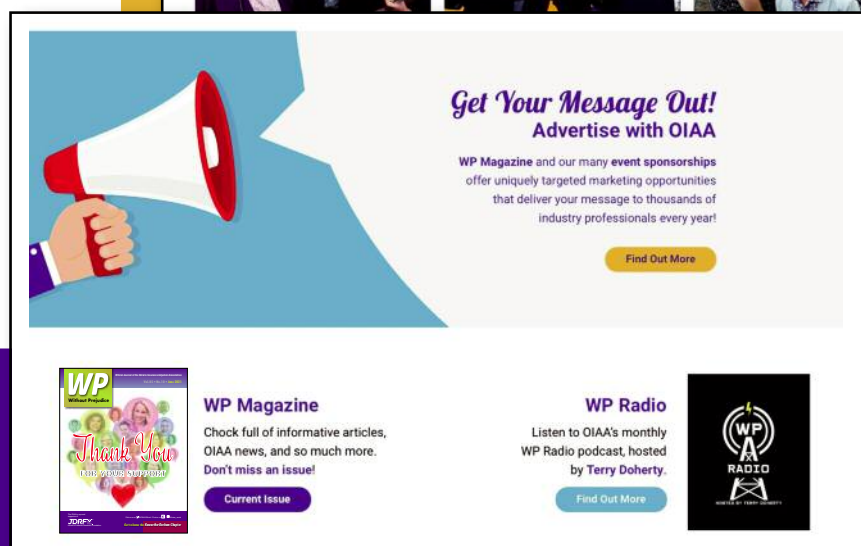
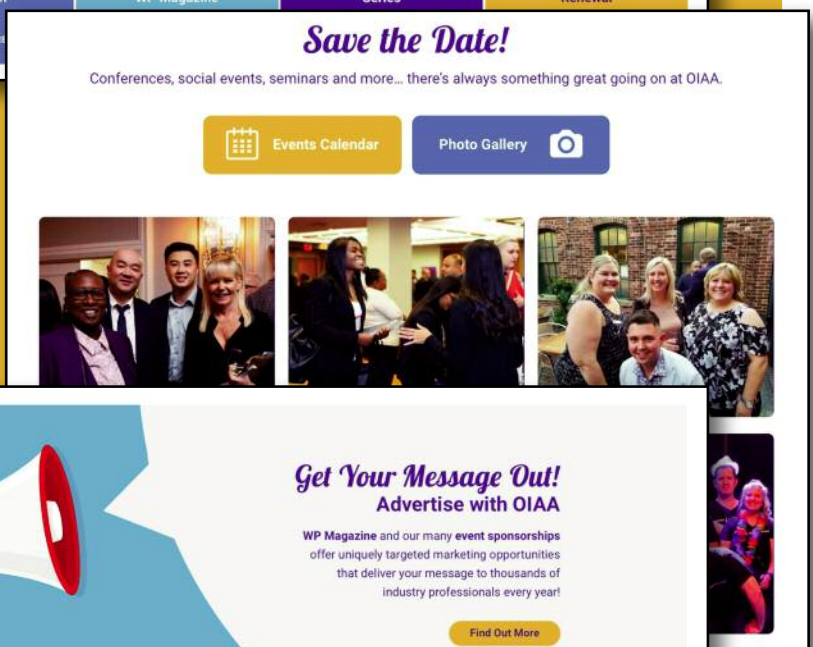
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Scale 48: This scale measures level of agreeableness with others.

Scale 49: This scale measures significant personality disturbance. When scores are very high, the individual may require hospitalization.

Scale 50: This scale measures one's ability to effectively control one's behaviour.

Scale 51: This scale measures the degree of negative and positive emotions.

Scale 52: The items capture the degree of emotional investment with others.

variety of clinical and forensic settings. The MMPI-3 has been standardized with a reference group of 810 men and 810 women (total sample size 1620) in nine different locations:

1. Washington DC
2. New York City
3. Chicago
4. Minneapolis
5. Seattle
6. San Diego
7. Dallas
8. Miami
9. West Virginia.

One of the fundamental principles of psychological testing is to ensure that one is comparing an individual's test score with a proper and relevant representative sample.

Conclusion

The original MMPI and the subsequent versions (MMPI-2, MMPI-2RF, and now the MMPI-3) have been widely researched and used extensively across North America in a wide

While the strength of the test is the vast amount of research that has been conducted over the years with different reference groups and the well-established construct validity of the scales, it is important to high-

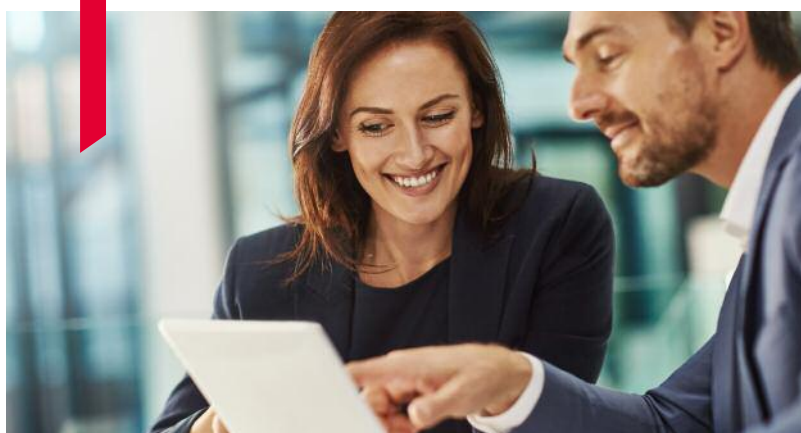
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light the limitations of the test scores for a Canadian population if the assessor is only using data from the above-mentioned standardization sample. One of the fundamental principles of psychological testing is to ensure that one is comparing an individual's test score with a proper and relevant representative sample. Given that the normative data does not include any Canadians this would set limits on the generalizability for the results of any Canadian.

It is also important to note that confidence intervals are not included in the administration or technical manuals. While these can be calculated based on other reported critical information in the MMPI-3 manuals (for example, standard deviations, test-retest reliability coefficients, and alpha coefficients), given that the data from the standardization sample reveals distinctive distributions for the validity scales and prototype distributions for the clinical scales – which are positively skewed – and furthermore, since the raw data is not available for independent review

(publishers cite that this is proprietary material), any confidence intervals that are calculated are considered to be estimates. It is incumbent upon psychologists to recognize that the published T scores (based on the raw scores) are point estimates. Confidence intervals highlight margins of error and provide a range of test scores for any individual who takes the test.

In conclusion, it is anticipated that psychologists across North America will continue to use the MMPI-3 for assisting with clinical determinations. Other personality tests (e.g. Personality Assessment Inventory; Millon Clinical Multiaxial Inventory) also address critical dimensions of psychopathology. Psychologists have their preferences for using one test over another, but in general, one can expect correlation between findings on different tests for the same construct. It is important to be aware of both the strengths and limitations of any psychological test.



Dr. Jonathan Evan Siegel earned his Bachelor's degree in physiological psychology from McGill University in 1978, both his Master's degree (1982) and Doctorate in counselling psychology (1986) from the University of Toronto. Dr. Siegel specializes in both providing psychological assessments for individuals involved in accidents as well as addictions.



Chendur Gandhidoss earned his Bachelor's degree in Quantitative and Mathematical Economics and Statistics at Carleton University in 2013, his Master's degree in Probability and Statistics at Carleton University, in 2016, and is currently conducting research in Statistics.



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Final Report

Laura O'Hearn, Hamilton Chapter Delegate

While deciding what to write about for our chapter's final report I found myself thinking about how our lives have been changed over the past year and a half, due to Covid 19. People, places and things change all the time but this past while has been a 'tsunami of lifestyle challenges' to say the least.

I was breezing through a magazine and found what I believe to be a most relevant and even helpful article about change in general. Rather than re-invent the wheel I have therefore decided to share this article with everyone as I believe there may be at least some information within it that would be appreciated by some who may be struggling with this new reality.

Family therapist Virginia Satir has established a model of how we experience change and how to transition through to our new status quo.

Stage One: *Late Status Quo*: Here you are in the (mostly) uneventful present, and the skies are (mostly) clear. This stage is called late status quo because – though you don't yet know it – something is about to come along and ...

Stage Two: *Foreign Element*: ...Bam! An unexpected event occurs. You get a call from your doctor or called into your boss's office; you're hit with a lawsuit or you hit the jackpot. Whatever it is, the foreign element tells you, instantly and urgently, that everything has changed.

Stage Three: *Chaos*: Your life has been turned upside down. What you thought you knew cries out for reexamination. What you'd hoped for, planned for, or predicted may no longer be possible or even relevant. You might have to recalibrate

your very understanding of yourself. Little about this process is pleasant – but it does get you somewhere important. The chaos phase works as a kind of laboratory, where suffering and confusion can lead to valuable discoveries.

Stage Four: *Transforming Idea*: You have an epiphany, a stroke of inspiration brought about by all of that disorder. Something clicks into place, clarifies. You perceive a way forward – or at least the possibility of one. And you begin to ponder ways to put that revolutionary idea into motion.

Stage Five: *Integration and Practice*: This is the period when you test-drive that transformative concept, investigating its merits and pitfalls, determining whether it can sustain you in the long term. You may find that you backslide once, twice, multiple times into chaos – you may generate and discard several transforming ideas before you find the one that fits. But don't be discouraged. Trial and error are exactly what the integration and practice phase is for.

Stage Six: *New Status Quo*: As you acclimate to a new approach or outlook, you ease back into relative peace. The storm clouds dissipate: the skies begin to lighten. You're relieved to be here – but also proud to still be standing. Pat yourself on the back: You've made it to solid ground!

Oprah Quarterly Magazine, Spring 2021 edition.

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