

NEWFOUNDLAND & LABRADOR CONTINUING LEGAL EDUCATION

P.O. Box 1028, St. John's, Newfoundland & Labrador, A1C 5M3

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Assessing Damages: How Much is it Worth? *Calculating Damages for Pecuniary Losses in Personal Injury, Fatality Cases and other Economic Losses*

A seminar by Ms. Cara Brown,
Brown Economic Consulting Inc., Calgary, Alberta
Author of *Damages: Estimating Pecuniary Loss*

Friday, June 24, 2016 from 9:00 – 11:30 am
3rd Floor, Law Society Building, 196-198 Water Street, St. John's

Who Should Attend: Lawyers for plaintiffs or defendants in personal injury, fatality and other economic loss cases who are involved in assessing and advancing or contesting damage claims.

When: Friday, June 24, 2016, from 9:00 – 11:30 am. Registration begins 8:45 a.m.

Where: 3rd Floor, Law Society Building, 196-198 Water Street, St. John's.

Overview of the Presentation

Quantum evidence is routinely required in cases involving persons whose careers and earning capacity have been interrupted due to an incident. While a motor vehicle accident is often the common cause of such an incident, other reasons can include a slip and fall, medical malpractice, wrongful imprisonment, wrongful dismissal, wrongful death and sexual assault.

This seminar will introduce counsel to some revolutionary advances in quantifying damages (for example in the realm of fatality cases), deal with complications in injury and death cases arising from self-employed plaintiffs, as well as introduce some helpful and free electronic aids used in quantifying damages. Live demonstrations of Brown Economic's free economic loss calculators will be provided to assist counsel, particularly given the reality that more and more claims are being mediated rather than proceeding to trial. Ancillary materials that can assist counsel in compiling information for their cases will be provided, and examples of Brown Economic's monthly newsletter (**Brown's Economic Damages Newsletter**) will also be included. The seminar will address various issues in damage assessment, including:

- ✚ What are personal consumption rates (PCRs)? Why are they especially important in fatality cases?
- ✚ How do you deal with new partners (real or hypothetical) in a fatality case? Does it mean the claims have ended?
- ✚ What are the contingencies that are particular to wrongful death cases?
- ✚ Valuable (housekeeping) services in wrongful death cases: overlooked claim
- ✚ The self-employed: how employment status defines calculation of losses in injury and fatality cases
- ✚ Dealing with financial statements in self-employed situations and quantifying replacement costs - When do you require an Accountant?
- ✚ Demonstration of 5 online calculators @ www.browneconomic.com:
 - Inflating non-pecuniary (general damages) by the Consumer Price Index (free)
 - Obtaining parameters for working life and life expectancy (free)
 - Calculating present value sums (with fields for "growth" and negative contingencies) (free)
 - Calculating awards using the *Housekeeping Damages Calculator* TM (pay-per-use)
 - Calculating awards using the *Income Damages Calculator* TM (pay-per-use)

This seminar will be presented by Ms. Cara Brown, M.A., of Brown Economic Consulting Inc. Ms. Brown is the author of **Brown's Economic Damages Newsletter** (co-authored on occasion with Ms. Geni Peters, Ph.D, at Brown Economic); the author of *Damages: Estimating Pecuniary Loss* (the 18th edition was published by Thomson Reuters in November 2015); and the author of various articles for academic journals, such as the Alberta Law Review, The Advocates' Quarterly, the Journal of Legal Economics, the Journal of Forensic Economics, and various provincial trial lawyer organization publications ("The Barrister", "The Verdict", and "The Litigator").

Ms. Brown has quantified losses and testified in a variety of damage assessment cases, and has done so across the country, including cases in Newfoundland and Labrador. For further details about Ms. Brown's professional background and experience, please see "About the Presenter", below.

Four ways to Register - Registration deadline is Thursday, June 23, 2016

By Mail:

NF Continuing Legal Education
P.O. Box 1028
St. John's, NL A1C 5M3

By Fax or Telephone

(709) 722-8902 Fax
(709) 758-0817 Tel

By E-mail:

cle@lawsociety.nf.ca

**Please note that payment must precede attendance.
Cancellations cannot be accepted after June 23, 2016.**

Registration Form

Please register me for the "*Assessing Damages*" seminar scheduled for **Friday, June 24, 2016** at 9:00 – 11:30 am at the Law Society Building, 3rd Floor, 196-198 Water Street.

Name / Firm: _____

Telephone: _____

Registration Fees:

Register before Wednesday, June 15, 2016: \$ 66.37 + 8.63 (HST) = \$ 75.00
Register after Wednesday, June 15, 2016: \$ 88.50 + 11.50 (HST) = \$ 100.00

(Registration Fee includes seminar and refreshments) HST # R108086463

Members who live outside St. John's may participate by video/teleconference. Please contact Regina Whitty at (709) 758-0817 to make arrangements.

N.B. Subject to the Mandatory Continuing Legal Education Requirements, this seminar would constitute 2.5 hours of eligible CLE activities.

Newfoundland CLE ... lifelong legal learning

About the Presenter

Cara Brown

Brown Economic Consulting Inc.

Cara Brown, M.A., is an economics litigation expert and the Principal of Brown Economic Consulting Inc. She assists lawyers (both plaintiff and defence counsel) in assessing damages in personal injury, wrongful death, wrongful dismissal and sexual assault cases.

Ms. Brown has prepared more than 10,000 reports, quantifying economic damages in civil litigation covering a comprehensive range of cases. She has testified on more than 130 occasions in a number of different courthouses across Canada, including Courts of Queen's Bench in the Yukon, Nunavut, Northwest Territories, the Supreme Court of British Columbia, Newfoundland and Labrador, Alberta, Saskatchewan, Manitoba, Ontario, Nova Scotia plus District Courts in Texas & North Dakota, U.S.A. Cases have included both defense and plaintiff work.

Her evidence has been accepted in personal injury, wrongful death, wrongful dismissal, property damage, pension valuation, spousal and child support cases, sexual assault, wrongful sterilization, wrongful confinement and other unique cases. Her expert witness experience has expanded to cover collective bargaining arbitrations and mediation settlements, with a number of notable cases completed by Brown Economic in this area for various employment groups.

Canada Law Book has published *Damages: Estimating Pecuniary Loss*, authored by Ms. Brown, since 2001. With leading-edge methodologies in economic assessments and as a practical guide for new or experienced lawyers, *Damages* is written in loose-leaf format especially designed to accommodate annual updates. This work features a comprehensive treatment – and annual loose-leaf updates – on personal injury, wrongful death, cost of care, loss of housekeeping, matrimonial support, pension valuations and other topics, such as wrongful confinement and sexual assault. Thomson Reuters published the 18th edition in November 2015. Ms. Brown's articles on a wide variety of damage assessment topics have been published in the *Alberta Law Review*, *The Advocates' Quarterly*, the *Journal of Forensic Economics* and the *Journal of Legal Economics*.

Since 1995, Ms. Brown has authored monthly editions of *Brown's Economic Damages Newsletter* (formerly "the Economics Editor"), a free newsletter available to clients and insurers. The newsletter also offers data on inflation rates and unemployment rates for major metropolitan centres in Canada. In addition, a table showing inflation rate factors to increase non-pecuniary damages completes each newsletter issue.

Ms. Brown's consulting experience includes testimony on many notable cases. Highlights include: one of Canada's most highly publicized cases of a woman sterilized and institutionalized for 30 years; sexual assault trials for both plaintiff and defence counsel (eg. *BMG v. Nova Scotia (Attorney General)*); many personal injury and fatal accident claims arising from slip and falls; loss of opportunity to advance to pro sports (eg. NHL); impact of delayed education (eg. *Brodie v. Canada (Attorney General)*). She was retained as an expert in economics for one of Canada's most highly publicized cases of a young male wrongfully incarcerated for over 20 years (eg. *David Milgaard*).

She has lectured and presented at conferences and seminars throughout Canada and the United States for professional organizations and groups such as the provincial branches of the Canadian Bar Association, provincial Trial Lawyers' associations, Lexpert, Canadian Institute, Canadian Defence Lawyers, Infonex, the U.S. based National Association of Forensic Economics (NAFE), and at the annual Western Economic Association International (WEAI) conferences, to name a few.

Further particulars of Ms. Brown's experience are available at www.browneconomic.com.