



Managing Your MVA Files Efficiently 103
Desk Reference Manual



Linda Case, Paralegal,
Stevens Virgin

Linda's career spans over twenty years handling general civil litigation cases and specifically personal (motor vehicle) injury actions for both the plaintiff and defence bars. While employed with ICBC, she experienced the world of a Claim Center adjuster and brings that aspect to her teaching as well.

updated 070626

Canadian Cataloguing in Publication Data

Case, Linda, 1949-
Managing Your MVA Files Effectively 103
ISBN 0-9735340-7-9

Includes index

1. Personal Injuries – British Columbia, 1. Title

"All rights reserved. No part of this publication may be reproduced, stored in any material form (including photocopying or storing it in any medium by electronic means and whether or not transiently or incidentally to some other use or this publication) without the written permission of Law Courts Center (phone: 604 685 2727 or e-mail yvr@lawcourtscenter.com) except in accordance with the provisions of the Copyright Act."

The Desk Reference Manuals have been prepared by the Law Court Center staff for use by lawyers and for legal assistants and secretaries under the supervision of lawyers. Every reasonable effort has been made to ensure the accuracy of the information contained in the Manuals. That said, you should look to all applicable Statutes, Regulations, Rules, Notices to the Profession and Practice Directions for guidance.

The authors, editors and lecturers of the Law Court Center accept no responsibility for any errors, omissions and inaccuracies in this Manual.

Managing Editor: Dom C. Bautista



The Law Courts Center Legal Education Programs are designed to provide the legal profession with courses that increase their general professional competence, keep abreast of developments in the law, and become more proficient in selected areas of practice.

© Copyright February 2006

Last reviewed: 120810

Published and Distributed by

Law Courts Center

150-840 Howe Street

Vancouver B.C. Canada V6Z 2L2

To Order:

dom@lawcourtscenter.com

Tel: 604.685.2727

TABLE OF CONTENTS

Introduction	i
Section A Overview Of Personal Injury Litigation	
Section A1 Tort Law	A.3
Legal Principles in Tort Law	A.4
Heads of Damages	A.6
Section A2 The <i>Insurance (Motor Vehicle) Act</i> and <i>The Insurance (Motor Vehicle) Act Regulations</i>	A.8
Section A3 How Does ICBC Work	A.9
Section B Relevance & Privilege	B.1
Section C Managing Plaintiff Documents	
Section C1 What Plaintiff Documents Do You Need?	C.1
(a) Liability	C.3
(b) Medical documents	C.4
(c) Income Loss:	C.5
(d) Specials	C.7
Section C2 How Do You Obtain These Documents?	C.8
Section C3.2A Liability	
Key Address List	C.9
Letter to ICBC Advising of Retainer	C.11
Authorization for the Release of Information from ICBC	C.12
Letter for Registered Owner Search	C.13
Section C3.2B Medical	
Letter to Health Insurance BC	C.14
Authorization for the Release of Health Insurance BC Printout	C.15
Letter to Doctors / Paramedical Personnel /Hospitals	C.16
Authorization for the Release of Patient Information	C.18
Authorization for the Release of Hospital Information	C.19
Letter to WorkSafeBC Records	C.20
Authorization for the Release of WorkSafeBC Information	C.21
Letter to Emergency Services (Ambulance Crew)	C.22
Authorization for the Release of Ambulance Crew Report	C.23
Authorization for the Release of General Information	C.24

Update 120815

TABLE OF CONTENTS

Section C 3.2C Income Loss	
Letter for Release of Employment Information	C.25
Authorization for the Release of Income Tax Information	C.28
Letter Requesting for Education Records	C.29
Authorization for the Release of Education Records	C.31
Section C4 How Do You Track The Documents?	C.32
Plaintiff MVA File Information Sheet	C.34
Liability Checklist	C.35
Medical Investigation Checklist	C.36
Log of Medical Document Requests	C.38
Part 7 Submission Form Sample	C.40
Part 7 Submission Form Sample (blank)	C.43
Letter to Adjuster With Part 7 Receipts	C.44
Special Damage Form Sample	C.48
Special Damage Form (blank)	C.50
Section D Managing Defence Documents	
Overview	D.1
Determining What Is Privileged Defence Documents	D.3
Determining What Must Be Redacted	D.4
Defence File Opening Sheet	D.5
Defence File Opening Sheet Liability Checklist	D.6
A Sample of File Summary	D.8
Appendix D.1 Notice of Appointment or Change of Lawyer Form 110 (Rule 22-6)	D.9
Section E Organizing File Materials	
How an MVA Case Binder Is Organized	E.3
Binder Index	E.8
A Sample of Binder Index	E.9
Binder Index Sample	E.10
Binder Index Sample General Notes	E.13
Strategic File Summary	E.16
The Pleadings Checklist	E.17
Overview	E.17
Pleadings List – Short	E.19
Pleadings List – Short Notes	E.20
Pleadings List – Long	E.21
Pleadings List – Long Notes	E.22

Update 110525

TABLE OF CONTENTS

Section F Limitation Periods

Limitation Act Extract	F.2
The Part 7 Action	F.3

Section G Pleadings

Pleadings	G.1
Notice of Civil of Claim	G.3
Notice of Civil of Claim – Service Outside of British Columbia (Ex Juris Service) Endorsement	G.11
Notice of Civil of Claim (sample)	G.12
Notice of Civil of Claim - Specific Allegations	G.18
Notice of Civil of Claim - Common Allegations of Negligence	G.19
Notice of Civil of Claim (sample)	G.12
Letter Service to ICBC with Notice of Civil of Claim	G.21
Response to Civil Claim	G.22
Response to Civil Claim Denial	G.23
Response to Civil Claim Admission	G.39

Section H Document Disclosure

List of Documents	H.1
Notice to Produce Form 43 (Rule 12-5(8))	H.5
List of Documents General Notes	H.6
List of Documents for Plaintiff	H.7
List of Documents for Defendant	H.11
List of Documents	H.15
Interrogatories	H.16

Section I Chambers Applications

Chambers Applications	I.1
Summary Judgments	I.1
Organizing an Application	I.2
Rule 8-1 Diarization Sheet	I.2
Rule 8-1 Diarizations Notes	I.2
Rule 8-1 Diarizations	I.3
Service Letter To Third Parties (persons not a party to the action)	I.4
Chambers Application Details of Service	I.6
Chambers Application Details of Service Notes	I.7
Chambers Application Details of Entered Order Record Production	I.9
RCMP Consent Order	I.10
Federally Incorporated Police Department Consent Order	I.13
Vancouver Police Department Consent Order	I.16
Vancouver Police Department Services Price List	I.20

Update 110525

TABLE OF CONTENTS

Section J Examination for Discovery

Examination for Discovery Rule 27	J.1
Appointment Form 23 (Rle 7-2 (13))	J.2
Appointment to Examine for Discovery Practice Points	J.4

Section K Trial and Mediation

Preparing for Trial	K.1
Mediation	K.1
Definitions	K.2
How Mediation Starts	K.3
Notice to Mediate (Form 1)	K.4
Scheduling a Mediation	K.8
A Statement of Facts and Issues (Form 2)	K.10
Mediation Fee Declaration (Form 3)	K.12
What happens on the day of mediation	K.13
Costs	K.15
Declaration of Default (Form 4)	K.16
Certificate of Completed Mediation (Form 5)	K.18

Section L Settlement Documents

Overview	L.1
The Release	L.3
Notice of Discontinuance	L.4
Consent Dismissal Order	L.5

Section M Tools

Quantum of Damages Worksheet	M.1
<i>Limitation Act</i> - Extract	M.2
<i>Workers Compensation Act</i> - Extract	M.3

Section A Overview Of Personal Injury Litigation

When a person is injured and suffers damages as the result of a motor vehicle accident in British Columbia, there are two separate and distinct factors that come into play:

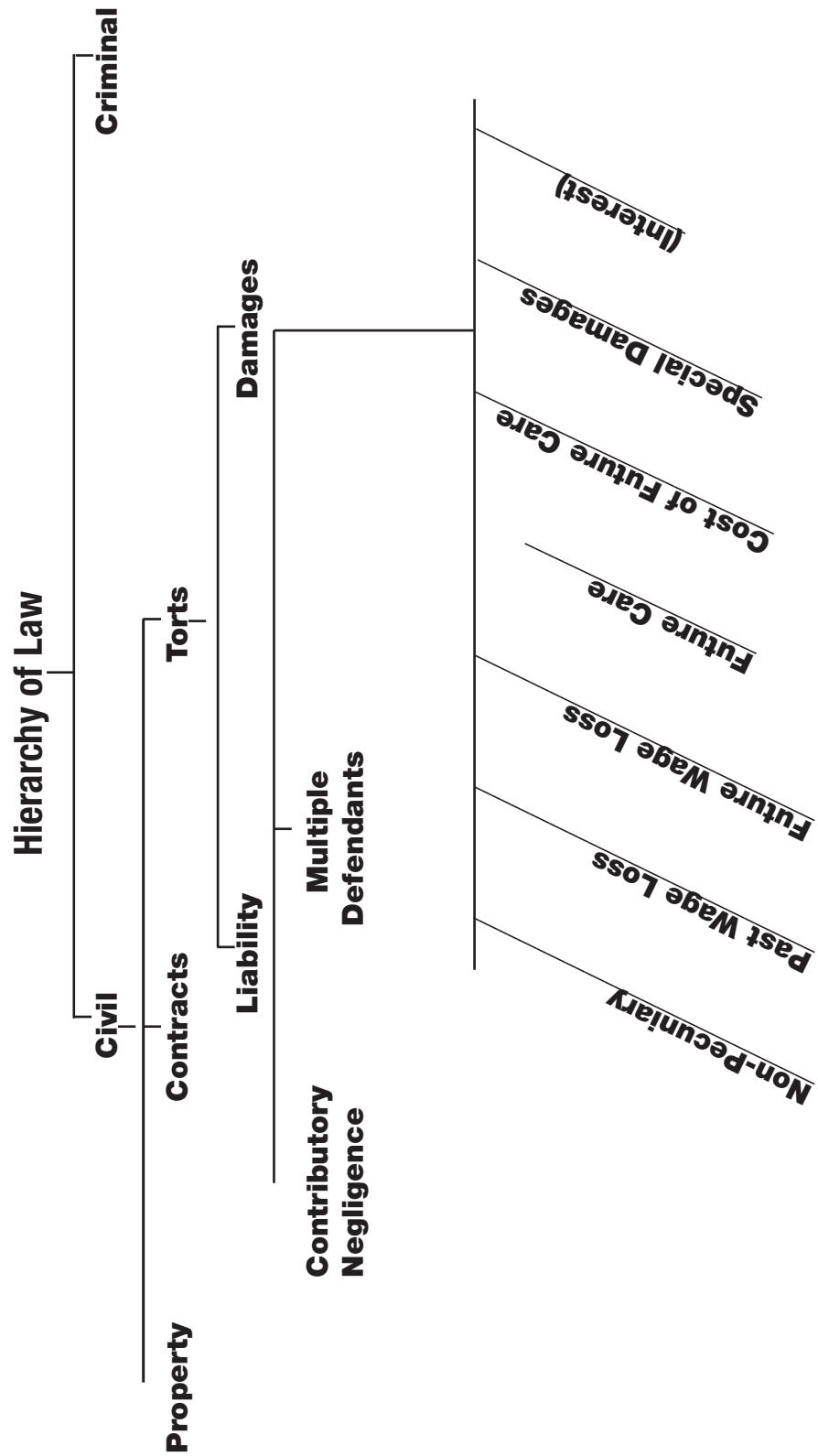
1. the rules and regulations set out in various statutes, and
2. the common law of torts.

The two most relevant statutes relating to personal injury litigation are:

(a) The *Insurance (Vehicle) Act* and the Regulations accompanying the Act. The *Insurance (Vehicle) Act* and its Regulations represent, for British Columbia drivers, a contract of insurance. One of the crucial items provided for in the Act is that all vehicles must carry a minimum of insurance which is set out in the Act and Regulations.

(b) The *Motor Vehicle Act*. This Act sets out the “rules of the road”, that is, what is expected of each driver of a motor vehicle in the Province. It covers everything a driver needs to know, including such things as the various speed limits within municipalities, the responsibility each driver has when making left turns at uncontrolled intersections, and many other rules.

Update 110525



Update 110525



Law Courts Center Desk Reference Manual Price List.xls

<http://tinyurl.com/lccpublications>

Current to: 7/15/14

Title	Code	Last Updated	Price
BC Civil Litigation Guide v9.0	BCCLG	140625	750
Bills of Costs 101	BOC 101	130701	225
Business Corporations Act 101	BCA 101	130808	225
Case Planning Procedures	CAP 102	120108	225
Chambers Application Procedures	CHA 101	140801	225
Civil Litigation 102	CIV 102	131122	225
Clinical Records 101	CRS 101	131203	225
Conveyancing 101	CON 101	130701	225
Discovery Procedures 101	DIS 101	130601	225
Document Disclosure 101	DOD 101	130531	225
Drafting Applications Workbook	DAW 101	140801	225
Family Chambers Applications Procedures 101	FCAP 102	140331	225
Family Law 102	FAM 102		225
Fast Track Litigation	FTL 101	110421	225
Heads of Damages 101	HOD 101	130415	225
Law Office Management 101	LOM 101	111201	225
List of Documents 201	LOD 201	120500	225
Litigation Practice Basics 101	LPB 101	140901	
Litigation Project Management 301	LPM 301	140624	100
Managing MVA Files 103	MVA 103	140125	225
Part 7 Benefits 101	P7B 101	140501	225
Personal Injury Book of Letters	PIBL	120500	225
Personal Injury Studies 201	PIS 201	130601	225
Pleadings 101	PLE 101	120430	225
PST & GST FAQs for BC Law Firms		140901	150
Return to GST for BC Law Firms Recorded	GST 102v	130228	125
Trial Preparation for Defence Firms	TPD 101	120500	225
Trial Preparation for Family Law 101	TPF 101	130601	225
Trial Preparation for Plaintiff Firms	TPP 101	101115	225
Trust Accounting 101	TRA 101	101028	225
Trust Assurance Management Recorded Lec	TAM 10v	120329	125
Trust Assurance Management Recorded Lec	Tam 102v	130712	125
Trust Assurance Seminar Recording	TAS 102v	130328	300