

MVA STUDIES 103

A FULL DAY OVERVIEW OF PERSONAL INJURY LITIGATION AND THE KEY COMPONENTS TO PREPARING MVA FILES EFFICIENTLY

The current Rules of Court provide for a shorter time to get the pleadings ready. This is your opportunity to master the mechanics of preparing your file binder, acquiring the needed information in a timely manner, and initiating the chronologies of the claim; regardless of whether you are acting for the plaintiff or defense. Acquire best practices from a seasoned paralegal. Learn to take advantage of the Civil Rules of Court of the Supreme Court of BC.

Plus here are the other learning outcomes for this course:

1. **how to correctly calculate 6 different limitation periods associated with MVA files;**
2. **what information goes into Part 1, Part and Part 3 of a “motor vehicle” Notice of Civil Claim;**
3. **how to effectively utilize chronologies and treatment charts;**
4. **how to make redactions for privilege and irrelevance to clinical records; and**
5. **at least 5 best practices for preparing for a motor vehicle trial.**

CONTINUING PROFESSIONAL DEVELOPMENT CPD REPORTING

*For the mandatory Law Society of BC reporting of CPD hours, this course is 7.0 hours with no hours devoted to professional responsibility and ethics. A **Certificate of Completion** is issued to you, if you earn at least 70% of the course requisites.*

LOCATION Law Courts Center CPD Room, 150 - 840 Howe Street, Vancouver, BC V6Z 2L2.

INSTRUCTOR Gerrie Campbell, Senior Paralegal

QUESTIONS? Please write dom@lawcourtscenter.com or call 604-685-2727.

Registration:

WWW.LAWCOURTSCENTER.COM

Course Fees: (course materials and GST 128573300 included)

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|---|----------|
| <input type="checkbox"/> Single In-Person Seat | \$548.80 |
| <input type="checkbox"/> Multi-seat or Amici Curiae Rate | \$521.36 |
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Law Courts Center
150-840 Howe Street, Vancouver, BC Canada V6Z 2L2

Traffic Accident Police Investigation Report MV 6020 — A Primer

You have been retained to handle your client's motor vehicle accident (MVA) claim. *What now?*

A good place to start is to see if there is an MV6020 Traffic Accident Police Investigation Report (the "police report") available. The police report is required for all accidents when there is:

- i) a sustained injury, no matter how minor;
- ii) a fatality;
- iii) damage to both vehicles total \$1,000.00 or more;
- iv) damage to property (telephone poles, guard rails or personal property); and
- v) any driver that appears to be in violation of the *Criminal Code Of Canada* (impairment by drugs, alcohol or fatigue).

The *Motor Vehicle Act* requires that motor vehicle accidents be reported to the police within 24 hours in urban areas and 48 hours in rural areas. Basic insurance is purchased through the Insurance Corporation of British Columbia (ICBC), and any optional coverage may be purchased through ICBC or through a number of other companies (such as Family Insurance, Canadian Direct, Geico or Intact to name a few). The police do not advise the insurance company of the accident, so a party must also report the incident to their insurance company. The police determine whether there has been a violation of the law and if so, may lay a charge

against the offending party. The insurance company determines fault/liability and may consider the police report when determining liability, but it is not the determining factor in their decision. Once liability has been determined, the insurance company will advise the parties.

Not all incidents will have the police and emergency personnel attend at the scene, but a call should be made to the police advising them of the accident. They will give instructions as to what information should be obtained at the scene: date, time, location, injuries, names of all parties involved, any witness information and the nature of the accident. Once a police report is made, all parties are entitled to a copy.

When reading the police report, the first thing to do is to verify information on the report with the information provided by the plaintiff and /or the insurance company.

You will want to confirm a number of particulars: date of incident, the parties involved the vehicle information whether party is the driver and/or the registered owner, plate numbers, year make and model of the vehicles, the estimated amount of damage to each vehicle, location of the accident, whether there is property damage over \$1,000.00, and if there is personal injury involved.

See if there are any witnesses listed including their contact information. It is essential to contact all witnesses who can verify the allegations and statements that were taken to provide admissible evidence which may be

needed later.

Additionally, you should identify the attending police officer(s) in case you have questions about their report.

Police officers are unlikely to have witnessed the collision themselves but the information gleaned from the police report will assist in preparing the Notice of Civil Claim (NoCC). You should have a copy of the MV6020 code to help you read the police report. The code will help unravel more information. For example, in terms of contributing factors, you will consider any impairments, unsafe speed and seatbelt use. Sometimes, if a party had an epileptic seizure or heart attack that caused or contributed to the MVA, that suspicion might be noted under contributing factors.

Once the NoCC has been filed, defence counsel will be appointed. They will file a Response after which you should prepare, circulate and enter a Consent Order in order to obtain a complete copy of the police file.

It is important to refer to the police file in this case rather than the police report (MV6020), which can be requested before litigation is commenced by the person involved in the accident or his or her counsel.

Once done, then it is time to move on to the other records. !

Gerrie Campbell is a senior personal injury paralegal. She will present MVA 103 on April 29 2015.

