

Helen D.K. Friedman

Associate Counsel

Waterloo Region

OFFICE

519.593.3223

hfriedman@millerthomson.com

Industries & Expertise

EXPERTISE

Insurance Defence

Biography

BAR ADMISSION

Ontario, 1988

EDUCATION

- LL.B., Queen's University, 1986
- B.A. (honours), McGill University, 1983
- D.E.C., Marianopolis College, 1980

LANGUAGES SPOKEN

English

Helen provides her clients with value, innovation and a wealth of experience in a practice focused on the defence of first-party insurance claims and strategic risk management. Helen has built trusted industry relationships representing insurers by providing sound technical advice in statutory accident benefits, coverage disputes, litigation and life and disability claims before the courts, regulatory tribunals, private arbitrations, mediation and across the boardroom table. She is a leader in Miller Thomson's insurance industry practice.

Industry involvement

Recognition

- *The Best Lawyers in Canada* – Insurance Law, 2014-2024; Personal Injury Litigation, 2017-2024
- *Benchmark Canada*, Litigation Star: Insurance, 2020-2023
- Lawyer of the Year, *The Best Lawyers in Canada* – Insurance Law, 2022
- The Canadian Legal Lexpert Directory, Personal Injury, 2017; Litigation – Commercial Insurance, 2018-2022
- Osgoode Certificate in Regulatory Compliance and Legal Risk Management for Financial Institutions, Osgoode Hall Law School/York University, 2018
- Civil Law/Common Law Exchange Program, 1985
- Ontario Securities Course, 1990

Thought leadership

Speaking Engagements

- RIMS Instructor/Facilitator, “Contractual Risk Transfer in Canada,” September 2021
- Panelist, “Catastrophic Impairment issues/developments,” for an Accident Benefit adjusters of a property/casualty insurer, October 20, 2021
- Presenter, “AB Dispute Resolution: Past, Present & Future”, Sixth Annual CICMA-CIAA-CDL Joint Seminar, October 2019
- Presenter, “CPP Disability: The Intersection of Motor Vehicle Litigation and Canada Pension Plan Benefits”, 2nd Motor Vehicle Litigation Summit, March 2019
- Presenter, “Emerging Issues in Dependency Analysis in Priority Disputes – Statistical Approach v. Mathematical Approach v. Big Picture Approach”, Loss Transfer and Priority Disputes, Canadian Defence Lawyers, February 2019
- Co-Chair, “Litigating Life and Disability Claims,” Canadian Defence Lawyers, November 2018
- Presented to property/casualty insurers regarding claims adjusting/dealing with difficult counsel/priority and loss transfer, 2016/2017
- Presenter, “Vital Accident Benefits Updates,” at The Advocates’ Society Tricks of the Trade 2013: Staying Ahead of the Curve: Latest Updates, Critical Case Law and New Practical Tips Conference, January 2013
- Presenter, “Civil/Administrative Procedure in Accident Benefits” and “The Take aways from the Pastore decision” to Accident Benefit Unit Managers at a property and casualty insurance company in Waterloo Region, December 2012

Blog Posts

- “Accountability for the section 7(4) accounting report: When is it ‘reasonable and necessary’?”, *MT Insurance Law Blog*, May 18, 2021
- “COVID-19 and Accidental Death Coverage”, *MT Insurance Law Blog*, April 2020
- “Clarity in Claims against Adjusters in their Personal Capacity”, *MT Insurance Law Blog*, December 2019

- “The Worth of “Diminished Value” Claims in Ontario – Update”, *MT Insurance Law Blog*, May 2019
- “The Agony of “De-Feet””, *MT Insurance Law Blog*, March 2017
- “Is the Courtroom Door Open or Closed?”, *MT Insurance Law Blog*, November 2016
- “Back to the Future (Contract): Job Offers and Economic Loss for Attendant Care Service Providers”, *MT Insurance Law Blog*, June 2016
- “Procedural Fairness and Due Process Trump Arbitrator’s Award—Appeal Allowed,” *Miller Thomson Ontario Insurance Litigation Blog*, March 2016
- “Membership has its Privileges: Expanding Priority—Are Car-Share Insurers Sharing more than they Thought?” *Miller Thomson Ontario Insurance Litigation Blog*, February 2016
- “Refresh/Reset—Multiple \$2,000.00 Deductibles Allowed in Loss Transfer Claims,” *Miller Thomson Ontario Insurance Litigation Blog*, January 2016
- “Insurer’s Attempt to Short Circuit Dispute Resolution Process Shut Down,” *Miller Thomson Ontario Insurance Litigation Blog*, October 2015

Publications

- Accountability for the section 7(4) accounting report: “When is it ‘reasonable and necessary’”? Ontario Accident Benefit Case Summaries , Number 168, LexisNexis, June 2021
- “Accidental death benefits and virus transmission”, *The Lawyers Daily* (LexisNexis), 2020
- “SCC’s approach to viral disease: COVID-19”, *The Lawyers Daily* (LexisNexis), 2020
- “No Jurisdiction at the LAT for Arbitration Proceedings: Commenced But Not Completed At FSCO”, *Ontario Accident Benefit Case Summaries*, October 2019, Number 158 LexisNexis
- “The Times They Are A-Changin’ – The Evolution of Insurance Coverage for Medical Marijuana”, *Claims Canada*, 2017
- “Road Trip Travel Tips – Snowbirds Odyssey in a Post-Trump World”, *Kitchener-Waterloo OIAA Bulletin*, 2017
- “Not Just Another Crash Test—Singing Those Black Box Blues,” *Kitchener-Waterloo OIAA Bulletin*, 2015
- “Successful Motion Confirms Defendant’s Right to Prepare Insurer Examiners for Trial,” *Ontario Accident Benefit Case Summaries/Lexology*, October, 2014
- “Loss Transfer: When Indemnity is not a Slam Dunk,” *Without Prejudice*, 2014
- “Surveillance: Letting the CAT out of the Bag,” *Miller Thomson LLP*, 2009
- “Drive By Shootings—Use Or Operation Of An Automobile?” *Kitchener-Waterloo Ontario Insurance Adjusters Association*, 2008
- “Current Issues in Accident Benefits, Loss Transfer and Priorities,” 2005

Notable matters

- *Vajdec v The Co-operators General Insurance Company*, 2023 CanLII 110934 (ON LAT)

- Shwaluk v. HSBC Bank of Canada, 2023 ONCA 538 (CanLII)
- Valdivia v The Co-operators General Insurance Company, 2023 CanLII 58485 (ON LAT)
- Shwaluk v Sun Life Assurance Company of Canada, 2022 ONSC 6040 (CanLII)
- Shwaluk v HSBC Bank of Canada et al, ONSC 3192 (CanLII), 2022
- L. v Economical Insurance Company, CanLII 117495, 2021
- Dubrick et al v. St. Mary's General Hospital Foundation Kitchener-Waterloo and Grand River Hospital Foundation et al., CV-10-8921-00CL and CV-17-587941, May 19, 2021
- *Kanani v. Economical Insurance*, ONSC 6613, 2020
- *Kanani v. Economical Insurance*, ONSC 5799, 2020
- *Kanani v. Economical Insurance*, ONSC 7523, 2019
- *Kanani v. Economical Insurance*, ONSC 7201, 2019
- *Y.C. v. Economical Insurance*, 18-008802/AABS, June 17, 2019
- *Kanani v. Economical Insurance*, ONSC 3864, 2019
- *Kanani v. Economical Insurance*, ONSC 1647, 2019
- *R.C v. Economical Insurance*, 18-005278/AABS, 2019
- *Kanani v. Economical Insurance*, ONSC 5866, 2018
- *Kanani v. Economical Insurance*, ONSC 5864, 2018
- *Surani v. Perth Insurance Company*, ONSC 7254, 2018
- *Breadner v. Co-operators*, FSCO A15-005120, January 11, 2017
- *Clarkson v. Economical*, FSCO A14-006411, June 18, 2015
- *Pries v. Economical*, FSCO A11-002004, September 9, 2012, FSCO Appeal P12-00036, July 8, 2013
- *Luther v. Economical*, FSCO A10-003773, May 23, 2012
- *Ladhar v. Economical*, FSCO A08-00215, October 19, 2009, FSCO Appeal P09-00035, April 24, 2012
- *Jaggernauth v. Economical*, FSCO A08-001413, December 20, 2010, FSCO Appeal P11-00002, March 4, 2011 and April 19, 2011
- *Salem v. Economical*, FSCO A10-003634, May 2, 2013
- *Marshall v. Federation*, FSCO A06-000602, December 18, 2012
- *Azimi v. Economical*, FSCO A08-002596, August 31, 2011
- *Malik v. Economical*, FSCO A07-001978, June 26, 2009
- *Bhutta v. Economical*, FSCO A08-002247, July 17, 2009
- *Pereira v. Economical*, FSCO A07-00705, January 23, 2008
- *Longworth v. Economical*, FSCO A05-001539, May 18, 2006
- *Kieffer v. Economical*, FSCO A05-000494, May 9, 2006
- *Mai v. Economical*, FSCO A03-000045, February 25, 2004

- *Phan v. Waterloo*, FSCO A03-00131, June 11, 2004 and June 14, 2005

Private Arbitrations:

- *Certas Direct Insurance Company v. Economical Mutual Insurance Company*, Samworth, April 10, 2019
- *Economical Mutual Insurance Company v. Echelon General Insurance Company*, Samworth, December 21, 2017
- *Intact v. Economical (RM)*, Shari Novick, December 5, 2011
- *Perth v. State Farm and MVAC (Lad)*, Shari Novick, May 29, 2009
- *St. Paul Travelers v. York Fire*, Lee Samis, August 11, 2011
- *Economical v. Royal*, Lee Samis, August 11, 2011

Community roles

- Board Member, Stratford Summer Music
- Past Chair, Grand River Hospital Foundation
- Past Chair, Conestoga College
- Past Chair, Zonta Club of Kitchener-Waterloo
- Past Board Member, Better Business Bureau of Mid-Western Ontario

Memberships & affiliations

- Member, Canadian and Ontario Bar Associations
- Member, Law Society of Ontario
- Member, Waterloo Law Association
- Member, Hamilton Law Association
- Member, Kitchener-Waterloo, Ontario Insurance Adjusters Association
- Member, Canadian Defence Lawyers (2016 Nomination Committee)
- Member, Greater KW Chamber of Commerce
- Member, Communitech
- Member, Chief Justice of Ontario Advisory Committee on Professionalism (Past)