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DAMAGES Estimating Pecuniary Loss Cara L. Brown Release No. 2, December 2024

Damages: Estimating Pecuniary Loss provides a unique approach to blending economic data with case law from civil litigation cases. Each economic principle or assumption is found in cases throughout Canada so counsel will know which economic assumptions judges will accept and which ones they will not.

The book draws together, into a single resource, data on all facets of damage quantification, including current data not available anywhere else regarding lost income due to disability or sexual assault/harassment, lost economic opportunity, positive and negative contingencies, statistical estimates of household work, dependency rates, industry profiles, and economic factors affecting the self-employed.

Written with the new practitioner in mind, this is also a valuable resource for lawyers who handle the occasional case, for insurance adjusters and examiners, for judges, and for other forensic experts. A "legal memos" section has been created exclusively for this publication.

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What’s New in this Update:

The following sections have been replaced with new and updated content:

- Section 7:8.50 Standard Dependency Loss Formula
- Section 7:8.70 Judicial Comments About the “Sole Dependency” Calculation
- Section 8:13.10 Historical Rates (Table 8-1 & Canadian Institute of Actuaries)
- Section 8:13.20 Posted GIC Rates (Chartered Banks)
- Section 8:13.30 Department of Finance, Government of Canada
- Section 8:13.40 Policy and Economic Analysis Program (“PEAP”) at the University of Toronto
- Section 8:13.50 Congressional Budget Office, United States Government
- Section 8:13.60 International Monetary Fund World Economic Outlook
- Section 8:13.70 The Bank of Canada’s Neutral Rate of Interest
- Section 8:13.80 The Federal Reserve Natural Rate of Interest
- Section 8:13.90 Choosing an Appropriate Real Discount Rate for Civil Litigation Cases in Canada
- Section 15:2.50 Challenges to Expert Economic Evidence in Canada
- Section 15:3.50 Variations Between Canadian and American Civil Courts
- Section 15:15.30 Key Evidence Provided by Vocational and Functional Capacity Experts
- Section 15:15.50 Examples of Overlap With Economic Evidence From Other Types of Experts
- Section 15:15.70 Why Damages Experts’ Salary Data is Preferred
- Section 15:19 Recommendations: Experts Cannot Fix the “Hired Gun” Problem Alone

Recurring Updates:

- Table 1-3(c): Median market income by main family type
- Table 1-5: Differences in Educational Attainment for Men and Women (Canada), Age 25 and over
- Table 1-30(a): Average Income by Aboriginal Identity and Sex, Canada
- Table 1-32: Average Employment Income by Aboriginal Identity and Sex, Canada
- Table 2-3(c): Supplementary Labour Income as a Percentage of Total Labour Income
- Table 2-8: Pension Plans - Summary of Findings
- Table 2-10: Employer Contribution Rates to Pension Plans
- Table 3-2(b): A Comparison of Wage Changes in Various Sectors versus the Consumer Price Index (Inflation), Canada, 1997–2023
- Table 3-3: Unionization Rates by Sex and Industry, Canada, 2023
- Table 4-1(a): Life Expectancy at Birth & Years to Live at Age 80
- Table 4-1(b): Life Expectancy Years for Males and Females From 1981 to 2020/2022 by province and for Canada

- Table 4-3: Participation Rates (%) in Canada by Age Group, Marital Status (1990–2010), Education Level (1990–2023), and Gender
- Table 4-4: Historical Participation Rates of Women by Age of Children, 1980–2023, and 2023 separately, Canada
- Table 4-7: Average Number of Births per Woman, 1961–2022 (Canada)
- Table 4-10: Percentage of Persons Working Part-Time by Marital Status (1980–2010), Education Level (1990–2023) and Sex
- Table 4-11: Percent of Persons Working Part-time by Occupation and Sex, Canada, 1987–2023
- Table 4-12: Reason for Working Part-Time by Age and Gender, Canada, 2023
- Table 4-16: Average Duration of Unemployment (weeks)
- Table 4-17: Unemployment Rates in Canada by Education Level, Age and Sex, 1990–2023
- Table 4-18: Average Unemployment Rates in Canada, by Sex and Occupation Group, 1987–2023
- Table 6-2(c): Distribution of the Self-employed by Income and Education Levels
- Table 7-4: PCRs derived from the 2007 & 2008 Surveys of Household Spending (“SHS”), Canada, Before-tax Income
- Table 7-5: PCRs derived from 2007 & 2008 Surveys of Household Spending (“SHS”), Canada, Before-tax Income (for families with more than one vehicle)
- Table 8-1: Historical Real Interest Rates: Canada
- Table 8-2: Legislated Real Discount Rates in Canada
- Table 12-1: Statistics Canada’s Figures for Costs of Raising a Child Ages 0 to 22
- Table 12-2: Summary of dependency rates for orphaned children
- Table 12-3: Estimates of child-rearing expenditures excluded from budget and expenditure approaches
- Table 12-4: Young Adults Living at Home by Age Group
- Table 12-5: Age at First Marriage
- Table 12-6: Highest Education Level Attained by Percentage of Population, 2014-2023, Canadian MALES
- Table 12-7: Highest Education Level Attained by Percentage of Population, 2014-2023, Canadian FEMALES
- Table 12-8: Highest Education Level Attained by Percentage of Population aged 25 and over, 1990 and 2023
- Table 14-1: Comparison of Economic Loss Calculations, Various Provinces in Canada