

# Choice of Forum

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# *Who's Choice*

## Liberty Mutual ats. Fernandes (OCA)

- OCA in 2006 declared:
  - It is always the plaintiff or applicant's who chooses the forum

# Choosing FSCO or Courts

## FSCO

- Adjudicators with expertise
  - Med/Rehab
  - CAT
  - Complete Inability
- Quality decisions
  - Deference of courts
- Non-Jury
- Special Awards
- Process/Procedures
  - Fixed dates
  - Settlement opportunities
  - D.R.P.C.
  - Relaxed rules of evidence

# Choosing FSCO or Courts

## Court

- Collateral benefits problem
- Relying on statutes other than S.A.B.S.
- Jury is possible
- Punitive Damages
- Better costs