

Dealing with highway collisions 2025

4 December 2025

Running a successful personal injury claim isn't just about knowing the law; it's about spotting the right cases, asking the right questions and avoiding the traps that can sink a client's claim before it really gets started.

Throughout the course, Warren Collins will look at the psychology, technology, and the human factors that can make or break a case, in order to give you clear, practical strategies that you can use straight away, to get better results for your clients.

The course will cover:

Getting the right cases

- Avoiding the limitations of the portal, fixed recoverable costs and proportionality
- Avoiding missed injuries and negligence claims
- Meeting your client – when, how and where?
- Understanding medical records and stop acting as a post-box
- Key medical issues – articulated fractures, basic neurology and basic psychology
- Identifying the disciplines of experts and its impact on presentation
- The *Rehabilitation Code*
- The letter of claim – throwing out your standard letter and why this is key
- Risk of degeneration and implications to the claim
- Provisional damages
- Impact of disability and what you need to know about earnings multipliers
- Issue of proceedings – timing and costs budgeting strategies in road traffic collisions

Motor insurance

- BTE Insurance for drivers and passengers
- Policy excess and storage claims
- Credit hire claims – evidence of impecuniosity
- MID database searches and police information
- Indemnity and Uninsured motorists:
 - The Motor Insurers Bureau: Notices and knowledge of passengers
 - RTA Insurance – Article 75
- S151/152 RTA notices

- Untraced motorists – identifying other defendants – the 1% rule
- Insurance reserves and collaboration
- Foreign defendants: Jurisdiction and insurance issues

Liability issues in motor collisions

- Securing evidence at an early stage – how when and why
- Visiting the locus and visiting the scene
- Detective work – dash cam footage, interrogating mobile phone, sat nav and onboard data – seeking disclosure and impact of spoliation of evidence – need for early letter of claim or pre-letter of claim request
- *Facebook, Twitter, Instagram* – and old school surveillance in relation to liability
- Police accident reports and what you can get and when.
- Highway Code
- Allegations for letters of claim and pleadings
- Police prosecutions – understanding standards and burdens of proof
- Animals on the Highway – the Animals Act and unpacking *Mervahedy v Henley*
- Contributory negligence of:
 - Drivers
 - Passengers – seatbelts
 - Cyclists – helmets
 - Pedestrians
 - Children
- Impact of contributory negligence on claim generally
- Multiple vehicle collisions – picking out the bones of liability issues
- Costs implications of picking on the wrong defendant – discontinuance of proceedings and negotiating Tomlin Orders

Claims against the Highway Authority

- Highways Act 1980
- Who is correct highway authority?
- What is a defect? – Is 1 inch a rule?
- Evidence – photos and measurements
- Duty to inspect – what is sufficient?
- Duty to maintain – what does this mean – when and how?

- Trips and slips
- Potholes, road surfaces and highway furniture
- Snow and ice – winter weather policies and evidence from the Met office
- Utility companies: drains, manhole covers and road works
- Maintenance records and reports of previous collisions
- Reviewing the medical records – paramedics and hospital as well as GP records
- Contributory negligence
- Blind and disabled claimants

An Introduction to the Psychology of Law

- Heuristics and biases
- Persuasion techniques
- Recommended reading

Strategic tips

- Timing of issue of proceedings
- Getting the right experts – disciplines and experience
- Selecting counsel
- Witness statements
- Disclosure
- Video surveillance and social media – responses and fundamental dishonesty
- Deep fake videos and virtual reality evidence
- Harnessing AI in your PI practice
- Schedules of loss – some key tips – telling the story
- Forms of award – lump sums vs PPOs
- JSMs and trials