

SAM ELSBY PRESIDENT'S SPEECH 14th May

As you may imagine this is not the speech that I had planned to give at the Annual Conference, had it taken place as planned this week. Some of you will be relieved to know that it's shorter for one thing, and perhaps it's more of a Roosevelt 'fireside chat' than a Churchillian rallying speech.

We were aiming to launch APIL's ambitious new strategic plan at the anniversary conference today, but it is right that we take a step back, to review the analysis and assumptions behind the plan, to make sure that the impact of the current crisis is properly considered in our future planning. For that reason, the publication of the plan is delayed by a few weeks. Having said that, we have not allowed the crisis to knock us off track and all at APIL are working hard to maintain our services to injured people and to our valued members.

Due to the current crisis, I am hardly going to talk about anything that I had planned to talk about just a few weeks ago. Nothing puts life into perspective more than the threat to it.

The scale of that threat and the potential health consequences has been transformative for businesses, and this includes the work that we do. It has been very impressive, I think, to see how quickly firms (and indeed the APIL office) have adapted to a new way of working, so that we can all continue to provide a service to at least one vulnerable section of society - injured people.

Some time next year the threat will be behind us. While our personal lives will probably get back to where they were, in time, it is very unlikely, I believe, that working lives ever will. Many commentators have suggested that IT, and particularly IT that aids remote working, has been forced upon us and has probably accelerated its use by between 5 and 10 years. In our work, will many Court hearings; or most Conferences with Counsel or a client's appointment with an expert ever be the same? We will probably all be able to work partly from home and partly from the office, providing a no lesser service to our clients and, in some respects, a more time-efficient and flexible service.

I should also highlight that the crisis has led to an increased co-operation between APIL and FOIL and between APIL and the ABI which have resulted in what might be termed the Covid Protocols. Such collaboration is not new, including on the Serious Injury Guide, the Rehabilitation Code, and the Register of Mediators. That we should be working with FOIL in certain areas has been given credence by the judicial comments in the Mustard v Flower and McDonald v Burton cases, both regarding the recording of expert consultations. That work is ongoing and I am keen for such dialogue to continue generally, and Mike Benner and I already have a meeting in the diary with our counterparts at FOIL. It's not all bad news.

APIL training has had to adapt. While some courses have been postponed, the online training in the form of live webinars has increased. If you are not free to view these on the day they can, of course, be accessed for six months afterwards on the APIL

website or the audio version can be downloaded to your 'phone as a podcast. There's really no excuse!

Training has always been central to APIL. It helps to ensure that injured people get the very best legal service. I serve on the APIL Training and Accreditation Committee which I would describe as dynamic. APIL are looking to expand their training to non-lawyers who are nevertheless critical to our client's cases. We have already run courses, since the middle of last year, for medical experts and care workers and I, and others on the committee, are keen to see this training expanded this year and beyond. We are also looking at expanding APIL's offering to practitioner members beyond pure law. There has always been such training in the past but it needs to be extended. All this will not be at the expense of what might be termed traditional APIL legal training. It will be an expansion of training in a holistic approach.

For many practitioner members, APIL training is the face of APIL, and understandably so. But I want to shine a light on, and endorse, APIL's good work in other areas too.

It may surprise you to learn that APIL's legal affairs team respond to around 15-20 Government consultation every year. We responded to 18 in 2019. In addition, they also respond to more informal consultations from organisations such as MedCo and Legal Services Board. This year we have already responded to the MoJ on improving the victims code and responses are also being prepared for the Scottish Government on proposals to regulate non-surgical cosmetic procedure, and the Treasury on reform to

the retail price index methodology. These responses are put together by the APIL office drawing on the expertise from the executive committee and our special interest and regional groups.

In these responses, it's often APIL's role to put the position of the potential injury victim to the front of policy; to clarify legal issues and, politically, to challenge some populist language, tropes and assumptions that can creep into these documents.

APIL's policy development is supported by research allowing us to get under the skin of fraud figures; costs of claims figures and to challenge impact assessment assumptions. This gives greater strength to our policy decisions. It is because of our expertise in this area that we are regularly invited by government to work with civil servants on major reforms including, recently, whiplash and clinical negligence reforms.

That brings me to APIL's third area of work: lobbying and interaction with the media . I recall speaking to a barrister (an APIL member) about 10 years ago who expressed concerned that APIL was getting 'too political'. In one way this was a backhanded compliment since he was clearly aware of the work APIL did in this area. I replied that it had had to become more political in a shifting landscape starting with the abolition of legal aid for injury victims. As we know this resulted in many unintended consequences which continue, even now, to affect the rights of those needlessly injured by others.

I am now touching on a theme that was to be part of my Conference speech. While there are other organisations that speak out for injury victims, I genuinely believe that APIL is the leading force in this. We will probably have to forgo APIL's annual parliamentary reception this year, but that does not mean that the lobbying will stop, and media work is likely to be just as busy. I am ready for the challenge of being the APIL spokesperson on many topics.

At the last AGM, various amendments were agreed to our constitution including having two deputy vice-presidents and I am looking forward to working closely with both Brett and Jonathan this year.

Tributes have already been paid to Gordon today, but I want to add my own. It has been a pleasure and an education working with him. On a personal level I flatter myself that I am quite good at picking-up on subtle humour, but I am usually trailing 10 seconds in the wake of Gordon's bone-dry wit. On a professional level, he has worked incredibly hard, and devoted a huge amount of time to APIL, particularly in the last 3 years, and he has always impressively mastered the brief.

He has also done much for APIL in Scotland and helped to ensure that not just the jurisdiction of England & Wales is heard. I want to carry that on and attend as many NI, Welsh & Scottish regional meetings as I can, and in particular to have the APIL annual Jurisdictional meeting in NI later in my presidential year. The use of video technology may facilitate this, if travel restrictions continue

to apply. Incidentally, the same goes for the firm visits that I, Mike, Brett and Jonathan are very keen to continue.

I would also like to extend my thanks and admiration to the APIL staff team. They are committed and hard-working and have really pulled out all the stops to keep the show on the road, despite the challenges of the current crisis and the ongoing threats to access to fair and prompt redress for the needlessly injured.

Finally, I hope that you have appreciated the value of your membership of APIL over the last year and can see the very real benefits of having an Association such as ours in your corner, especially during these extraordinarily challenging times. As Mike Benner has set out in *PI Focus* this month, we are taking some giant steps forward in the coming months and we need the support of our members in delivering for injured people. I have no doubt that some new challenges will face our sector and equally no doubt that APIL will face up to those challenges and see the opportunities. Please continue to engage with our much-needed and unique association.

I may get an opportunity to give a fuller and perhaps very different speech at the annual conference, now re-scheduled for November. In the meantime it's an honour to serve this organisation and I can't wait to get started.

Thank you very much.

