



Letters to the editor
The Daily Telegraph
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Re your story: Lawyers seizing 'lion's share' of payouts in NHS negligence cases

Sir,

Costs in personal injury cases include the expense of medical reports, expert evidence, court fees, barristers' fees and other expenses which may be required in order to provide an injured patient with proper access to justice.

When the NHS is notified of a claim, it has a wealth of expertise at its disposal in the form of clinicians who can assess whether or not the treatment in question was substandard. Yet, despite this, there remains a culture in which the NHS is often late to acknowledge when it has acted negligently, which in turn can lead to unnecessarily protracted legal wrangling and increased costs.

Comparing claimant solicitors' costs to defendant lawyers' is like comparing apples and pears. Claimant lawyers who operate on a 'no-win, no-fee' basis take on the risk of not being paid if the case is lost. A defendant solicitor, by contrast, is contracted to do the work on a retainer basis and is always paid regardless of the outcome of the case.

If the NHSLA ever believes that costs are too high, then a judge will examine them with a fine-tooth comb and ensure that they are reasonable for the work done.

Yours faithfully,

Deborah Evans
Chief executive, Association of Personal Injury Lawyers