

## **LAWYERS CALL FOR RADICAL PERSONAL INJURIES REFORM**

Personal injuries lawyers will today launch radical proposals for reform of the legal system which could revolutionise the way personal injuries litigation is conducted.

The Association of Personal Injury Lawyers in Ireland (APIL Ireland) believes people injured through no fault of their own have a right to claim compensation from wrongdoers, and that the process for doing so should be efficient and cost-effective.

"The problem is that the current system is both costly and inefficient, which is damaging not just to injured people but to defendants, insurers and society in general," said APIL representative Peter McDonnell.

"Obviously, the most effective way of cutting costs is to prevent avoidable injuries from happening in the first place," he went on. "But when they do happen, we are proposing to the Government that a whole series of new measures should be introduced to complement the introduction of the Personal Injuries Assessment Board and other initiatives."

Central to these measures is the introduction of a special protocol and the amendment of the civil procedure rules to allow claims to be settled more quickly and cheaply. Under the terms of the protocol, the plaintiff would provide the defendant with details about the claim and the nature of the injuries giving the defendant a reasonable period of time to investigate the claim and state whether liability for the injuries will be admitted.

## **IRL 01/2**

"The aim of the protocol, which has been very successful in the UK, is to settle cases without having to resort to litigation," said Peter McDonnell. "The consensual approach allows both sides to negotiate on a level playing field, settle cases much more quickly, and so avoid costs and delay."

APIL Ireland is also proposing changes to the way compensation is calculated to make sure it reflects as accurately as possible the losses and expenses incurred by the injured person. This is currently extremely problematic, especially in very serious injuries when long-term prognoses can be difficult to make.

The association has called for a review of how legal costs are assessed, with the aim of creating a clearer, more transparent system so that injured victims can properly understand what they may have to pay and how the payment is calculated.

If the proposals are to succeed, the court service will need to become more efficient and APIL Ireland has called for a thorough review of how the court service operates.

Compulsory employers' liability insurance is also on the association's agenda with the aim of ensuring employers are able to meet personal injuries claims. The organisation is also calling for lawyers and insurers to pay greater attention to helping injured people get better by considering rehabilitation as well as financial compensation for injuries.

"We are suggesting these reforms because we believe injured people - indeed, society - do not benefit from an unnecessarily complex and expensive legal system," said Peter McDonnell. "We hope to persuade the Government that our proposals have merit, and we call on lawyers, insurers and the judiciary itself to recognise that a change of culture is needed if litigation in Ireland is to be fit for the 21<sup>st</sup> century."

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**Note to editors:** The Association of Personal Injury Lawyers (APIL) was formed in 1990 by plaintiff lawyers with a view to representing the interests of personal injury victims. APIL currently has more than 5,000 members in the UK and abroad. There are 76 members in APIL Ireland. Membership comprises solicitors, barristers, legal executives and academics whose interest in personal injury work is predominantly on behalf of injured plaintiffs. APIL does not generate business on behalf of its members.

For further information or a copy of APIL Ireland's suggestions for reform, please contact:

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