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APIL CALLS FOR AN END TO “UNNECESSARY” DEFENDANT CHALLENGES

Unreasonable defendant challenges to CFA agreements in personal injury cases could be stopped in their tracks if client care protections are placed in the professional conduct code.

According to the Association of Personal Injury Lawyers (APIL) removing these protections from the CFA regulations would prevent the opposing side from “continuing to use them as a tool for wholly unnecessary challenges.”

Responding to the Department of Constitutional Affairs (DCA) following its consultation paper on simplifying CFAs, APIL president Colin Ettinger said client protection must be at the forefront of change. The group has also called for the indemnity principle to be abrogated, citing it as a major barrier between a complex and simple CFA.

“There is no question that the continued influence of the indemnity principle is preventing the development of a simple CFA,” Ettinger said. “It needs to be abrogated or abridged so that CFAs are both easier for the solicitor to use and easier for the client to understand.”

APIL has supported the use of legal expenses insurance, on the proviso that clients are not denied access to a solicitor of their choice. Ettinger said clients should be free to instruct a solicitor of their choosing without any threat of being penalised for doing so.

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Note to editors: A full copy of APIL's response paper is available at www.apil.com.

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