

10 November, 2004

**LORD CHANCELLOR APPLAUDED FOR “DEBUNKING”  
COMPENSATION CULTURE MYTH**

Personal injury lawyers applauded comments today from the Lord Chancellor, Lord Falconer, which finally debunked common myths about a so-called compensation culture.

The Association of Personal Injury Lawyers (APIL) welcomed Lord Falconer’s criticism of much-reported statistics as “woeful” and “heroically wrong”, and welcomed his confirmation that accident claims have actually fallen by 9.5 per cent in the last year. The association also welcomed his full support of a working civil justice system, and his call for the regulation of claims management companies.

“We called years ago for the regulation of claims management companies to ensure people are protected from unscrupulous operators,” said Colin Ettinger, APIL president. “We now urge the Government to introduce this without delay.

“Claims management companies add nothing to the personal injury system – there is simply no need for injured people to go anywhere other than to a qualified, regulated solicitor for advice.”

But Ettinger cautioned against any move to increase the small claims court limit for personal injury cases.

“Any increase in the small claims court limit for personal injury cases will be an access to justice disaster for injured people,” he warned.

“Personal injury cases have no place in the small claims court as even smaller value cases are complex and can’t be handled properly without legal guidance,” he said. “Research already undertaken into this issue has made this point very clearly.\*

“The costs system of the court does not allow for this – no costs are recoverable at all, so the claimant either has to stand up in court and represent himself, or pay for legal representation out of his own pocket.

“The average claimant will know nothing about putting together a personal injury claim,” he went on. “It is highly unjust that the onus is on the injured party to gather medical reports and present them properly in court, and

determine how much compensation they are entitled to. This is not access to justice.”

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Note to editors:

\* *“Lay and Judicial Perspectives on the Expansion of the Small Claims Regime”* Professor John Baldwin, Department for Constitutional Affairs. Research Series no 08/02. September 2002  
Legal Studies Research Findings No 18 (1998) – *“In the Shadow of the Small Claims Court: The Impact of Small Claims Procedure on Personal Injury Litigants and Litigation”* Elaine Samuel