

March 31, 2005

MORI POLL PUTS GOVERNMENT PLANS UNDER SPOTLIGHT

A MORI poll has found the majority of people surveyed would not seek justice through the courts if potential Government plans to make changes to the small claims court go ahead.

MORI found that 64 per cent of people out of over 2,000 surveyed would be unlikely to pursue their case without an independent solicitor, and 80 per cent of people believe that without an independent solicitor to help them they would not receive the right amount of compensation from an insurer.

“The Government is currently carrying out research into raising the small claims court limit for personal injury claims from £1,000 to £5,000,” said Colin Ettinger, president of the Association of Personal Injury Lawyers (APIL), who commissioned the MORI research. “If this goes ahead it will be an access to justice disaster for thousands.

“In the small claims court you either have to pay for legal representation out of your own pocket, or stand up in court and represent yourself without a lawyer by your side,” Ettinger explained.

“MORI found 74 per cent of people say they would not be able to work out how much compensation they would be entitled to if they had to work it out without the help of an independent solicitor. If they don't even know that, how could they be expected to argue their cases properly in court?

“Personal injury cases are complex. People will have to obtain medical reports,

prepare the 'ins and outs' of their case, prove the other side injured them through negligence, and work out how much compensation they will need for things such as future care, or the amount of earnings they will lose because they can't go to work," he said.

"On top of all that, in court a claimant is likely to be facing the person who caused the injury," he continued. "This is likely to be someone backed by an insurer with all the resources necessary to fund good legal representation – this is not exactly a level playing field.

"The small claims court is for claiming back money on a faulty fridge - not a place in which injured people should be forced to battle against the odds for compensation to which they are entitled.

"In successful personal injury cases the injured party recovers their costs. This doesn't happen in the small claims court – the injured party has to pay. It is unacceptable that people should be put in a position in which compensation has to be used to pay for legal representation."

APIL's own research shows that if the limit were to increase, 70 per cent of personal injury claims would be forced into the small claims court, a move which Ettinger believes would undermine the whole compensation system.

"For these cases, access to justice will become a thing of the past," he commented. "There will be nowhere for injured people to turn for proper advice and guidance.

"These results demonstrate that most people would simply not pursue their legal rights," said Ettinger. "The apparent feeling of distrust towards insurers; the lack of knowledge about the value of their claim and the fact that going to court without a lawyer would not be an option for many – all show it is crucial that these claims stay in the current compensation system."

- ends -

Note to editors: For further information, please contact:

- MORI interviewed 2,283 adults aged 15+ between 3 and 7 February 2005. Data have been weighted to the known population profile of Great Britain.
- Regional breakdowns are available on request
- Examples of case studies are available on request

Lorraine Gwinnutt
Head of Legal & Public Affairs
APIL
11 Castle Quay
Nottingham
NG7 1FW
Tel: 0115 958 0585
Fax: 0115 924 3485
email: lorraine.gwinnutt@apil.com

or

Lisa Wardle
Press & PR Officer
APIL
Tel: 0115 958 0585
Fax: 0115 924 3485
email: lisa.wardle@apil.com