

Minutes of APIL joint West Midlands Group/International Special Interest Group Meeting in Birmingham on 3 June 2009

There were approximately 25 attendees.

Sarah Prager, from the dedicated Travel Law Team at 1 Chancery Lane, gave a very informative talk, the subject of which was a Tour Operator claims case law update.

A detailed handout was circulated and will be put on the APIL Website.

Alberto Perez Cedillo then gave a very informative run through of Rome II and the effect that this will have on road traffic accident cases, issued in the UK.

We then had an update from Neil Sugarman from the APIL EC. He updated us on the following.

1. The MOJ proposed streamlining of the claims process. APIL has had discussions with the MOJ to identify contentious areas. MOJ has taken on some of the points raised by APIL but there remain some contentious areas. The latest position is that the MOJ has arranged mediation meetings with all interested parties. APIL cannot give details of the discussions in these at the moment as these are confidential.
2. The EL Compulsory Insurance Campaign. Andreas Dismore has introduced a Bill for this. the government seems keen for a compulsory database, but this is moving very slowly. **APIL need examples of live cases, so members are urged to contribute these and to forward details to APIL.**
3. "People First" Initiative. Details of this are on the website and it has the support of the Health & Safety Commission and the British Safety Council among others.
4. Insurance fraud. Defendant's insurers and organisations are making a big issue of this. APIL are keen to work with insurers to avoid fraud.
5. Coroners' hearings. APIL are lobbying for better funding for legal representation, but **APIL need real life examples of cases, where this issue is concerned and members are urged to forward details to APIL.**
6. Third Party Capture – **real case examples are still needed to assist APIL in their campaigning on this issue and members are urged to forward case details to APIL.**
7. CICA – APIL are establishing a dialogue with the Public Accounts Committee, because it had previously been suggested by the CICA/Public Accounts Committee that people could deal with this process without lawyers, but APIL do not agree with that.
8. The Multi-Track Code – there is a pilot scheme running now and this is going quite well so far. It is in its early stages.

Costs reform

There are separate research projects going on simultaneously.

Fenn, Rickman & Others have been asked by the MOJ to review no win, no fee funding.

Professor Moorhead and Master Peter Hurst are researching contingency fees.

There is also of course The Jackson Review. A copy of the Jackson report is on the APIL website. It is a lengthy document but despite this, APIL members are urged to read it, because there are so many important issues contained in it and we need to be aware of what is being considered.

To summarise:

- The small claims limit is being looked at again. APIL have dealt with this issue on many occasions previously, but it has reared its head again.
- He is looking at fixed and predictable costs and whether this can be expanded.
- He has flagged up the possibility of one way costs shifting. This means that a Claimant will recover costs if they win, but will not have to pay the Defendant's costs if they lose. It is anticipated that the insurance lobby will resist this suggestion.
- He is looking at referral fees and notes that there is a lot of distaste for this.
- He was considering streamlining the costs process, but given the research that is currently going on, it looks as if this will be put on hold until that research is completed.
- Lord Justice Jackson does not like the current procedure for Summary Assessment and Detailed Assessment of Costs and is inviting ideas to reform these procedures.

Everybody is urged to consider the report and give their feedback to APIL.

Xanthe Andrews, Secretary of International Special Interest Group