

## **APIL NORTH EAST FORUM**

### **MEETING NOTES**

**Date: 8 September 2009**

**Subject:** North East Forum with an update by three special interest groups

**Location:** The Royal Station Hotel, Newcastle upon Tyne

**Attendees:** See attendance list

### **Minutes**

1. A pre forum costs and funding discussion took place prior to the main forum events. This was chaired by Brett Dixon, Secretary of the Costs and Funding Group. Members considered issues including:-
  - Out of office contracts. Practices varied including attaching cancellation notices to the CFA or providing for cancellation within the retainer letter.
  - Pre action disclosure application costs- views were sought in relation to whether the entitlement to the costs of these applications is adequately covered within the CFA.
  - Consideration of the Jackson review. Concerns raised included the suitability of a fixed costs regime for certain types of cases e.g. PL which may discourage firms from undertaking these.
2. The local perspective-practice developments, local court and other issues. Report provided by Joanne Willits, Co-ordinator of North East Group. Report included consideration of:-
  - The recent practice of the Newcastle County Court to transfer cases out to other local courts
  - Concern over delays in the RTA claims reform process
3. PI Law- Costs & Funding Group. Update provided by Brett Dixon. The update included consideration of:-
  - Recent cases concerning Part 36 offers (Carver v BAA [2008] EWCA Civ 412 and Morgan v UPS Ltd [2008] EWCA Civ 375 where differing decisions make advising clients on the costs consequences of a Part 36 offer difficult). Also Milton v Schlegal (2006) Ltd [2008] Cambridge CC 31 Oct where the Court considered an offer made by the Defendant which contained a typographical error.
  - Jackson review

- Referral fees
4. The National Picture- Policies, Tort Reform and Politics report provided by APIL's President, John McQuater. The report included consideration of:-
- RTA Claims Process- members would be notified as soon as possible once the gagging provision was lifted and seminars would take place to assist.
  - Jackson review
  - Referral fees
  - Campaign re compulsory insurance. Members urged to write to their MP's on this issue.
  - People First- launched by APIL to support and fight for rights of injured people. Its aims are to educate the public including on the importance of legal advice, inform of rights and responsibilities and support those who are injured.
  - Fraud- APIL concerned to offer guidance and help members pick up on fraud indicators.
  - Coroners Reform- representation at Inquests.
  - Third Party Capture- an Early Day Motion has been put forward on topic.
  - CICA- trying to highlight problems and misconceptions.
  - Pleural plaques- position awaited.
5. PI Law- Occupational Health Group. Update provided by Daniel Easton, Secretary. See separate handout.
6. PI Law- Procedure Group. Update on Part 36 provided by Mark Friston, Kings Chambers. See separate handout.

Sarah Morse

Secretary

30 September 2009