

MINUTES

DAMAGES SPECIAL INTEREST GROUP

Date: 4 February 2015 **Start:** 6:00pm

Location: London

Attendees: Malcom Underhill – Group Co-Ordinator
Ben Posford – Group Secretary
Maurice Faull, HSC Forensics – Speaker 1
Stuart McKechnie, 9 Gough Square – Speaker 2
Stuart Kightley, APIL EC Member – Speaker 3
Plus 38 others

1. Introduction

The Group Co-Ordinator opened the meeting by thanking everyone for attending and introduced the speakers.

2. Speaker One

Maurice Faull spoke to the group about instructing forensic accountancy experts, and in particular of the importance of supplying sufficient information before requesting quotes for a Costs Budget.

Maurice explained that a good forensic accountant should be able to maximise the damages award, rather than maximise the claim. Unless an expert is able to fully support all their calculations under cross-examination, then they can have a detrimental effect on the final award.

Forensic Accountancy Experts should be able to assist with pension loss claims, loss of chance calculations, detailed financial dependency calculations in FAA claims, and complex loss of earnings claims.

See the notes which accompanied the talk for further details.

3. Speaker Two

Stuart McKechnie from 9 Gough Square then spoke to the group about the five deadly sins that experts make which affect the value of a claim – a humorous look at recent case law where experts have come badly unstuck! In summary, the sins are:

1. Failing to read all of the papers;
2. Digging a deeper hole when it is much better to jump out when only a little dirty;
3. Losing objectivity and seeking to act as an advocate in the case;
4. Making observations that cannot be justified on the evidence; and
5. Entering into areas where there is a lack valid expertise or where the expert is not up to speed with advances in medicine / science.

4. Speaker Three - Update on Current EC activities within APIL

Stuart Kightley then provided an update on current EC activities within APIL. In particular, he highlighted concerns about the Saatchi Bill and the ridiculous SARAH Bill. DBA Regs are in the process of re-drafted (if the proposals of the CJC working party are accepted) and work is underway to develop a system for the randomisation of expert selection in portal RTA claims, which is not welcomed by APIL but the juggernaut that is the MOJ marches on relentlessly.

Close: Approx 7:30pm.

BP.