

MINUTES

DAMAGES SPECIAL INTEREST GROUP

Date: 3 November 2015 **Start:** 6:00pm

Location: London

Attendees: Malcom Underhill – Group Co-Ordinator
Ben Posford – Group Secretary
Anthony Carus – Speaker 1
William Latimer-Sayer – Speaker 2
Grant Evatt, APIL EC Member – Speaker 3
Plus 33 others

1. Introduction

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

2. Speaker One

Anthony Carus spoke about the problems with life expectancy data regarding TBI and SCI from the USA, and in particular problems with the Californian TBI papers, particularly as regards young people and women. The Australian studies on SCI are more accurate. Strauss et al arguably use the wrong mortality tables, as demonstrated by Middleton et al in their response to the Shavelle et al criticism of the 2012 Middleton et al paper on SCI mortality. Both the letter and answer are included in the handout.

One of the big problems with the Strauss et al studies (see www.lifeexpectancy.org for the published literature) is their approach to confidence intervals. In many respects, the

difference is such that the data does not really support a departure from the general population mortality rates, in that *statistically* the figures are not different enough.

Looking at many of the USA SCI studies, general population data is taken from the Social Security Database. This is an especially flawed approach, and in particular for young people and women. For example, the TBI studies concluded that men are three times as likely to die from their TBI as women, but only about a third of women remain on the database at later intervals because many change their surnames on marriage, and therefore statistically there's actually no evidence to show any real discrepancy between men and women.

Anthony has now retired from actuarial work, but is happy to respond to queries.

See the notes which accompanied the talk for further details.

3. Speaker Two

William Latimer-Sayer's talk was an update on quantum matters in high value claims, and especially following the two 2015 judgments in *Totham* and *Manna*.

See the very detailed notes which accompanied the talk for further details.

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

Grant Evatt provided an update on current EC activities within APIL. In particular, he highlighted concerns about the pre-consultation on fixed costs for Clinical Negligence matters, and the use of data on costs by the NHSLA which for the Claimant side appeared to include not just solicitors profit costs, but also success fees (ie pre-LASPO), VAT, disbursements, etc, but for the Defendant side failed to include the cost of in-house lawyers and the NHSLA. Case studies, especially details from NHS Costs Budgets, are crucially needed by the APIL office.

APIL's political agenda was launched today in the House of Commons, but again APIL need case studies from injured individuals to make a difference to the attitude of MPs.

Everyone was encouraged to become accredited, and to sign their firms up to the Serious Injury Guide if not already done, and all the women in the room were encouraged to either stand for election to the EC/SIG or let the APIL office know why they'd rather not stand to see if changes can be made to address the gender imbalance on the EC.

Close: Approx 7:50pm.

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