

## APIL Central England East Regional Meeting

21<sup>st</sup> September 2004 at Central Milton Keynes National Hockey Stadium

### MINUTES

1.	Introduction	
2.	APIL Focus handed out with the intention to discuss at the end of the meeting but in fact the meeting overran.	
3.	<p>Next meeting on 1<sup>st</sup> December at 18.00 hours at Milton Keynes Central Hockey Stadium. The speaker will be Steve Williams who will be discussing rehabilitation including highlighting problems with certain insurers and a few case studies.</p> <p>Ideas for the March meeting in Luton are required – please contact Ian Pears or Adria Holder with any suggestions.</p>	
4.	<p>EC Update. This was provided by Allan Gore who highlighted the following areas:</p> <ul style="list-style-type: none"><li>i. There is a proposal to increase the small claims limit. This is being opposed by APIL.</li><li>ii. Clementi – there is concern that the political agenda behind this is anti-lawyer.</li><li>iii. It appears that the DCA are concerned that the principle that admissions are binding is wrong in law and should be removed from the Personal Injury Pre-Action Protocol. This has been clearly flagged as an issue for the future.</li><li>iv. A draft for the procedure for reviewable periodic payments has been received.</li><li>v. Draft Ogden Tables are out next month.</li><li>vi. Rehabilitation – APIL are keen to drive this forward. It is important because it counters the compensation culture.</li></ul>	
5.	<p><u>Costs In Employers Liability Cases</u></p> <p>Allan Gore said that the APIL EC has made it clear that they don't have a mandate. The basis of their involvement is to ensure that a Claimant's voice is heard. The DCA are keen to have APIL involved so that they could lay down rules without risk of JR.</p> <p>The background is that there was concern about the high costs</p>	

principally from the ABI but also from the Government (who is a major Defendant), and the Courts are concerned about satellite litigation.

The DCA hosted a discussion forum known as Big Tents. A threat was made that if there was no mediated solution then the DCA would impose a solution. It was an unspoken rule that whoever walked away would be penalised in the imposed solution.

The DCA funded Fenn and Rickman research. Their philosophy was to obtain costs neutrality so that the success fees on the successful cases paid for all the lost and withdrawn cases. The idea being that at the end of any set period there would be no profit (over and above that built into the basic charges) and no loss. There was some argument over how many claims were successful with the insurers saying that nearly all the claims were successful and the claim solicitors saying not many. Someone hit upon the idea of CRU and their figures were accepted by Fenn and Rickman and used as the basis for their research.

APIL do not regard themselves as having a mandate but regard themselves as interested participants.

They also felt that the only way to get better than the Fenn and Rickman recommendations was by negotiation. This result was achieved for road traffic accidents and EL accidents.

It is felt that for the EL disease cases the success fees will be significantly higher. Also, for PL accidents the success fees would be even higher to the extent that no agreement may be reached.

Allan Gore's own caseload shows his average success fee is 70% but he only needed 30% to cover his losses (which included a Court of Appeal loss).

It should be noted that the Law Society and the TUC are the only other Claimant voices. The Law Society didn't attend and on that basis APIL felt that they should continue to participate, but it is on the basis that they do not agree with everything and they also believe that they will be punished by the DCA if they walked away.

Yvonne Percival raised a concern over the source of statistics. In the room it was clear that only her firm kept detailed statistics about cases turned away.

John Campbell raised concern over the secrecy element. Allan Gore admitted that that was of some concern.

Mark Fowler queried the BTE market and the restrictions of many panels.

	<p>Larry Shaw was concerned about the Small Claims increase particularly bearing in mind that some firms have a very large percentage of their case load which is less than £5,000 quantum.</p> <p>Mark Fowler was concerned about the Court fees increase. Allan Gore agreed that this potentially was another significant attack on Access to Justice.</p> <p>Due to time constraints the discussion then continued over buffet.</p>	
	<p><b>Please remember: next meeting 1<sup>st</sup> December at the Hockey Stadium.</b></p>	