

APIL CEE REG MEETING 05.12.06

MINUTES

In attendance:

Emma Anthony -	Pictons
Susan Bennett -	City Lawyers
Tracey Emmott -	Pictons
Mark Fowler -	Ewart Price
Peter Keer-Keer -	Keer-Keer & Co
Rob Kissane -	Austins
Victoria Mortimer-Harvey-	Pattinson & Brewer
Ian Pears (Group Co-Ordinator) -	Park Woodfine
Sylvia Phillips -	Oldham
Tim Robinson -	Knowles Benning
Deborah Smith -	Pictons
Lionel Turner -	Keer-Keer & Co
Mark Wardrop -	Pictons
Felix Wong (Group Secretary)-	Pictons
Barbara Woodbridge -	Shoosmiths

Ian Pears addressed the meeting. The last meeting of the CEE was in September 2005 after which there had been a lull and a brief period when the Central England East Group had been merged with Central England West. We are now a separate regional group again.

1. E C Update

Victoria Mortimer Harvey (EC Officer) addressed the group.

Compensation Act

EC has been in discussions concerning the regulation of Claims Management Companies (CMCs). There has been success in drafting the rules for CMCs. At present no CMCs are required to carry compulsory professional indemnity insurance but this is an issue which APIL are actively working on.

Third Party Capture

The FSA regulates insures and their relationships with third party claims capture firms. APIL is concerned that claimants being approached directly by such firms will be left with improper settlements. APIL members are encouraged to make APIL aware of any examples of bad settlements which have resulted from such direct approaches to claimants.

Streamlining the Claims Process

APIL's position was set out in the bulletin of October 2006. The Government is due to report on streamlining the claims process by Christmas 2006. The Government's consultation paper will address the small claims limit. APIL is arguing that there be no increase in the small claims limit but there have been suggestions that it should be increased up to £5,000. APIL surveys of members and the public shows that if the small claims limit is increased, then claimants will not claim. There is also the difficulty that defendants' insurers will continue to be represented, meaning a David and Goliath situation with unrepresented claimants.

Mesothelioma

EC members are working on a draft protocol to speed up the process of mesothelioma claims. The draft protocol is broadly completed. There will be a limited consultation period. The key focus is on ensuring that there is a strict time frame, recognising that time is of the essence for mesothelioma claimants. The EC is also arguing for binding pre-action admissions and has worked in conjunction with various parties to produce a leaflet for those diagnosed with mesothelioma to help them get proper advice about their legal rights.

Sowden v Lodge

Neil Sugarman of APIL has attended a meeting with Social Services in the light of this decision. No further details are available at this time.

Garrett

An APIL survey of members has shown that members are not particularly concerned but if there are any problems with defendant insurers quoting Garrett then please inform APIL. APIL may conduct a further survey of members.

Referral Fees

Ian Pears asked if APIL had expressed a view on an article recently published in the Gazette, which suggested that failure to disclose the referral fee could be seen as a disciplinary offence for a solicitor. VMH stated that she was unable to respond as she had not seen the article. She confirmed however that, under the Compensation Act, CMC's are required to disclose or notify the claimant of the referral fee, although there is an exemption for smaller CMC's.

2. PI Trusts

The group was addressed by Richard Petrie of Frenkel Topping Ltd on the subject of personal injury trusts.

3. Loss of Future Earnings

The group was then addressed by Paul Kilkoyne of Counsel on the topic of loss of future earnings – career models and loss of chance.

4. AOB

Next Meeting

The next meeting is on **27 March 2007 at 6pm** at the offices of Pictons Solicitors LLP, 28 Dunstable Road, Luton, Beds LU1 1DY. The meeting will be addressed by Kathy Cloherty of Herts Career Services on Vocational Rehabilitation. Caroline Stark and Steve Smith of Mercer and Hole accountants will be presenting on issues concerning insolvent claimants.

ADR and Mediation

Pictons Solicitors will host a presentation on the introduction of the new rules on civil mediation which affect all litigators, including personal injury litigators. The presentation will be from District Judge Gill on a date to be announced. Anyone interested in attending should contact Group Secretary, Felix Wong, at Pictons.