

Minutes of Spinal Cord Injury Special Interest Group Meeting on 30th June 2005

Elizabeth-Anne Gumbel QC and Henry Witcomb

At the offices of Alexander Harris, The Strand, London

1. Welcome by secretary and co-ordinator to the 34 members attending.
2. The presentation was given by Elizabeth-Ann Gumbel QC and Henry Witcomb of 1 Crown Office Row concerning the decisions of the Court of Appeal in Sowden –v- Lodge, Crookdale –v- Drury and its effect upon personal injury litigation.
3. Consideration was given to the tactical approach to be taken when acting for a Claimant who had suffered injuries of the utmost severity who requires specialist housing and care.
4. Duties of the Local Authorities were considered and the steps that need to be taken by the legal advisers, in particular the extent to which co-operation is required with the Local Authority and/or the Defendants, the relevance of mitigating losses, the desirability or otherwise of mitigating losses by way of damages being placed into a Special Needs Trust.
5. Particular consideration needs to be given to those under a disability, those under 18 and also the tactical considerations when there was a significant element of contributory negligence.
6. Further complicating factors of periodical payments considered and the extent to which large interim payments can make it more difficult for courts to award periodical payments at the conclusion of the action and the approaches to be taken when dealing with Defendants who raise these issues at the interim payment stage.
7. A more detailed handout was provided and copies can be obtained directly from Elizabeth-Anne Gumbel at 1 Crown Office Row, direct dial 0207 797 7575 and Henry Witcomb of 1 Crown Office Row, direct dial 0207 797 7541.
8. The meeting concluded with questions of the speakers and ran until 8pm in order to provide sufficient time to deal with the complexity and importance of the issues raised; therefore no time nor opportunity to deal with further APIL business.
9. Meeting was closed with a word of thanks to the speakers from the co-ordinator of the Spinal Cord Injury Special Interest Group, Warren Collins of Alexander Harris.
10. No date has yet been fixed for the next Special Interest Group meeting but the likelihood is that the next meeting will take place later in 2005 in London or Manchester.

