



**Tim Wallis Trust Mediation  
Presentation for APIL North West**

**June 2015**

## Gazette reader reaction to CJC ODR Report<sub>1</sub>

“Anyone who hasn't seen this coming in the past 10 years should consider whether private practice is a good career path.”

## Gazette reader reaction to CJC ODR Report<sub>2</sub>

“.....The suggestion that a person who goes to the bother of issuing a claim will be happy for it to be resolved by a judge hiding behind a computer and rely on a "facilitator" or indeed even pay a facilitator is frankly nonsense.”

## A - ADR in personal injury claims

**Trust Mediation** is a specialist personal injury mediation provider, established 2008, and deals solely in this field.

[www.TrustMediation.org.uk](http://www.TrustMediation.org.uk)

9 mediators

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# TM stats – settlement rates

- 2008 95.45%
- 2009 85%
- 2010 91.67%
- 2011 89.19%
- 2012 78.95%
- 2013 92.86%
- 2014 80%
- Overall: **87.8%**
- Cohort: difficult claims – including failed JSMs.
- “settlement” = settled on the day, or shortly afterwards
- 4 hour, 8 hour and telephone mediations

# Jackson LJ

“REVIEW OF CIVIL LITIGATION COSTS: Final Report”

ISBN 9780117064041

- “There is a widespread belief\* that mediation is not suitable for personal injury cases.
- “This belief is incorrect.
- “Mediation is capable of arriving at a reasonable outcome in many personal injury cases, and bringing satisfaction to the parties in the process.
- “However, it is essential that such mediations are carried out by mediators with specialist experience of personal injuries litigation.”

\* “Which was shared by myself until Phase 2 of the Costs Review.”

# B - Technology in pi

- Case Management
- Claims Portal
- Pi calculator / costs software
- Client Apps
- Collossus /COA/ PICAS/Warp
- Liability dispute resolution – Validus / Modria
- Big Data / artificial intelligence: HJA Picture It Settled
- Telematics



# C - Technology in the courts

- 2012: Lord Chancellor: courts going digital.
- Budget of £75m
- Vision: put the user first - design services that are digital by default.
- Making the MoJ a digitally capable organisation by 2015.
- Digitally redesigning all current services by 2018.
- Digitising every aspect of the justice system possible by 2020.

# HMCTS

The recently appointed Chief Executive of HMCTS has a track record of .....leading digitisation programmes

# D - Technology in the real world

- tablets - smartphones - smart watches
- more people access the internet by a mobile device than by a PC
- 78% of the population aged 14 years and over are said to be online
- USA: 85% of litigators maintain an electronic social network
- USA: 35% of lawyers have obtained clients from such sources.

# Process v Outcome (lawyers - clients)

“.....The suggestion that a person who goes to the bother of issuing a claim will be happy for it to be resolved by a judge hiding behind a computer and rely on a "facilitator" or indeed even pay a facilitator is frankly nonsense.”

# CONCLUSION<sub>1</sub>

- Don't ignore the market / client objectives
- Don't ignore the technology
  
- Don't fall for “Let's wait and see – and hold out against change until its absolutely forced upon us”.

# CONCLUSION<sub>2</sub>

- Leaders/followers.
  - Adaptability.
  - Big is beautiful (and facilitates investment)
  - Niche is nimble (and facilitates innovation.)
- 
- Get involved – your future depends upon it

**thank you**



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