

Association of Personal Injury Lawyers

**SOUTH OF ENGLAND REGIONAL
GROUP MEETING**

4 July 2019: 6pm to 8pm

Follow us @apil

Kindly supported by:

MOORE BLATCH

a) 'Welcome & APIL Activities'

By Matthew Claxson, Partner, Moore Blatch LLP

b) 'Costs Update'

By Michelle Walton, Costs Lawyer, Partners In Costs

c) 'Quantum issues in Catastrophic Injury claims'

By David White, Barrister, 12KBW

Civil Liability Act

Introduces:

- Rigid tariffs for whiplash
- Government definition of whiplash
- Uplift in exceptional circumstances
- Ban on pre-medical offers
- Changes to the discount rate
- Separate, but linked: small claims limit

Update

- Call for evidence on discount rate closed in January
- Discount rate review started 19 March – concludes by 5 August
- Whiplash tariffs and small claims reform still due to be introduced April 2020

What more can be done?

- MoJ stakeholder group meetings have stalled while portal build continues
- Our members must have time to adapt their business models
- Concerns about how the system will be tested

- Impact of 150,000 unrepresented litigants on charities
- Concerns are being raised with the Justice Select Committee
- Exemption of children and protected parties being raised with MoJ
- Briefings/lobbying at committee debate stage

Fixed Costs Consultation

- Consultation period end March – 6 June
- Legal costs “too high and too uncertain”
– justice secretary David Gauke
- Based on Jackson recommendations:
fixed costs up to £100,000
- Some cases to remain out-of-scope

APIL response:

- Costs management and budgeting more appropriate
- Recommended an ‘intermediate track’ as originally proposed
- Exclusions: clinical negligence; child abuse; product liability; employers’ liability disease; international claims

- 10% of fee for principal claimant for additional claimants is unfair
- Indemnity costs should be awarded when defendant is late accepting a part 36 offer

DoHSC Consultation: Appropriate Clinical Negligence Cover

- **WE SAID:**
- All providers of NHS services should be covered by a state-backed indemnity scheme
- Legislative change should apply for all private healthcare providers

- Those who hold private indemnity insurance should be checked annually by their regulators
- State-backed scheme should include run-off cover
- Cover should be unlimited
Government summary of responses awaited

Coronial Investigation of Stillbirths - consultation

APIL response:

- Welcome proposals to introduce coronial investigation of stillbirths
- Legal aid should be available for families at inquests
- Coroners must produce Prevention of Future Deaths reports where necessary

- Coronial investigations must be completely independent of the hospital's own investigations
- Inquests into full term stillbirths should be a stepping stone for inquests into all stillbirths

Register of Mediators

- Register of specialist PI and clin neg mediators exclusively and free for members of APIL, FOIL & MASS
- Developed with the support of the Civil Mediation Council
- Go to 'for professionals' on APIL website: lawyers homepage/services for lawyers/legal search

- Mediators must be registered with the Civil Mediation Council
- OR
- Their business is a CMC-registered provider

Political campaigns

- Parliamentary reception to launch new booklet – *Reality Check*



- The value of accredited lawyers
- New scheme for asbestos-related diseases
- Limitation period in child abuse cases
- Bereavement damages

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