

Deductions from damages and mitigation of loss

**Tuesday, 11 August
12:00 - 13:00**

This webinar looks at those matters that could reduce the damages a claimant receives in a personal injury case, looking firstly at deductions from damages (outside the CRU regime) and then at issues relating to mitigation of loss.

Gordon Exall will cover:

- What is the position in relation to the deduction of benefits not subject to CRU?
- Are insurance payments deductible?
- What if the claimant is paid gratuitously?
- What if there are savings in living expenses?
- What happens if the claimant's tax position changes
- Does the court take account of an improvement in the claimant's working conditions?

Looking at mitigation we consider:

- The "duty" to mitigate loss – is this a misnomer?
- Who should plead a failure to mitigate?
- When should a claimant plead a failure to mitigate?
- The burden of proof in mitigation of loss
- The consequence of a failure to mitigate
- Common issues of failure to mitigate loss in personal injury cases
- The steps practitioners should take in relation to mitigation of loss



Gordon Exall was called to the Bar in 1991 having originally qualified and practised as a solicitor. He practices from Kings Chambers.

He works almost wholly in the area of personal injury litigation and in the law relating to civil procedure, limitation and costs. He has a particular interest in issues relating to damages, evidence and the drafting of special damages schedules.

Gordon is a former executive committee member of APIL and has lectured widely for APIL and CPIL on personal injury and procedure topics. Gordon is the author of written Personal Injury Practice Notes (Cavendish); The APIL Guide to Fatal Accidents (4th edition); the 14th edition of Munkman and Exall on Damages, and Periodical Payments the New Law. He also writes the section on limitation for the APIL loose-leaf.

Gordon has appeared in several of the leading cases relating to procedure, service of the claim form and the assessment of damages.

Gordon writes the "Civil Litigation Brief", one of the most widely read sites on litigation, evidence and procedure.

In his spare time Gordon plays guitar and mandolin in a rock band (which has performed at APIL conferences). He has four children and lives in York.

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