

MOJ STREAMLINED CLAIMS PROCESS

The Brewery
16th June 2011

MOJ Stage 3 From the Frontline

Peter Revell 13th June 2011

Lyons Davidson
SOLICITORS

Peter Revell

- Partner responsible for Advocacy and Costs Department
- Based in New Malden
- Legal Support Services

Reported Hearings

154 Stage Three Hearings

- Defendant 117
- Claimant 37

Data Gathered

- Date
- Insurer/ Brand
- Solicitor
- Court
- Judge
- Age/Gender
- Type of Injury/ Duration
- Evidence Allowed
- Judicial Comment
- Claimants Final Offer
- Defendants Final Offer
- Award Generals/
Specials
- Win/ Lose
- Costs Allowed
- Penalty Interest
- Funding

Outcome

- Claimants' **10%** too high
- Defendants' **19%** too low

Claimants' Success Rate:

95.8%

- Penalty Interest Awarded on 11% of Cases
- Actual Penalty Interest Awarded 9.3%
- Over 90% of cases are on CFA/ CCFA

Location of Hearing

Issues Arising

- Judges on learning curve!
- Many Judges assumed paper hearings
- Advocates should be qualified
- Judges not happy with lack of witness evidence
- Assumptions of recovery period within medical report challenged
- Additional evidence should be submitted at stage two

Costs Issues Arising

- VAT rate disputes
- Multiple Claimant's
- Late settlement
- ATE challenged due to pre-existing BTE. Held ATE often necessary and Defendant could not show what BTE covered. ATE allowed.
- ATE premium of £800 deemed excessive
- Infant disputes and other challenges generally not accepted within process

The Future

Advocacy booked for stage three hearings:

- 97 June
- 110 July
- 118 August
- ??????

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