

Location & Date

Date: 20th February 2020

Time: 09:00 - 16:10

Location:

Law Society of Scotland
Atria One
144 Morrison Street
Edinburgh
EH3 8EX

CPD Hours: 5hours 30minutes

Please get in touch with cpd@lawscot.org.uk to join the waiting list

5.5 hours verifiable CPD

Join us in Edinburgh this winter for comprehensive updates and practical guidance on a variety of key developments related to complex areas of personal injury work.

Our expert speakers with both pursuer and defender expertise will discuss the latest updates around costs and funding, update you on the recent key cases and decisions, and offer practical tips and guidance around case management. We will also explore the many emerging issues around expert evidence, and 'compulsory' alternative dispute resolution.

The programme will give you the opportunity to network with peers and colleagues, and to ask questions to our speakers on matters affecting your practice.

Are you a solicitor who specialises in Personal Injury law and would like to develop your career and marketing in this area? If so you may want to think about applying to become an Law Society of Scotland accredited specialist. To find out more see Accredited Specialisms.

Learning outcomes

By attending this conference, you will:

- Hear about the changes introduced by the Civil Litigation (Expenses and Group Proceedings) (Scotland) Act 2018, and the Damages (Investment Returns and Periodical Payments) (Scotland) Act 2019, and their practical implications for your work
- Discuss the key cases of 2019, and the take-away points for both pursuers and defenders
- Get expert updates and practical guidance the on the case management of PI actions under Chapter 42A of the Rules of the Court of Session
- Increase your understanding of the key issues around expert evidence
- Hear about the latest developments about pre-action protocols, and the use of ADR in PI cases.

Confirmed speakers

- **Robert Milligan QC**, Compass Chambers
- **Angela Grahame QC**, Compass Chambers
- **Trish McFadden**, Associate, Digby Brown

- **Duncan Batchelor**, Partner, Clyde & Co (Scotland) LLP
- **Moira Kay**, Partner, Digby Brown
- **Kate Donachie**, Managing Associate, Brodies LLP
- **Clare Crawford**, Senior Associate (Solicitor Advocate), Kennedys Scotland
- **David Wilson**, Partner, Digby Brown
- **David Armstrong**, Partner and Head of Personal Injury team, Lindsays
- **Jim Herd**, Accredited specialist in Personal Injury Law, Senior Associate, Morton Fraser LLP
- **James Flett**, Chairman, Alex Quinn & Partners Ltd

Programme Details

09:00 - 09:30 Registration and refreshments

09:30 - 09:40 Welcome and introduction

Speaker

Robert Milligan QC, *Compass Chambers*

Robert acts for pursuers and defenders equally and is instructed regularly by most leading firms in Scotland. He is ranked as a leading silk in both Legal 500 and Chambers and is rated as the Star Individual for Personal Injury work in Chambers.

Robert has a particular interest in product liability claims, fatal claims and catastrophic injuries. He was instructed by the defenders in the Vioxx litigation and acts for the pursuers in the group litigations relating to metal on metal hips and vaginal mesh implants. He speaks and writes regularly on personal injury related matters, particularly in relation to damages.

Robert is a legal chairman of the War Pensions Appeal Tribunal and sits on the SRU Discipline Panel. In 2017 he represented the Scotland player Ryan Wilson following an incident in the Calcutta Cup match of that year.

Session one Costs, funding and case law update

09:40 - 10:25 **Recovery of Judicial Expenses in Personal Injury Litigation**

Speaker

James Flett, *Chairman, Alex Quinn & Partners Ltd*

10:25 - 10:55 **Discussion of 3 key cases of 2019**

- What can you learn in relation to key aspects of PI work?;
- Pointers for consideration for both pursuers and defenders

Speaker

Clare Crawford, *Senior Associate (Solicitor Advocate), Kennedys Scotland*

10:55 - 11:10 **Questions and discussion**

11:10 - 11:25 Refreshments and networking

Session two Fatal and serious injuries update

11:25 - 11:45	<p>Fatal accident update</p> <ul style="list-style-type: none"> • Overview of recent awards; • Issues of valuation: key aspects and recent developments. <p><i>Speaker</i></p> <hr/> <p>Jim Herd, Accredited specialist in Personal Injury Law, Senior Associate, Morton Fraser LLP</p>
11:45 - 12:20	<p>Serious injuries: best practice guidance for solicitors</p> <p><i>Speakers</i></p> <hr/> <p>Moira Kay, Partner, Digby Brown</p> <p><i>Moira Kay is a Partner within the Serious Injury department at Digby Brown LLP in Glasgow. Moira has worked exclusively within the Serious Injury department at Digby Brown since joining the firm in January 2005. Moira specialises in catastrophic injury claims, dealing with cases involving spinal cord injury, brain injury, amputations and poly-trauma. Moira also has experience of making applications for Guardianship Orders under the Adults with Incapacity (Scotland) Act 2000. She also assists many vulnerable clients following resolution of their personal injury claim by acting as professional Trustee and professional Financial Guardian.</i></p> <p><i>She is accredited by the Law Society of Scotland as a specialist in personal injury law and is also accredited by APIL as a specialist in spinal cord injury and a specialist in brain injury.</i></p> <p>Kate Donachie, Managing Associate, Brodies LLP</p> <p><i>Kate has been representing defenders in personal injury claims for more than 16 years. Her expertise includes representing clients in HSE prosecutions, FAls and administrative matters. She regularly acts on behalf of corporate clients, insurers and public authorities.</i></p> <p><i>Kate supports clients to understand and apply an actuarial approach to complex future losses and most recently the impact of the new discount rate. She was involved in the scrutiny of Civil Litigation (Expenses and Group Proceedings)(Scotland) Act when it was passing through the Scottish Parliament and gave evidence to the Scottish Parliament in relation to the Damages (investment returns and periodical payments) (Scotland) Act which has changed the method of calculating the discount rate in Scotland.</i></p>
12:20 - 12:35	Questions and discussion
12:35 - 13:15	Lunch and networking
Session three	Court case management update
13:15 - 13:50	<p>Court case management update</p> <ul style="list-style-type: none"> • The new Chapter 42A procedure; • ASPIC: the key issues. <p><i>Speaker</i></p> <hr/> <p>Duncan Batchelor, Partner, Clyde & Co (Scotland) LLP</p>
13:50 - 14:25	<p>Expert evidence in PI cases: overview and update</p> <ul style="list-style-type: none"> • Overview of the new rules for advance sanction of experts (and Counsel): the Act of Sederunt (Taxation of Judicial Expenses Rules) 2019; • Key issues around expert witnesses <p><i>Speaker</i></p> <hr/>

14:25 - 14:40	Questions and discussion
14:40 - 14:55	Refreshments and networking
Session four	Briefing session

14:55 - 15:15	Psychiatric trauma: how shocking does it have to be? <ul style="list-style-type: none">• What is meant by a shocking event• When is it not shocking enough• Recent case law on definition and proximity of shocking event
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Speaker

David Wilson, Partner, Digby Brown

15:15 - 15:35	ADR in personal injury cases <ul style="list-style-type: none">• Making ADR compulsory for PI cases? Advantages v disadvantages.
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Speaker

David Armstrong, Partner and Head of Personal Injury team, Lindsays

David is a Partner and Head of the Personal Injury Team at Lindsays. He has over 25 years of experience in personal injury law and specialises in workplace accidents; clinical and dental negligence; health & safety; and libel law.

He is an experienced solicitor Advocate who deals with high value and complex cases in the Sheriff Court and the Court of Session.

David has a special interest in alternative dispute resolution. In the past year, David has been involved in a number of mediations with varying degrees of success!

He is a frequent speaker in all aspects of Personal Injury law.

15:35 - 15:55	Update on pre-action protocols in medical negligence cases
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Speaker

Trish McFadden, Associate, Digby Brown

15:55 - 16:05	Questions and discussion
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16:05 - 16:10	Closing remarks
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Prices

prices exclude VAT

Member: £215.68

New member: £179.38

Accredited Paralegal:	£179.38
Trainee:	£179.38
Unemployed member:	£166.56
Non-member:	£228.49