

Clinical Negligence: Law Practice and Procedure

25 & 26 January 2018

Anthony Collins Solicitors, Birmingham

#AvMAClinNegBasics

CPD: 11 hours
(APIL accredited -TBC)

SRA competencies: A B

kindly supported
by: **Anthony Collins**
solicitors

CONFERENCE PROGRAMME: DAY ONE

Day One Chair: Chris Bright QC, Barrister, No. 5 Chambers

09.30 REGISTRATION & REFRESHMENTS

10.00 CHAIR'S INTRODUCTION

10.05 THE LEGAL TEST FOR BREACH OF DUTY AND INTRODUCTION TO THE LAW ON NERVOUS SHOCK

- Basic legal principles and case law
- Bolam, Bolitho
- Montgomery
- Overview secondary victim claims

ANNA DIAMOND, Barrister, Kings chambers

10:35 FUNDING OF CLINICAL NEGLIGENCE CLAIMS

- Conditional fees
- BTE
- ATE
- DBA
- LAA
- Exceptional funding
- Proportionality and reasonableness
- Legal Aid

RANKESHWAR BATTA, Partner, Anthony Collins Solicitors

11:20 REFRESHMENTS

11:35 CLIENTS AND THEIR PERSPECTIVE

- The emotional impact – dealing with distressed clients
- Managing expectations
- Managing bereavement
- Stillbirth claims

CLARE STONEMAN, Partner, Enable Law

12:25 ASSESSING POTENTIAL NEW CLAIMS

- The "New Client" Call
- The "New Client" Meeting
- Taking a client history
- Valuing the claim identifying relevant questions
- Other areas of law to consider fighting claims on

MARGUARITA TYNE, Partner, Clarke Willmott LLP

13:05 LUNCH

13.50 NAVIGATING YOUR WAY THROUGH IMPORTANT SOURCES OF EVIDENCE

- Understanding Medical Records
- Chronology and sorting of Medical Records
- Seeking disclosure of missing documents
- When to inspect documents
- Applications for special disclosure and when these should be made
- Other documents to consider
- Medico records which are difficult to read – what to do?

DR MALA SIDEBOTTOM, Senior Associate, Moore Blatch Resolve LLP

14.30 SELECTING AND INSTRUCTING YOUR EXPERT

- How to choose the right expert
- Experts previously criticised by the courts and credibility
- Instructing the expert
- Enclosures – documents to be sent
- Single vs joint expert – pros and cons, and use of in quantum
- Part 35 CPR – issues to be aware of under practice directions
- Dealing with sensitive issues arising from reports

RICHARD MONEY-KYRLE, Partner, Boyes Turner

15.10 REFRESHMENTS

15.25 ANALYSING REPORTS

- Using a clinical approach – the need to get to grips with the medicine
- Research
- How to critique your Experts' Reports
- Supplementary questions e.g.
 - What to do if an expert advises outside their speciality
 - When to disclose reports to the defence
- A practical session using anonymised reports from a real case and considering the necessary research upon and critique of those reports necessary to advance the claim

CHRIS BRIGHT QC, Barrister, No. 5 Chambers

16.45 CLOSE OF DAY ONE

CONFERENCE PROGRAMME: DAY TWO

Day Two Chair: Emma Zeb, Barrister, St John's Chambers, Bristol

09.00 REFRESHMENTS

09.15 CHAIR'S OPENING REMARKS

09.20 OTHER INVESTIGATIONS & PROCEDURES YOU NEED TO KNOW ABOUT

- Serious incident reviews
 - Complaints procedures
 - Duty of Candour
 - Health professional fitness to practice
 - Reporting patient safety issues/ role of CQC and HSIB
- PETER WALSH, Chief Executive, Action against Medical Accidents**

09.50 CIVIL PROCEDURE – PRE-ISSUE

- Pre-action protocol – its aims and requirements
 - Initiating attempts to settle
 - Drafting a letter of claim
 - Commencing proceedings
- JENNY URWIN, Partner, Slater and Gordon**

10:35 CIVIL PROCEDURE – POST-ISSUE

- Using the claim form
 - The receipt of defence
 - Typical directions in a Clinical Negligence case
 - Applications to extend time of vary orders for direction
 - Case management conferences (cost budgeting)
 - Expert agencies/expert meetings
- LAURA DALY, Associate Solicitor, Irwin Mitchell, Birmingham**

11.20 REFRESHMENTS

11.35 ALTERNATIVE REMEDIES

- Alternative Dispute Resolution
 - Mediation
 - Round Table Meetings (RTM)
 - Arbitration
 - Neutral Evaluation
- EMMA ZEB, Barrister, St John's Chambers, Bristol**

12.15 DAMAGES – PART 1

- Identifying heads of damage
- Evidence in support (self-employed v employed, pension loss etc.)
- When to consider periodical payments
- When to ask for interim payments and provisional damages

RICHARD FOLLIS, Partner, Shoosmiths LLP

13:05 LUNCH

13.45 DAMAGES – PART 2 (AN OVERVIEW)

- Calculating special damages – including an introduction to using the Ogden tables
 - Life expectancy
 - Effects of the discount rate
 - Local authority care and reverse indemnities
 - Periodical payments after Thompsonstone and others
- CATRIONA STIRLING, Barrister, Cloisters**

14.35 REFRESHMENTS

14.45 AN INTRODUCTION TO THE CORONERS COURT

- The role of Coroners Courts
 - Art 2 Inquests versus Middleton
- ED RAMSAY, Barrister, 12 Kings Bench Walk**

15.15 LEGAL UPDATE

PETAR STARCEVIC, Barrister, St Philips Chambers

15.45 CHAIR'S CLOSING REMARKS

NB: Programme and timings may be subject to change

DRINKS RECEPTION

EVENING OF 25TH JANUARY 2018

5PM – 7PM AT COPTHORNE HOTEL BIRMINGHAM.

The Drinks Reception is hosted by Daniel Lewis Law and will take place at the Lounge Bar at the Copthorne Hotel Birmingham. Make sure you wear your delegate badge when ordering your drinks at the bar.

The Copthorne Hotel Birmingham is a 5 minutes walk from the Anthony Collins Solicitors Paradise Circus, Paradise Place, Birmingham B3 3HJ