

28 March 2017

**Radisson Blu Hotel,
Liverpool**

#AvMAQuantum

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Quantifying damages and costs in clinical negligence cases requires maintaining balance between the clients' needs, expectations and financial compensation. This conference will assess general and special damages in quantum cases, looking at past and future loss; care costs and negotiating and settlement. Quantifying heads of damage in fatal accidents and dependency claims, life after settlement from the client's perspective and common issues with accommodation will also be examined. We will also look at quantifying in professional negligence, and a legal update on quantum cases will be provided.

Who should attend? Claimant solicitors and barristers as well as healthcare professionals involved in clinical governance.

CONFERENCE PROGRAMME

SRA & APIL: 5 hours 15 minutes
Bar Council: TBC

MORNING SESSION

Morning Chair: Darryl Allen QC, Barrister, Byrom Street Chambers

09:00 REGISTRATION AND REFRESHMENTS

09:45 CHAIR'S OPENING REMARKS

DARRYL ALLEN QC, Barrister, Byrom Street Chambers

09:50 ASSESSING QUANTUM – GENERAL DAMAGES

RICHARD BORRETT, Barrister, Kings Chambers

- Can you rely on the JSCG?
- How to ensure you receive your 10% uplift on general damages
- Using case law to quantify
- How to deal with multiple injuries

10:30 ASSESSING QUANTUM – SPECIAL DAMAGES AND FUTURE LOSS

DANIEL WOOD, Barrister, Charterhouse Chambers

- Life expectancy
- Loss of Earnings: pensions and promotions
- Valuing gratuitous care: how to approach variations in hourly rates, evidence in support
- Special Considerations e.g. special needs contingencies including new technology
- Provisional damages and variable Periodical Payment Orders (PPOS)
- Effects of the discount rate on the multiplier

11:10 REFRESHMENTS

11:25 ACCOMMODATION – COMMON ISSUES DISCUSSED

CHRIS MELTON QC, Barrister, Byrom Street Chambers

- Roberts v Johnstone: How does this work with a negative discount rate?
- Replacing the Roberts v Johnstone approach: How to identify what is in the client's best interests: claiming the cost of a mortgage repayments?; claiming for the capital costs of a property with a reversion to D? a claim for rental costs? What does the case law tell us? With reference to George v Pinnock [1973]; Oxborrow v West Suffolk Hospitals Trust 2012; C (a child) v St George's & St. Thomas' Hospital NHS Trust.
- Evidence in support of accommodation/ adaptation costs, and expert evidence on the cost of financing the property (engaging estate agents; care experts; surveyors and architects)
- Funding: purchase of suitable property or adaptations including applications for interim payments

12:05 LEGAL UPDATE ON QUANTUM CASES

DARRYL ALLEN QC, Barrister, Byrom Street Chambers

12:45 NEGOTIATING AND SETTLEMENT

CHARLES PRIOR, Barrister, Atlantic Chambers

- Negotiating tactics – the initial valuation
- Part 36: how to manage offers in light of changes to the discount rate
- RTM
- Proportionality considerations
- Pre-issue settlement
- Interim Payments
- Lump sum and PPOs: What is the best option in the wake of changes to the discount rate?
- Approval hearings

13:25 LUNCH

NB: Programme and timings may be subject to change

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AFTERNOON SESSION

Afternoon Chair: Amanda Yip QC, Barrister, Exchange Chambers

14:15 FATAL ACCIDENTS AND DEPENDENCY CLAIMS: QUANTIFYING HEADS OF DAMAGE

JONATHAN GODFREY, Barrister, Parklane Plowden

- What is the appropriate date for the assessment of multipliers for future loss claims under the Fatal Accident Act 1976? Date of death or date of trial?
- An update on the case of Knauer v MOJ Supreme Court
- Funeral expenses
- Dependency – financial and non-financial
- Other out of pocket expenses
- Benefits

14:55 QUANTIFYING IN PROFESSIONAL NEGLIGENCE

JOHN GRAY, Barrister, Oriel Chamber

- Are clinical negligence solicitors the right people to run a professional negligence claim?
- CFA and funding professional negligence claims
- Causation valuation, deductions and loss of chance

15:35 REFRESHMENTS

15:50 CARE COSTS

ADRIAN HAWLEY, Head of Court of Protection, PIC

- Calculating care costs – evidence in support
- Competing care needs for negligent and non-negligent injuries: Reaney discussed
- The issues around Local Authority funded care versus privately funded care (an examination of the principles behind Law Reform Personal Injuries Act 1948; Woodrup v Nicols; Peters v East Midlands Strategic Health Authority)
- The Care Act 2014: assessment of eligibility for care and assessment of care needs
- Peters undertaking and double recovery – how common and effective are these?
- Competing care regimes – how will proportionality and reasonableness be applied?
- Periodical Payment Orders for care and case management costs – issues for consideration, in particular problems around index linking and interim payments

16.30 LIFE AFTER SETTLEMENT: THE CLIENTS' PERSPECTIVE

SIMON HEAPY, Partner, Court of Protection Department, Jobling Gowler

- What it's like once the claim is over
- How the client decides to spend their compensation/their concerns
- What do deputies need from the litigation solicitor

'THE HUMAN STORY'

DR DAWN BENSON, Senior Lecturer & Programme Leader, Social Work & Communities, Northumbria University, Newcastle

17:00 CHAIR'S CLOSING REMARKS

NB: Programme and timings may be subject to change

Delegate booking form

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Registration fees must be received before the event takes place to guarantee your place. Discounted fees apply when payment is received at the time of booking.

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If you have not received confirmation of your booking 14 days after registering please contact us on 020 3096 1140. Upon receipt of your booking, AvMA will issue a VAT receipt for your payment. The venue information and final details will be sent approximately 1-2 weeks prior to the event. Please note that full payment must reach AvMA before the conference takes place for admission to be given.

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Fees for paying by invoice, with payment due within 30 days or by the date of the event (whichever is earlier):

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