

Experts and Lawyers - Effective Team Working: Legal instructions and report writing

**Evening of 24
January 2018**

**Exchange Chambers,
Liverpool**

#AvMAExperts

CPD: TBC

SRA competencies: **B**

Kindly supported
by:

EXCHANGE
CHAMBERS

Lawyers and experts are on the same team – lawyers need to learn to instruct properly; experts need to report in a focused and timely manner. By training lawyers and experts together we can provide both essential learning and an important opportunity to network together and discuss issues and concerns.

Under the Fixed Recoverable Costs proposals there could be changes to the way in which experts prepare reports, including a capping of experts fees at about £1,200 for ALL reports! Preparing the best report possible on a budget will be an essential skill. Solicitors will have to help experts achieve this, the quality of the lawyers instructions to the expert will be more important than ever, you need to be able to identify how to strip down the medical notes to make sure the expert has the minimum amount of documentation which is of maximum importance, every page of the enclosures will need to be relevant, this will be a new skill for many solicitors.

This seminar will focus on Legal Instructions, Report Writing and the importance of working together. This is intended to be an interactive session where the views of lawyers and experts are encouraged and welcomed and delegates will have the opportunity to network over drinks after the seminar.

CONFERENCE PROGRAMME

17.00 REGISTRATION AND REFRESHMENTS

17.30 INTRODUCTION BY LISA O'DWYER

Director Medico-Legal Services, Action against Medical Accidents (AvMA)

- Analysis of common gripes from solicitors about experts, and experts about solicitors.
- Report back on findings of questionnaire to each group of professionals.

17.50 GILL EDWARDS,

Senior Solicitor, Potter Rees Dolan

- **TYPES OF EXPERT REPORTS:** Desk top report; full report; single joint expert report.
- **INDEPENDENCE AND IMPARTIALITY:** The importance of declaring interest and associations with other clinicians involved in the case. Up-to-date relevant experience.
- **LETTER OF INSTRUCTION AND ENCLOSURE:** The importance of the solicitor's instructions and keeping it relevant. Revisiting privilege around non-disclosure of reports. Literature in support of first report. Reading and cross referencing to medical notes, use of the SIR in report writing. Need to request any other documents which might be relevant.
- **WHAT THE SOLICITOR EXPECTS FROM THE EXPERT:** The importance of the expert's field of expertise; Meeting the solicitor's time limits and understanding the cost of delay. Extending time for service – what is involved.
- **CONTENT OF THE REPORT:** How experts can set out their concerns or ambiguities on breach and causation; Problems particular to single joint expert reports.

• **PREPARING FOR CONFERENCE WITH COUNSEL:**

Being on top of the papers; awareness of the medical literature. Standing by your opinion or being clear on where the grey areas lie. When is it okay to change your mind?

• **AMENDING THE EXPERT REPORT:**

clarification or bullying?

• **PROCEDURES:** Part 35 questions; without prejudice meetings experts and final statements; preparing for RTM or trial.

• **FUNDING AND PAYING THE EXPERT.**

18.50 REFRESHMENTS BREAK

19.05 DR SIMON FOX QC

Barrister, Exchange Chambers

- **LOSS OF IMMUNITY FROM SUIT:** What does this mean for the expert? Increased incidence of courts willing to openly criticise experts. Do experts need insurance?
- **KNOWING WHAT THE CASE IS ABOUT:** Sufficient expert experience; being outranked by the other side's expert.
- **THE LEGAL TEST:** Understanding Bolam, Bolitho and consent post-Montgomery.
- **WHAT MAKES A GOOD REPORT?:** Format; explanation; what the report should contain – the analysis, quality not quantity. Clear conclusions and persuasive.
- **PLEADINGS:** Looking at the pleaded case and the impact of comments on the defence.
- **TRENDS:** Concurrent expert evidence: Hot tubbing; sequential, back to back evidence; the teach-in approach.

20.05 DRINKS AND NETWORKING

NB: Programme and timings may be subject to change

Delegate booking form

Experts and Lawyers - Effective Team Working: Legal instructions and report writing (360)

Evening of 24 January 2018, Exchange Chambers, Liverpool

Please complete this form in BLOCK CAPITALS and return **one form per person**.

We accept photocopies of this booking form or you can download from www.avma.org.uk/events.

Return your booking form to

AvMA Events, Freedman House, Christopher Wren Yard, 117 High Street, Croydon CR0 1QG

DX: 144267 Croydon 24 email: conferences@avma.org.uk

ORGANISATION DETAILS

Organisation:

Address:

Postcode:

DX:

Telephone:

DELEGATE DETAILS

Title:

First Name:

Surname:

Job Title:

Email*:

Twitter:

Please specify any special or dietary requirements:

Where did you hear about this event?

* Confirmation of booking and online conference documentation will be sent by email

TERMS & CONDITIONS

REGISTRATION FEES:

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.

*Fees include refreshments, a light lunch and online conference notes.

CONFIRMATION OF BOOKING

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.

CANCELLATIONS AND SUBSTITUTIONS

Cancellations must be confirmed in writing at least 10 working days before the conference and each delegate place will be liable for a £50 + VAT administration fee. Any cancellations received after this date will be liable for the full fee and course notes will be sent on. Delegates who are unable to attend due to circumstances beyond AvMA's control and who have not cancelled in advance will still be liable for the full fee and course notes will be sent on. No refunds will be given. Delegate name changes may be made at any time at no extra charge.

REGISTRATION FEES

Discounted fees when paying at the time of booking

AvMA Lawyers' Service members £75 + VAT = £90

Medical Expert £75 + VAT = £90

Private sector / standard rate £85 + VAT = £102

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

Add 15% to the fees above

PAYMENT

Cheque Payment

I enclose a cheque for £ _____ made payable to AvMA

Bank Transfer

Please send payment to: **Account name:** Action against Medical Accidents

Bank: Co-operative Bank **Sort code:** 089299 **Account number:** 65583630

SWIFTBIC: CPBKGB22 **IBAN:** GB66CPBK 089299 65583630

Please quote **ref: /firm's name** when making payment

I agree with the terms and conditions of booking

Signature:

Date:

INDEMNITY

It may be necessary to change the content and timing of the programme, speakers or venue due to circumstances beyond the control of AvMA. We reserve the right to cancel the conference if absolutely necessary and issue a full refund of conference fees. AvMA accept no liability if, for whatever reason, the conference does not take place.

DATA PROTECTION ACT

AvMA will retain your details on our database to enable us to process your booking, for accreditation purposes and so that you can be kept up to date with relevant details of future events.

* If you do NOT wish to receive future mailings from AvMA, please tick the box

** Occasionally we may include marketing material from external organisations with our mailings (eg conference sponsors' mailings). If you do NOT wish to receive information from third parties, please tick the box