



Harris Fowler

— THE PERSONAL INJURY SOLICITOR —

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What Our Clients Say

"A very professional service dealt with, with a sensitive and caring approach to the whole family. We were kept informed at all stages of the process and everything was explained very thoroughly at a level we could all understand.

Thank you" wrote the Mother of a family of five, all injured in an accident when a car travelling in the opposite direction lost control and hit their car head on.

This was a slightly unusual case in that it involved five members of the family having potential claims for injuries of varying severity and meant that we needed to look carefully at each individual's injuries and potential claims.

Although it was clear from the outset that the driver of the other vehicle was responsible, liability was initially denied with a number of different insurers being involved. However, the team handling the case at Harris Fowler maintained pressure on the insurers and were able to get liability admitted before it became necessary to issue proceedings.

We were able to secure compensation for each member of the family amounting to nearly £24,000 in total.

In the News

The Consumer Justice Alliance:

A United Response to the Jackson Review

Missing the mark

If enacted, Lord Justice Jackson's review into Civil Litigation will have serious long term implications for the legal profession, and ultimately it will be the injured victims who will suffer.

As we know, Jackson's recommendations focused to a large extent on the costs associated with personal injury claims, and it is of little surprise that commentators consider the major winners of the report to be the defendant insurance industry. Crucially the media, politicians and other stakeholders have largely overlooked the negative impact that the recommendations will have on an injured victim, much of it without even being debated in Parliament.

Next steps for Jackson

The next steps for the Jackson Review are uncertain, and have been complicated by the election of a Coalition Government with an unknown agenda. The Judiciary of England and Wales has set up a 'Judicial Steering Group' which will be leading, and ultimately pressing the new Government to implement the recommendations, whether it be through primary legislation or by Statutory Instrument.

We know that the major insurance companies will be lobbying hard to make sure the recommendations are enacted on as soon as possible. We need to ensure that the legal profession is equally active.

The need for a different approach

The future of the PI legal profession and the rights of injured victims are under threat unless fast and

decisive action is taken. Arguably one of the biggest obstacles to overcome is the perception that the profession is acting in its own self interest. The most effective way to combat this, and the often negative opinion of personal injury litigation and compensation, is by bringing a range of stakeholders together, talking with a single unified voice, to key policy and decision makers at the right time, in the right way. Luther Pendragon (LP) is proposing to set up and run an Alliance of organisations made up of legal firms specialising in personal injury, and of consumer groups, and patient organisations. Unlike existing bodies, this alliance will focus on a single issue, pro-actively working to get to the heart of Jackson on behalf of its members. It will provide a more joined up and coherent approach than has existed before by harnessing localised grass roots support, whether this be through a constituent MP, local media or other stakeholder.

Consumer Justice Alliance (CJA)

Negotiations between Government and stakeholders on how, when and in what format Jackson's recommendations will be introduced are likely to be long and complex, particularly if they require primary legislation. However if some of the changes can be brought in through secondary legislation, such as fixed fees, then things may happen quickly and without full or proper consultation. There are however opportunities for the Consumer Justice Alliance to input and indeed pressure Government during this process.

We have developed a Charter which sets out the goals and aims of the Alliance. The foundation for this charter is that the recommendations of Jackson will lead to an inequality of arms for the injured person. That it will leave the man on the street at the mercy of insurance companies with the injured person having little or no ability to be compensated for injuries sustained or losses incurred. The reason for this is that, for example, if fees are fixed then a Claimant's lawyer will be hamstrung in preparing the Claimant's case. So rather than being able to prepare the best case they will be constrained by a fixed amount of time to be expended on a case. No one is asking for unreasonable fees to be paid, but the point is that a process already exists to ensure fees are reasonable, being Detailed Assessment. This existing process of Detailed

Assessment ensures that the Claimant's lawyer can prepare the case properly and at the same time be paid only reasonable or fair fees for doing so. We believe that these are powerful messages; but that they have been largely overlooked to date.

Who will the Consumer Justice Alliance engage with?

We need to engage with a number of different layers of Government including:

- Ministers and Shadow Ministers with responsibilities for legal/consumer affairs – Ministry for Justice, Department for Business, Innovation and Skills, Department for Communities and Local Government, Home Office etc
- Relevant Select Committees – Justice Select/ Business/Communities
- All-Party Parliamentary Groups - APPG for Legal & Constitutional Affairs
- Special interest MPs
- Think Tanks
- Relevant media

Clearly the most effective way to do this is by canvassing support through local MPs. The CJA will support its members and work with them to engage with their local MP, and in turn ask him/her to support the centralised campaign underway in Westminster.

What is the structure of the Consumer Justice Alliance and how will it be run?

The day to day running and coordination of the Alliance will be undertaken by LP, however the overall direction of the CJA will be steered by its members.

The Alliance will be led by an Executive or Council, comprising of the founding members who will take more responsibility in its running, its representative activities and with strategic advice.

Getting involved

We are inviting those interested in fair access to justice for injured victims to join the Consumer Justice Alliance as a founding member. Meetings will be held at St. Johns Chambers Bristol on Thursday 15th July at 11am and at Luther

Pendragon, Pilgrim St. London on Thursday 5th August at 4.30pm.

Please contact Toby Pellew or Richard Gardner at Luther Pendragon if you would like to get involved and would like further information.

Telephone: 0207 618 9100

E-mail: Consumerjustice@luther.co.uk



Harris Fowler support the aims of the CJA and have provided funding for the initial set-up period.

Law Update

Taking the stress out of car accidents

New legislation which came into effect on 30th April should make claiming for an injury received as a result of a road traffic accident much easier in low value cases.

The new system for handling claims, agreed by solicitors and insurers, should speed up the process because all claims can now be submitted electronically. Theoretically this will make it possible for most claims of this type to be dealt with and settled within three months, whereas previously the injured person could often have to wait for twelve months or more before a claim was settled. However, for the system to work will depend almost



entirely on the Defendant's insurers complying with strict deadlines envisaged by the scheme, otherwise claims will drop outside the new process and back into the existing system.

Grant Fowler, Senior Partner of Harris Fowler, commented "We have invested heavily in systems and training to enable our clients to benefit from the introduction of the legislation", however he warns "The success of this new system depends on

the co-operation of the Insurers and despite their apparent enthusiasm for this we fear that in practice old habits may die hard and that Insurers will continue to try and delay settlement of valid claims".

HF Case Study

Two hundred thousand pounds pay-out following Road Traffic Accident

Gary Griggs had been helping his Father, whose car had broken down on a slip road. As he crossed the road back to his own car he was hit by another vehicle, thrown into the air landing approximately five feet away.

Gary suffered multiple injuries, including bruising, cuts and fractures. Subsequently he suffered an adverse psychological reaction as a result of the accident and injuries.

Gary had a successful and well paid job as gas service engineer, but the accident left him unable to return to his previous employment.

From the outset we recognised this was potentially a high value claim, but had concerns that because of the nature of the accident, the Defendant's insurers would attempt to claim that Gary had been negligent in crossing the road. It was clear that a robust case would need to be put to the Defendant's insurers, who ultimately accepted full liability.

It was also essential, because of the complex medical issues, that Gary should start treatment as quickly as possible and following two expert reports obtained by Harris Fowler, the Defendant's insurers agreed to make interim payments to cover Cognital Behavioural Therapy.

The case was handled by one of Harris Fowler's Partner's, Stephen Baker, who commented " *those who have been involved in a serious accident invariably need additional help and support - whether it is getting expert medical advice and attention, meeting others who have had similar experiences or simply finding information on the range of services and help available from local authorities, specialist charities and others. We see this additional help and support as being every bit as important as obtaining adequate compensation*".

Off the Record

Golf Day Raises Funds For Charity

A glorious summer's day and a stunning course greeted players at the Harris Fowler Charity Golf Day at Woodbury Park near Exeter on 17th June,



Oh dear!

organised to raise funds for ABF the Soldiers Charity, the Southern Spinal Injuries Trust and Headway Somerset and Devon.

The first of the eleven teams teed-off on the Championship Course at 10 am with the final team reaching the 18th at about 4.30. The challenging course with its long drives and steep climbs and the blazing sun took its toll on some of the players to whom the 18th, with its lake, seemed more like an oasis in the desert. Fortunately none were tempted to dive in although not all the balls reached the far side, providing some good entertainment for those watching from the clubhouse!



Team winners, Clarity Copiers Taunton.



James Allen (right) from Exmouth Physiotherapy. Overall individual winner.

A team from Clarity Copiers in Taunton took the first prize, a round for four at Woodbury Park, whilst the second prize, a round for four at Taunton and Pickeridge went to

the locals, a team from Exmouth Physiotherapy.

Thanks to some very generous support from sponsors and the players themselves just over £1,800 was raised for the charities, who all also attended on the day.



Nigel Muers-Raby (left), presenting David Taylor (right), Bursar Taunton School, with the winning draw prize of a Lenovo Netbook.

Alison Mills from Headway Somerset commented after the event "I just wanted to say thank you very much indeed for everyone at Harris Fowler's hard work for putting on the golf day last Thursday.

I know how much hard work goes into organising a golf day so I do hope that it was as successful as you had hoped. I know that all the charities attending very much appreciated that we were chosen to be beneficiaries from the day's event."



Rob Crossing, Neil Williams, Harris Fowler Partner, Jeremy Major, SSIT Trustee

Useful Addresses

We have introduced a Useful Contacts page on our website to help clients looking for specialist treatment. We currently have details of around 500 Physiotherapists, Chiropractors, Osteopaths, Psychiatrists, Psychologists etc on our list spread throughout England and Wales.

If you are interested in being listed (at no cost) please contact Nigel Muers-Raby on 01823 447450. or email nigel.muers-raby@harrisfowler.co.uk



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