

Jackson report – like curate’s egg – good in parts

A leading Kent law firm has welcomed news that the limit for small personal injury claims is likely to remain at its current level of £1,000. Lord Justice Jackson’s recently published report reveals a lot of points but some are more significant to the man in the street than others.



There had been fears that the ceiling could be raised, which might have made it difficult for people with smaller value claims to proceed. Even before the report’s findings it was complicated for people to manage a claim on their own, not knowing the potential final value of that claim.

The Association of Personal Injury Lawyers is still considering a detailed response to the report although it says the report pays only lip service to ensuring victims are adequately compensated.

A statement issued by them says: “An emphasis on the cost to the defendant of litigation misses the point that it is the defendants who generate claims through their own negligence. Claimants do not ask to be injured and, when they are, defendants and their insurers routinely erect every barrier possible to prevent them claiming the compensation which they need and to which they have a right.”

Costs are seen by insurers to be disproportionate albeit that it is often the way they conduct the case that causes those costs to escalate (i.e. very late admission of liability result in delays which mean that solicitors have to obtain evidence before they finally admit legal responsibility – all that time and money in gaining

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the evidence could have been avoided). It is not right that a claimant should abandon a good claim simply because the defendant will not admit the liability.

But Jacqueline Shicluna, of Medway solicitors Stephens & Son LLP, has welcomed the news contained in Lord Justice Jackson's Civil Litigation Cost Review, published on January 14, which accepts the Law Society's recommendation that the small claims personal injury limit should remain as it is.

Among recommendations in the report is a proposal to ban payment of referral fees. This is something that will be welcomed by many solicitors and legal firms handling personal injury cases.

Stephens & Son is accredited by the Association of Personal Injury Lawyers and Miss Shicluna, is a member of The Law Society's specialist Personal Injury Panel. She commented: "The general public do not always appreciate the difference between claims management companies and legal firms. Claims managers, who advertise on TV and in the press, entice clients to contact them and then sell the work on to selected solicitors for them to handle. The solicitors will pay a sometimes-hefty fee for this work. It adds no value to the claims process but yet another layer of costs, that one way or another has to be accounted for. Claims managers are an unnecessary intermediary in the claims process."

Miss Shicluna's advice is always to seek guidance from a local specialist solicitor and not to go through an intermediary company who will be making a profit by selling the case – and the person who ends up handling the case could be located at the other end of the country.

The removal of public funding (the old legal aid) from injury compensation claims has helped to swell the number of claims management companies in recent times.

Only recently, the Ministry of Justice announced that it had closed more than 100 claims management companies, as part of its crackdown on firms, which misled the public.

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Stephens & Son does not pay referral fees for work from claims managers and Miss Shicluna said: “The client is under the impression they are getting a great deal from a claims management company, when in fact they are paying a very high price for the service they obtain. In my view they would be better off approaching a specialist firm direct.”

Stephens & Son LLP, established in 1793 and situated in Railway Street, Chatham, offers a comprehensive range of specialist legal services to individuals and businesses and has a dedicated team dealing with personal injury claims.

For further information, visit Stephens & Sons or APIL websites – www.stephens-son.co.uk or www.apil.org.uk – or telephone 01634 8111444.

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