

Compass Chambers



The Return of the
Thornley/Laing Podcast:-

This Time It's Personal (Injuries)

Gavin Thornley & Steve Laing

Last year's Podcast

How not to f**k
your case up

(any more than
it already is)

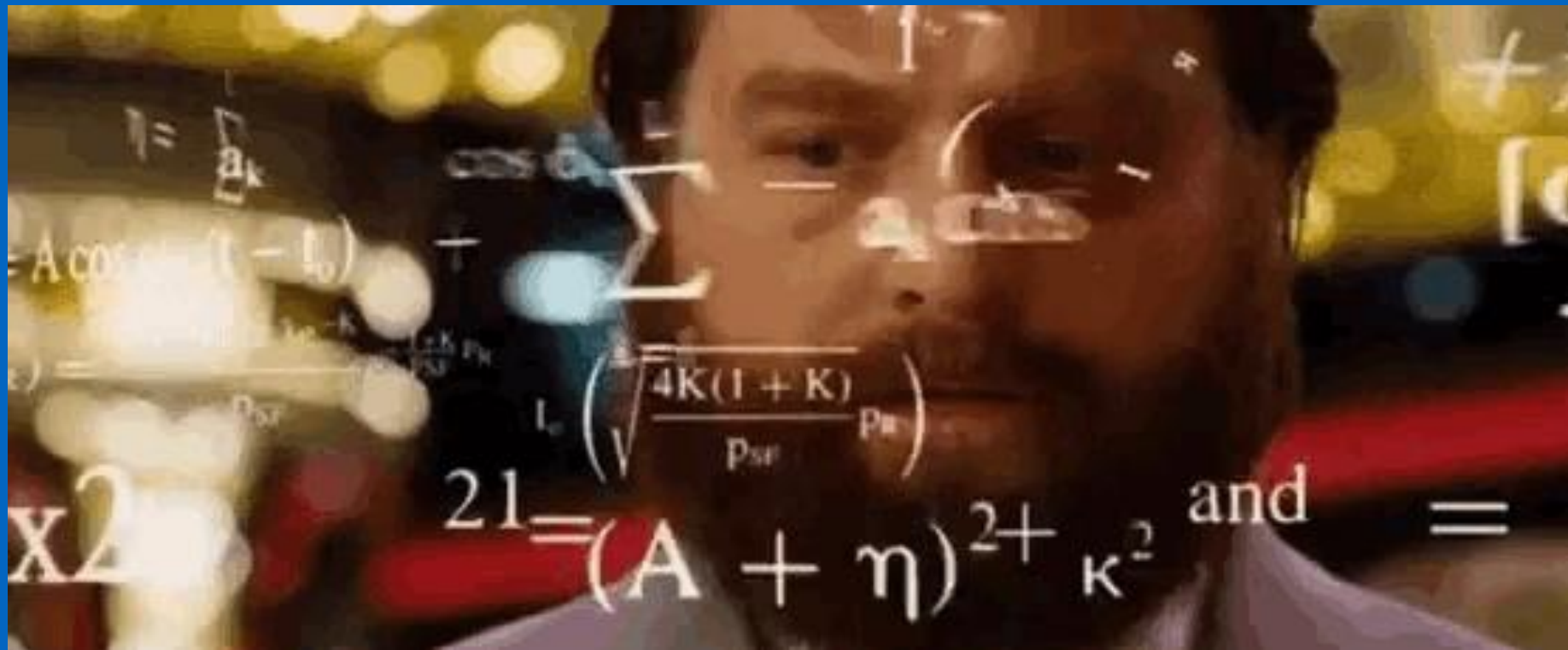


This year's Podcast

An exhaustive analysis of the economic factors
causative of the alteration of
the PI Discount Rate,

having particular regard to
the prescribed investment portfolio,
projected inflation rates,
mortality rates,
contingencies other than mortality
and the reversionary interest in accommodation claims

Effect upon valuations caused by the change in the PI Discount Rate



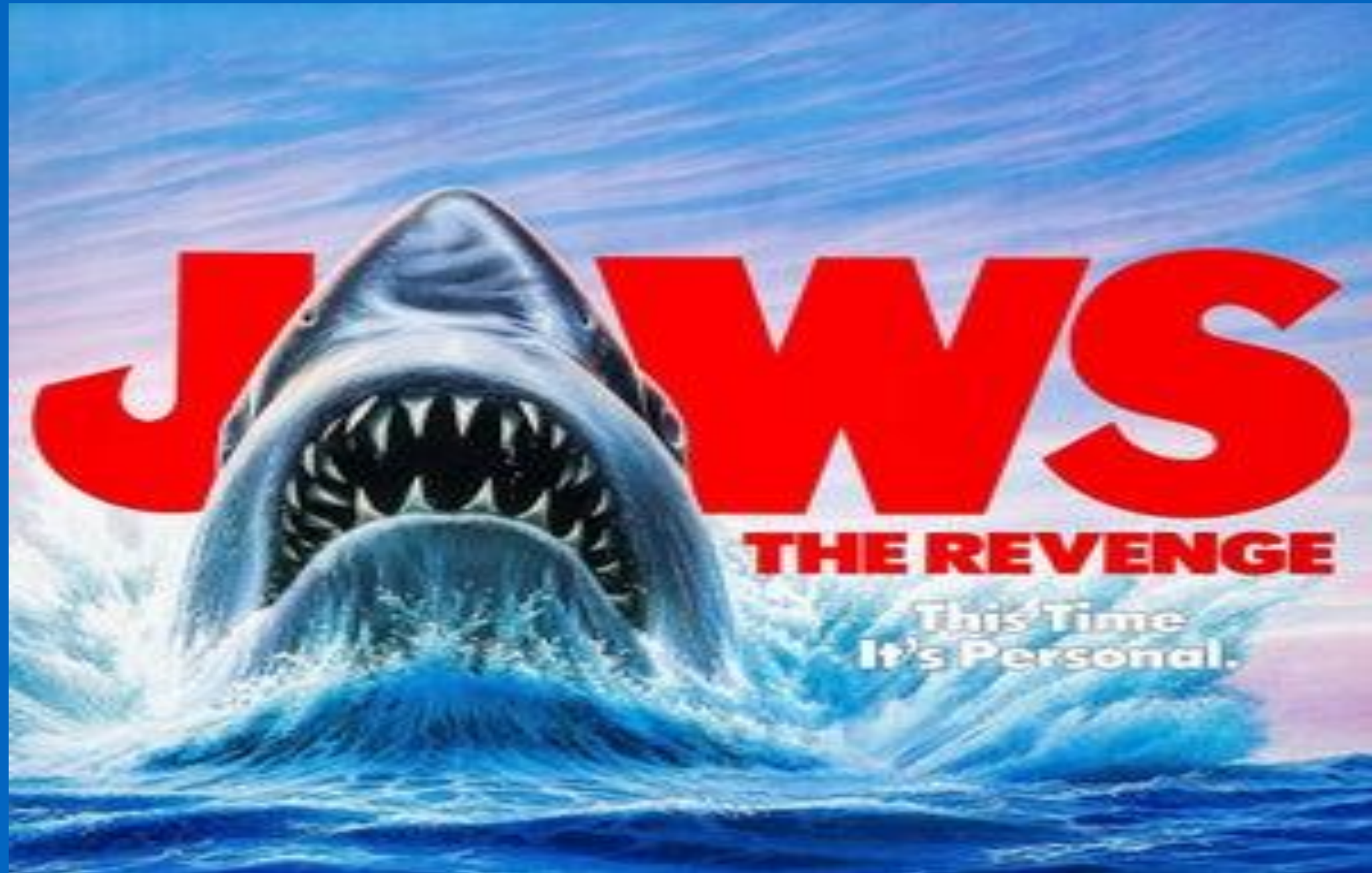
This year's Podcast

How to spot
the red flags in
your case

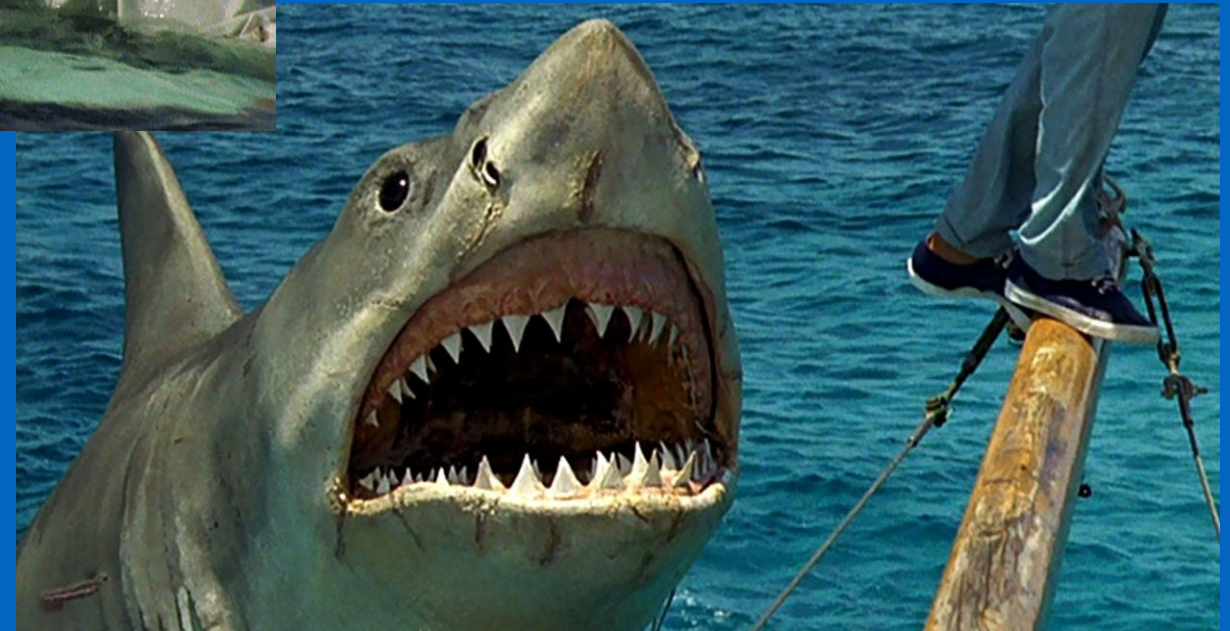
(before you have
to raise
a white flag)



This Time It's Personal
(Injuries)



This Time It's Personal (Injuries)



Compass Chambers website re-branded



Compass Chambers website re-branded



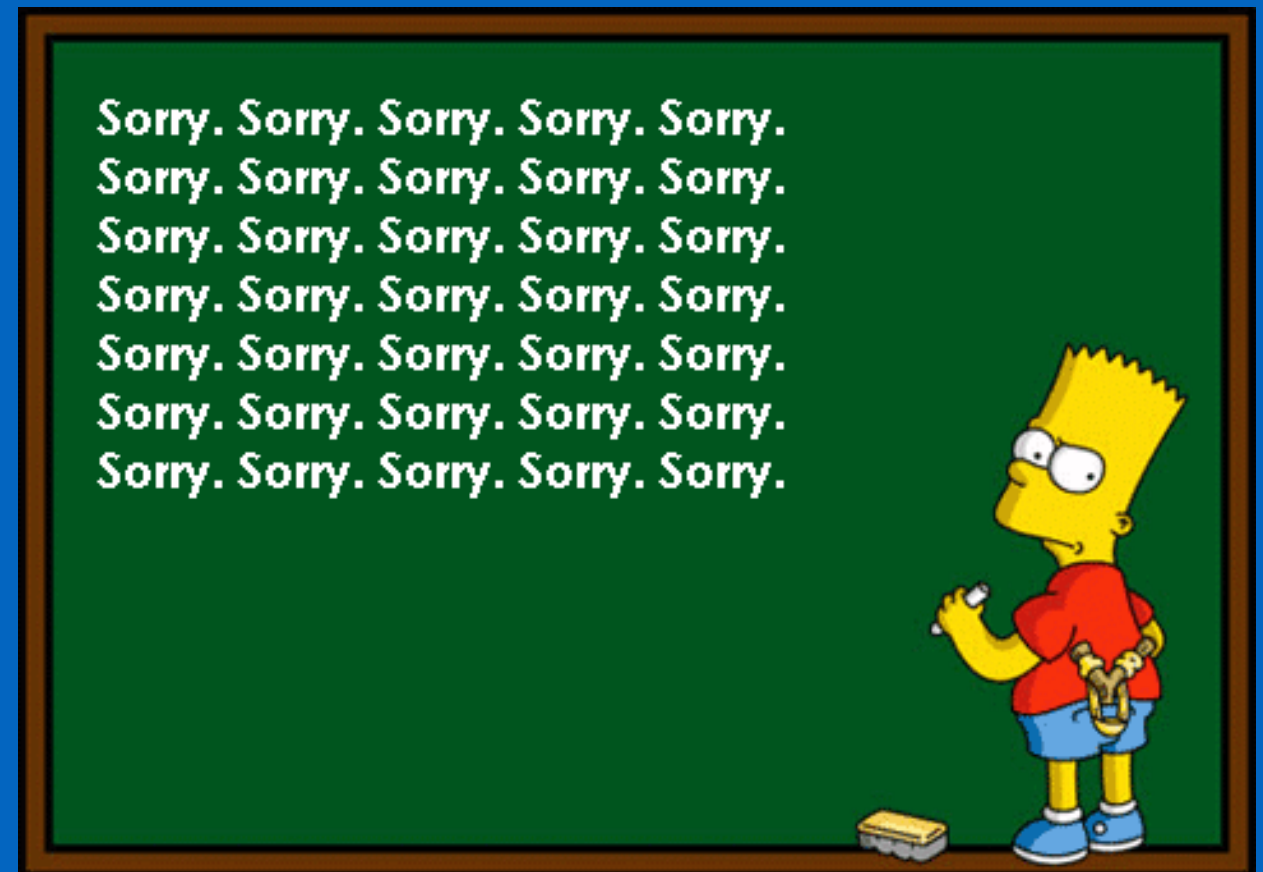
8



Pre-litigation admission of liability

*A binding obligation
or
an extrajudicial
admission???*

Personal bar??



Withdrawal of pre-litigation
admission of liability

Van Klaveren v Servisair UK Ltd 2009 SLT 576

McEwan v Sacro (14/3/24; Lord Clark)



Pre-litigation offers
before liability and medical evidence
obtained or finalised



The “Mission Impossible” of advice?

Pre-litigation offers
before medical evidence
obtained or finalised



*The role of
Rehabilitation?*

*A bird in the
hand?*

Offers before liability evidence
obtained or finalised



*Outstanding criminal proceedings?
Recovery of evidence from Police and HSE?*

Time limited offers



*Reasons for placing
a time limit
on an offer?*

*Reasonableness
of the duration
of the offer?*

Pursuer's offers

Do they work?

When to use them?



Spotting the red flags
with potential witnesses
(factual and expert)



The need for expert evidence



Marshall v Berkshire Hathaway
International Insurance Co Ltd
2024 SAC (Civ) 13

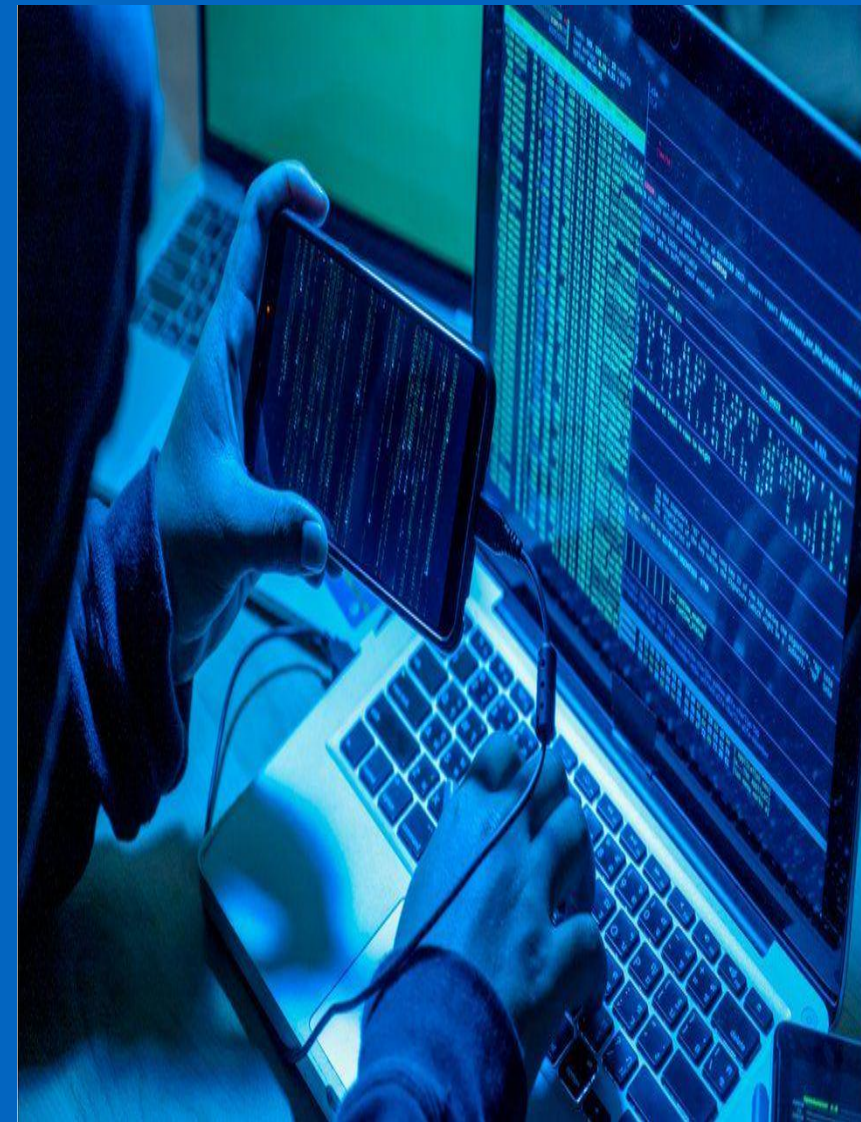
Spotting the red flags with an expert



The 'Tetley Tea Bag' Expert

*Identifying the holes
in the opinion or report*

Surveillance: video and social media



“To forewarn or not to forewarn?”
That is the question

Time for the White Flag?



The Defenders' knowledge of the bombshell to be dropped on oblivious Pursuers' agents

Spotting the red flags with a Pursuer

The Superheroes



*“I’m not in it for the money;
I’m doing it for truth and justice”*

Spotting the red flags with a Pursuer

The Fourth of the Three Magis

“In the days before the accident, I had an Epiphany”



Spotting the red flags with a Pursuer

The Marlon Brandos

"I coulda been a contender; I coulda been somebody, instead of a bum, which is what I am, lets face it"



Spotting the red flags with a Pursuer

The Rose-Tinted Spectacles Brigade



“Notwithstanding the 5,000 pages of pre-accident medical records, I was completely healthy and had nothing wrong with me whatsoever..... and all the medical experts are wrong.”

Spotting the red flags with a Pursuer

The 'Mulder and Scully' Conspiracy Theorists



*”I have plenty of supportive
factual witnesses...
but they cannot be precognosced
because they’ve all been bribed by my
employers, or emigrated, or their cat
has just died and they’ve taken it
badly, or they’ve just been abducted by
aliens, or.....”*

Spotting the red flags with a Pursuer

The TV reality show contestants

Can only be in one place as unemployed, been abandoned by NHS and unable to leave house due to pain...

but often uncontactable and cannot attend at Defender's medical examination due to other personal commitments



Spotting the red flags with a Defender
in an Employers' Liability case

The “Just About To Anyway” Brigade

*“The post-accident
changes were always
scheduled”*

*“We were just about to
sack the Pursuer”*



Spotting the red flags with a Defender
in an Employers' Liability case

The Insured With A Large Policy Deductible
and a "Google" law degree



“We didn’t need to train her because she was SO experienced.”

“We may have given him a severe traumatic brain injury, but he was always a workshy good-for-nothing””

Assessing a Pursuer, a witness or an expert



The devil is in the detail?



*In person interviews – not by email?
Signed, revised precognitions?*

.....but remember that the judge's role is to be judgemental



Making your own assessment
of credibility and reliability

*(but not in a Chewin' The Fat-type manner
in case of file review by client or Law Society)*

