



## The Personal Injury and Medical Law Teams' Newsletter

June 2010

This PIMLU considers the continuing saga of costs orders where there have been Part 36 offers: **Gibbon v Manchester City Council**; **L G Blower Specialist Bricklayer Ltd v Reeves- Sinclair Cramsie** comments. There is also a review of the now universal application of the *Bolam/Bolitho* test in clinical negligence cases with consideration of the decisions in **Newman v Maurice & Surrey & Sussex Healthcare NHS Trusts** and **Ministry of Justice v Carter** – *Deirdre Goodwin* comments.

Other cases considered this month include:

- **Tel-Ka Talk Limited v Commissioners of HMRC**: an important costs decision where C succeeded on appeal after the Law Society intervened when HMRC sought an order that contingency fees were unlawful in tribunal cases
- **Smith v Co-operative Group v Hammond**: - the Court of Appeal considers the circumstances in which it is legitimate for a judge to substitute his own views for those of an expert. *Ben Stimmler* comments
- **Legal Ombudsman** – implementation on 6 October 2010 of new complaints procedure for the legal services “industry” (*sic*) to deal with all consumer complaints about legal services with swingeing fines for transgressions even where these do not necessarily amount to professional misconduct
- **Keefe v The Isle of Man Steam Packet Company Limited** : the Court of Appeal considers the appropriate approach to NIHL cases in the absence of clear evidence of breach and where D has produced no engineering evidence of noise levels or steps taken to address these. *Matthew Corrie* comments
- **Supplementary Practice Direction: CPR PD 8B – Low Value Personal Injury Claims in Road Traffic Accidents** – summary of the changes to Stage 3 procedure
- **Barratt Goff & Tomlinson (BGT) v Commissioners for HMRC**: VAT is to be levied on medical reports obtained for personal injury or clinical negligence litigation where previously these were exempt.

**Seminars - 2010**: the PI Team is planning a programme of further seminars in the Michaelmas Term following the successful presentation in our London Chambers on 20<sup>th</sup> July presented by Stuart Nicol on credit hire agreements including the Court of Appeal decision in **Beechwood v Hoyer** in which Stuart was junior counsel for the successful respondent

**Chambers Directory**: we are pleased to announce that Deirdre Goodwin has been included as a Leader at the Bar in clinical negligence for the 6<sup>th</sup> year in succession

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**The July 2010 PIMLU will be sent out in September**