

Dealing with highway collisions

LIVE STREAMED
Tuesday, 8th May 2024
or view on demand

Presented by top speaker Warren Collins, this virtual course will cover*:

Getting the right cases

Identifying the right cases

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Speaker details:



WARREN COLLINS is a past coordinator to the APIL spinal cord injury special interest group (a post held for more than a decade). He is an APIL fellow and member of (and assessor for) the APIL spinal cord injury and APIL brain injury expert panels. He is also the chief assessor for the Law Society personal injury accreditation panel.

He is a partner at Penningtons Manches Cooper LLP in London, where he handles a broad range of complex serious injury and fatal accident claims. He has concluded numerous spinal cord injury, brain injury and amputee claims.

Warren undertakes a significant amount of international work and is the founding member and inaugural chair of the spinal cord injury Litigation Group to AAJ (the American Association for Justice – formerly the Association of Trial Lawyers of America). He is on the board of governors for AAJ. He is also the only UK solicitor member of the Melvin Belli Society (pre-eminent personal injury lawyers of America) and the National Crime Victims Bar Association (of America) and the National Trial Lawyers Top 100 (USA).

Warren is listed as a leading individual in Legal 500 and Chambers UK. He lectures extensively on his areas of expertise. He has won multiple awards for his work, including the UKABIF award for Inspiration in Acquired Brain Injury as well as the Eclipse Proclaim

Claimant Injury Lawyer of the Year (2013) the Spinal Injuries Association Award for Legal Excellence (2015) and Catastrophic Injury Lawyer of the Year (2018).

He is trustee of Brain Injury is BIG, a national charity supporting the loved ones of those with minimal awareness or disorders of consciousness.

To book your place, please complete the booking form overleaf or book online at:

www.apil.org.uk/personal-injury-legal-training

Dealing with highway collisions

Getting the right cases

- Avoiding the limitations of the portal, fixed recoverable costs and proportionality
- Avoiding missed injuries and negligence claims
- Meeting your client – when, how and where?
- Understanding medical records and stop acting as a post-box
- Key medical issues – articulated fractures, basic neurology and basic psychology
- Identifying the disciplines of experts and its impact on presentation
- The Rehabilitation Code
- The letter of claim – throwing out your standard letter and why this is key
- Risk of degeneration and implications to the claim
- Provisional damages
- Impact of disability and what you need to know about earnings multipliers
- Issue of proceedings – timing and costs budgeting strategies in road traffic collisions

Motor insurance

- BTE Insurance for drivers and passengers
- Policy excess and storage claims
- Credit hire claims – evidence of impecuniosity
- MID database searches and police information
- Indemnity and uninsured motorists:
 - The Motor Insurers Bureau: Notices and knowledge of passengers
 - RTA Insurance – Article 75
- S151/152 RTA notices
- Untraced motorists – identifying other defendants – the 1% rule
- Insurance reserves and collaboration
- Foreign defendants: Jurisdiction and insurance issues

Claims against the Highway Authority

- Highways Act 1980
- Who is correct Highway Authority?
- What is a defect? – Is 1 inch a rule?
- Evidence – photos and measurements
- Duty to inspect – what is sufficient?
- Duty to maintain – what does this mean – when and how?
- Trips and slips
- Potholes, road surfaces and highway furniture
- Snow and ice – winter weather policies and evidence from the Met office
- Utility companies: Drains, manhole covers and road works
- Maintenance records and reports of previous collisions
- Reviewing the medical records – paramedics and hospital as well as GP records
- Contributory negligence
- Blind and disabled claimants



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Liability issues in motor collisions

- Securing evidence at an early stage – how when and why
- Visiting the locus and visiting the scene
- Detective work – dash cam footage, interrogating mobile phone, sat nav and onboard data
 - Seeking disclosure and impact of spoliation of evidence
 - Need for early letter of claim or pre-letter of claim request
- Facebook, Twitter, Instagram – and old school surveillance in relation to liability
- Police accident reports and what you can get and when.
- Highway Code
- Allegations for letters of claim and pleadings
- Police prosecutions – understanding standards and burdens of proof
- Animals on the Highway
 - The Animals Act
 - Unpacking Mervahedy v Henley
- Contributory negligence of:
 - Drivers
 - Passengers – seatbelts
 - Cyclists – helmets
 - Pedestrians
 - Children
- Impact of contributory negligence on claim generally
- Multiple vehicle collisions – picking out the bones of liability issues
- Costs implications of picking on the wrong defendant
 - Discontinuance of proceedings and negotiating Tomlin Orders

Strategic tips

- Timing of issue of proceedings
- Getting the right experts – disciplines and experience
- Selecting counsel
- Witness statements
- Disclosure
- Video surveillance and social media – responses and fundamental dishonesty
- Deepfake videos and virtual reality evidence
- Harnessing AI in your PI practice
- Schedules of loss – some key tips – telling the story
- Forms of award – lump sums vs PPOs
- JSMs and trials

Introduction to Psychology of Law

- Heuristics and biases
- Persuasion techniques
- Recommended reading

APIL accreditation:
All levels
6 CPD hours



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Virtual event - Thursday, 8 YWVa VYf 202(

Live streamed

To book your place, please return your completed form to:
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or book online at: www.apil.org.uk/personal-injury-legal-training

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