

CLT In House Training and Professional Consultancy

The latest news

August 2011

CLT In House & Professional Consultancy welcome you to the August edition of our newsletter. This month we are featuring topical issues such as Part 36 offers, the County Court and Jackson Reforms and Business Writing Skills.

Part 36: The Ultimate Guide

CPR Part 36 is one of the most important rules in the CPR. Used effectively, it is an invaluable tool for the litigator. This course provides an in-depth guide to the rule, the recent developments from the Court of Appeal and the proposed changes by the Jackson reforms. It explains costs consequences and the relationship to CPR 44, how to handle rejecting and withdrawing offers, drafting the offer and references to time limits, 'beating the offer' and how to enforce the offer. See over for full details.



County Court and Jackson Reforms

Litigators are facing the biggest shake up to the CPR and funding for over a decade. The combination of Jackson LLJ Report and the Reforms to the County Court limits mean that every litigator must ensure that they have a sound working knowledge of the proposals and how they will be implemented in 2012. See over for more details.



Business Writing for Lawyers

The written word is the key form of communication with law firms. It is therefore essential that both fee-earners and support staff develop their skills to enable them to write clear, concise and effective letters, e-mails and other documents, and thus avoid the risk of the consequences of omission, error and misunderstanding. This course will help you gain new insights into how to make your writing more effective together with tips and techniques for improving the quality of the documents you produce. See over for full details.



CLT In House Compliance Course Package

The New CLT In House Compliance Course Package is specifically devised to assist your firm with compliance and law firm management issues. Choose any four of the following 3-hour courses to run at your offices for only £3996 + VAT for up to 25 delegates for CLT members. The cost for non-members is £4495 + VAT.

Contact us for full outlines by emailing inhouse@centlaw.com

1. The New SRA Handbook: Prepare Now for the new Regulations!
2. Management Course Stage One*
3. Solicitors Account Rules
4. Money Laundering 2011
5. Law Firm Management Update
6. Regulation and Compliance

• Management Course Stage One is a full day course for up to 20 delegates.

All other courses are 3 hours in duration and available for up to 25 people.

**SPECIAL
OFFER**

Part 36: The Ultimate Guide

CPR Part 36 is one of the most important rules in the CPR. Used effectively, it is an invaluable tool for the litigator. It can make the difference between a "pyrrhic" victory and a real recovery for the client at the end of the trial. It enables positional bargaining and effective negotiations. This course provides an in-depth guide to the rule, the recent developments from the Court of Appeal and the proposed changes by the Jackson reforms.

- The requirements of the Part 36 offer
- Costs consequences for the claimant
- Tactics for the Defendant
- Rejecting and Withdrawing offers - the position after *Gibbon v Manchester City Council* (2010)
- Reference to 'time limited offers' after *C v D* (2011)
- Pre-action Part 36 offers - how it works
- Tactics considerations and tips
- Enforcement of Part 36 offers pre and post issue
- "Beating the offer" redefined after the *Carver* and *Multiplex* cases
- The relationship with CPT Part 44 (costs)
- The Jackson reforms to Part 36.

County Court and Jackson Reforms

D Day - 1 October 2012 - almost one year away!

The Government has announced that the County Court Reforms and Jackson Proposals will be brought in together on 1 October 2012. In relation to most of the reforms the key date is when proceedings are issued so these changes affect files in your cabinet now and policy decisions need to be made now. This course provides practical guidance on how to get the best out of these changes as well as giving a detailed analysis of each and every reform.

Key Points

- Abolition of recoverability of CFA success fee from the losing side.
- In personal injury cases only there will be a 25% cap on the amount of damages that may be taken as a success fee, the damages forming part of the fund being all damages other than those future care and future loss
- Maximum success fee to remain at 100% of costs
- Abolition of recoverability of the after-the-event insurance premium, subject to a "tightly drawn power" to allow recoverability of the ATE premium in respect of the costs of experts' reports only in clinical negligence cases. Primary legislation required
- General damages to rise by 10% for all Claimants, not as originally proposed just for those with conditional fee agreements
- Abolition of recoverability of the self-insurance element by membership organizations
- Contingency fees to be allowed in all civil cases, to be known as damages - based agreements (DBAs). Successful Claimants will recover costs from the losing Defendant as normal and these will be used to set off against the DBA fee, resulting in the Claimant only paying the shortfall between the DBA at the costs recovered
- In personal injury cases the amount of the payment that the lawyer can take will be limited to 25% of damages excluding damages for future care and future loss
- A new test of proportionality in costs assessment will mean that only reasonable and proportionate costs may be recovered from the other side
- Prescribed rates for successful litigants in person will increase in line with inflation since they were set
- Part 36 will be amended to give successful Claimants greater rewards. *Carver v BAA* will be formally reversed by a clear statement that where a money offer is beaten at trial the Part 36 costs sanctions will apply, however small the margin is. Additionally an extra 10% damages must be paid by a Defendant who does not accept a Claimant's offer that is not beaten at trial
- Qualified One Way Costs Shifting to be introduced in personal injury cases, involving clinical negligence. Thus a losing Claimant does not pay the Defendant should the claim fail but the Defendant pays in the usual way if the Claimant succeeds.

However this is subject to two and possibly three exceptions: (i) Where a Claimant has acted fraudulently, frivolously or unreasonably in pursuing proceedings; or (ii) On financial grounds - only the "very wealthy" would be at risk of paying costs; (iii) Failure to beat a Defendant's Part 36 offer, possibly - it is not clear from the consultation page.

County Courts

- Portal to cover personal injury claims up to £50,000
- High Court minimum to be £100,000 - up from £25,000
- Small claims limit up from £5,000 to £10,000 or £15,000 or £25,000
- Compulsory mediation for all small claims
- Mediation information hearings for small claims
- Improved enforcement for small claims
- Mediation settlements enforceable by the court
- National single county court.

Business Writing for Lawyers

The written word is the key form of communication with law firms. It is therefore essential that both fee-earners and support staff develop their skills to enable them to write clear, concise and effective letters, e-mails and other documents, and thus avoid the risk of the consequences of omission, error and misunderstanding.

- To revise and underpin the essential rules of effective writing, including punctuation. To gain tips and techniques for getting the message across. Writing letters, e-mails, attendance notes and reports which achieve objectives.
- Revision of basic grammar
- Vocabulary and the use of words
- Paragraphing
- Document objectives - message and recipient
- Planning and structuring content
- Specific tips for letters, reports, attendance notes and e-mails
- Improving visual effect
- The 'you' attitude - defining responsibilities
- Accuracy, brevity and clarity.
- Participants will have gained new insights into how to make their writing more effective together with tips and techniques for improving the quality of the documents they produce.

Would your firm benefit from:

- Cost effective training delivered at your firm
- First class speakers with practical experience
- Innovative and cutting edge courses
- Bespoke programmes
- Free consultancy and training needs analysis
- Full account management and administrative support for all in house course programmes

Then contact our In House Team on:

Call: 0121 362 7707

Email: inhouseall@centlaw.com

Visit: www.cltinhouse.co.uk

Prefer to receive this by email?

Email **Claire Sezer** with your details at csezer@centlaw.com

