

Conditions of Business for Medico-Legal Work– from 1.3.20

NB: If you wish to negotiate or vary these conditions, please do so prior to issuing instructions

For the purposes of this document, the term “instructor” means the solicitor providing instructions, except where instructions are issued via an agency. In the case of an agency, the “instructor” for the *Report only* will be the agency – it will be the solicitor for any other work undertaken.

1	<p>INSTRUCTIONS The following instruction / documentation is usually required, and will not normally be returned:</p> <ul style="list-style-type: none"> • Instructions giving background to the case with any specific questions to be answered, including any particular points of dispute. • Good quality electronic copies in PDF format of medical notes including full GP records and if applicable Hospital and Mental Health records and Summary of Psychological treatment. The records should be password protected / encrypted, and sent by email or disc; or secure electronic transfer. The password should be sent separately by email. Paper notes are acceptable as alternatives – double-wrap and use recorded delivery or courier. <p>Original Notes, Images, etc should NOT be sent – send duplicates and retain a copy. As a Psychiatrist I do not normally require site of radiographic images, scans – do not send these please.</p>
2	<p>Appointments - Unless otherwise instructed, I will send an appointment directly to the claimant with a copy to the instructor. I will endeavor to offer a venue convenient for the claimant within the agreed timescale. I normally offer an appointment which is within 6 weeks of receipt of instructions. I will inform the instructor if no appointment can be scheduled within 8 weeks of receiving instructions. Reports are normally submitted within 15 working days of appointment (with allowances for annual leave, sickness and bank holidays). This assumes that all supporting material is available at the time of appointment and that the claimant accepts and attends the first appointment offered. Any anticipated delays will be notified to instructors as soon as possible. If there is a pressing report deadline I must be notified of this prior to the appointment and preferably at the time of instruction.</p>
3	<p>Non-attendance - The instructor will be provided with notification within 2 working days if a claimant fails to attend. Non-attendance or cancellation at short notice charges are given in the schedule of fees.</p>
4	<p>Addendum Reports – usually supplied within 15 working days of receiving the request unless the claimant needs to be seen again for an appointment – timescale as 3 above.</p>
5	<p>Desk-top Reports - usually supplied within 15 working days of receiving instructions but check availability first.</p>
6	<p>Joint Statements - I aim to offer the other Expert a meeting within 2 weeks, and submit a jointly signed memo within a further week. However, it can be difficult to schedule availability of both parties, and solicitors are advised to allow 4 weeks, longer in complex cases.</p>
7	<p>Conferences – I keep a half day available every 2 weeks free of other commitments for these but will endeavour to be available at other times with notice when possible.</p>
8	<p>Urgent requests – if you have an urgent deadline, let me know sooner rather than later. I will always prioritise a genuine court deadline but reserve the right to charge a 50% supplement for work outside normal working hours, during holidays or if other work requires to be re-scheduled.</p>
8	<p>Telephone Discussion Solicitors wishing to speak to me to discuss an initial instruction may do so free of charge - a telephone appointment will be promptly arranged. Telephone calls and letters (other than for initial instruction) will be charged at the usual hourly rate. No charge is made for emails in response to instructors’ emails, if brief in nature. No charge is made if the instructor wishes to leave a telephone message which does not require a response, eg to pass on information. Administrative enquirers from agencies should be made by email only.</p>
8	<p>Court Appearances – while trying to retain flexibility to assist the Courts, at least 6 weeks notice is normally required for Court appearances in order to cancel any other commitments. Not more than 3 working days can normally be block booked. Exceptionally, these arrangements may be varied depending on the case. Solicitors must contact me for dates of non-availability before arranging a hearing for me to attend. I will endeavour to respond promptly for requests for non-availability but please give at least 7 days notice. If after 28 days court dates have not been set please contact me again to re-check non-availability.</p>
9	<p>Payment – Unless agreed otherwise in writing, the instructor will pay the expert within 3 Calendar months of submission of the expert’s invoice (regardless of whether s/he has been paid), which will usually be submitted when the report is submitted. Late payment will be subject to fees and interest as permitted in late payment legislation at the time. BACS details appear on the invoice.</p>
10	<p>Contract - The issuing of instructions by the instructor followed by the issuing of an appointment by the expert denotes an understanding and acceptance by both parties of a contractual agreement encompassing the above, and the fee structure shown below EXCEPT where explicit alterations have been agreed in writing prior to instruction on a case by case basis. These terms replace any terms which may have been agreed for previous work. These terms may not be altered in retrospect, and constitute a legally binding contract.</p>

Fee Structure for claimants seen from 1.3.20 - fees quoted are based on 3 month payment terms.

NB: If you wish to negotiate these fees please do so prior to issuing instructions.

Fixed fee quotes are available on request on sight of all case materials.

A: MEDICO-LEGAL REPORTS, SUPPLEMENTARY REPORTS, CONFERENCES, MEETINGS OF EXPERTS, etc

Standard Hourly rate: £220.00 per hour on 3 month payment terms. If deferred payment rates are required please discuss these before sending instructions. Charges will be made per ¼ hour unit.

Fees will depend on the type of case, complexity, the size of bundle and other issues. I can give a written estimate on sight of case materials, but the following is a guide (examples only):

	<i>Case Type (example)</i> <i>Most claimant personal injury reports is billed at 4.5-5 hours £880-990.</i> <i>For a clinical Negligence case, typical fee is £1100-1540</i>	<i>Estimate of time</i>	<i>Fee (Excl VAT) @220/hr</i>
A	Non-complex case, low value, largely recovered. No past Psychiatric history. Without review of medical notes (minimum medicolegal report fee without records)	3 hours	£660.00
B	Low complexity Personal Injury case. Supporting material 150 pages or less. Minimal past Psychiatric history. (Minimum medicolegal report fee with review of records)	3.5 hours	£770.00
C	Intermediate level of complexity personal Injury. Previous Psychiatric history not extensive, ongoing response to injury. 1 other expert report. Supporting material 200-250 pages.	4-4.5 hours	£880-990
D	More complex personal injury case, perhaps involving medically unexplained symptoms or chronic pain, significant past Psychiatric or medical history, 2 other expert reports, supporting records 300-400 pages, 1 or more witness statements. Typical Clin Neg case.	5-7 hours	£1100 - £1540
E	High value, very complex PI case, 3+ other experts, long duration of time since injury, extensive past Psychiatric history, causation complex or issues about somatoform disorder, extensive medical records from several sources +/- employment records, case manager involved, several witness statements. More complex Clin Neg Case.	8-12+ hours	£1760-2640+

<i>Examples for Cost Estimates</i>		
Addendum report with short re-interview and review of 25 pages of notes	1.5 hours	£330
Answering 6x part 35 questions which are not in parts or lengthy	1.5 hours	£330
Telephone conference- less complex 30 mins discussion with 30 mins prep	1 hour	£220
Telephone conference- complex - 90 mins discussion with 60 mins prep	2.5 hours	£550
Discuss, draft and finalise a joint statement with other expert - This will depend on the case, the issues and the other expert – less complex and more complex example given	2.5hours 5 hours	£550 £1100
1 day in Court	1day	£1300

Telephone calls (except regarding initial instruction) and telephone conferences will incur a charge at the hourly rate, billed per 15 minute unit. There is no charge for leaving a telephone message which does not require a response.

Express 2 week turnaround service (instructions to submission of report) at 50% surcharge with payment due within 28 days, undertaken by arrangement subject to availability.

Non-attendance/cancellation

Appointment cancellation fees for less than 2 full working days notice or non-attendance without notice - £100.00.

Home Visits: By arrangement only. Minimum charge £1600 + travel + Chaperone fee (Nursing Agency nurse)

Travel (not applicable for appointments in usual Consulting Rooms with claimants for the purpose of assessment): £100.00 / hour Plus expenses (65p per mile OR rail ticket).

B: COURT WORK:

Availability / appearance

-£1300.00per full day booked: **£700.00 per half day booked**

Plus travel +/- accommodation if more than 60 miles from Cardiff. Payable whether called to give evidence or not.

Scale of Cancellation Charges for Court Appearance Work:

Less than 1 full working day (09.00 - 17.00) before 1st date reserved: Full rate

Between 1 and 3 full working days before 1st date reserved: ¾ rate

Between 3 full working days and 7 days before 1st date reserved: Half rate

Payment: VAT is chargeable on all fees. Payment contingent on outcome or subject assessment or taxation by Courts CANNOT be accepted. **Late Payments:** The instructor is liable for fees and interest for payment not received on time, as per the late payment legislation. The instructor is responsible for fees incurred by me in relation to recovery of debts.

NOTE: I reserve the right to charge reasonable administration fees for additional work and to charge for reasonable expenses incurred, and to require payment in advance in instances of previous late payment or non-attendance.