

Personal Injuries Law Masterclass

Effectively resolving complex issues and negotiating successful outcomes for your client

14 October 2009

Emporium Hotel, Brisbane

Critical sessions discussing:

- Must-do pre-court procedures and litigation checklists
- Differences between expert evidence and "opinion" evidence
- Successfully arguing for your client for action brought under CLA
- Screening a case for ADR before you take it to court
- Matters affecting employers' liability during court proceedings
- Developments in occupiers liability cases
- Actions which can be brought under TPA and FTA
- Catastrophic injury claims in CTP and their impact on damages assessment

Morning Sessions

- 8:30 **Conference registration**
- 8:50 **Opening remarks from the Chair**
- 9:00 **Pre-court procedures**
- EXPERT AUTHOR**
- Taking instructions on behalf of the plaintiff and compulsory considerations:
 - (i) Causes of action
 - (ii) Potential defendants
 - (iii) Witnesses available
 - Litigation checklists:
 - (i) Initial considerations
 - (ii) Managing your client's expectations
 - (iii) Deadlines
 - Expert reports
 - (i) Clinical records
 - (ii) Medicare information
 - (iii) "Before" and "After" witness statements
- Ashley Jones, Partner, Deacons and Author, Personal Injury Litigation Queensland, LexisNexis Butterworths**
- 9:50 **Instructing and working with expert witnesses in personal injury claims**
- Identifying the difference between expert evidence and opinion evidence
 - When expert evidence cannot establish negligence
 - Use of single experts and concurrent evidence by experts
 - When the expert has a financial interest in the case
 - Topical considerations regarding expert evidence within litigation
- Darren Moore, Partner, Carew Lawyers**
Ashley Park, Associate, Carew Lawyers
- 10:40 **Morning tea**
- 11:00 **Steering a successful argument for the defendant for action brought under the Civil Liability Act (2003)**
- Developments in case law in light of the amendments to CLA (2003)
 - When the plaintiff claims intentional tort
 - The apportionment process limiting the liability of the wrongdoer
 - When the CLA does not apply to the claim
- Keith Geraghty, Barrister-at-Law, QLD Bar**
- 11:50 **Alternatives for resolving personal injury disputes out of court**
- 'Screening' a matter for ADR
 - Improving skills for ADR
 - (i) preparation, including option generation;
 - (ii) position statements, including issue identification; and
 - (iii) negotiation skills
 - Reasons for mediation failure
- Christopher Newton, Barrister-at-Law, QLD Bar**
- 12:40 **Networking lunch for speakers and delegates**

Afternoon Sessions

- 1:30 **Liability of employers in damages for personal injury: proving negligence or breach of duty of care**
- *Res Ipsa Loquitur*: establishing the elements of negligence
 - Examining the implications of crucial decisions – recent cases
 - Matters affecting liability in court proceedings
 - Proof of liability: burden – onus – circumstantial evidence
- Wallace Campbell, Barrister-at-Law, QLD Bar**
- 2:10 **Developments in the law relating to occupiers liability**
- Claiming for wrongful death
 - Criminal action by third parties
 - Exclusions from claiming for damages based on particular conduct
 - Cases where entitlement to damages exist
 - Liability of public authorities
 - Capacity of the plaintiff to sue
 - The role and cogency of expert evidence
 - Contributory negligence on part of the plaintiff
- Dr Gerard Cross, Barrister-at-Law, QLD Bar**
- 3:00 **Afternoon tea**
- 3:20 **Product liability and potential causes of action under the Trade Practices Act and Fair Trading Act**
- Relevance of the TPA & FTA in respect to personal injury litigation
 - Liability under TPA Part VA
 - Defences to actions alleging faulty goods
 - Examples of claims brought under TPA Part V and FTA
- Ken Horsley, Partner, Minter Ellison Lawyers**
- 4:20 **Motor vehicle accident compensation claims**
- Time limits associated with compensation claims
 - Catastrophic injury claims in CTP and their impact on damages assessment
 - Developments in respect of Motor Accident Insurance Act
 - Interaction of motor accident and workcover claims
- Ian Brown, Practice Group Leader, Motor Vehicle Law, Slater & Gordon Lawyers and**
Abraham Arends, Senior Associate, Slater & Gordon Lawyers
- 5:00 **Close of Conference**

Priority registration form Personal Injuries Law Masterclass

**4 easy ways
to register**

Phone: 1800 772 772
Fax: (02) 9422 2338
Online: www.lexisnexis.com.au/pd
Mail: Conference Co-ordinator, LexisNexis
Locked Bag 2222, Chatswood Delivery Centre,
Chatswood NSW 2067
or: DX 29590 Chatswood

Please complete sections A, B, C, D, E

TAX INVOICE Conference code: PD6719 ABN: 70 001 002 357

A Delegate 1 details

Mr/Ms/Dr: _____
First name Last name

Position: _____

Organisation: _____

Postal address: _____

Suburb Postcode State

Telephone: _____

Fax: _____

Email (required**): _____

Delegate 2 details

Mr/Ms/Dr: _____
First name Last name

Position: _____

Telephone: _____

Fax: _____

Email (required**): _____

Delegate 3 details

Mr/Ms/Dr: _____
First name Last name

Position: _____

Telephone: _____

Fax: _____

Email (required**): _____

** to send conference confirmation

B Please tick as many practice areas you work in which apply:

- | | |
|--|---|
| <input type="checkbox"/> Banking and Finance | <input type="checkbox"/> Family Law |
| <input type="checkbox"/> Commercial Litigation and ADR | <input type="checkbox"/> Insolvency & Restructuring |
| <input type="checkbox"/> Corporate and Commercial Law | <input type="checkbox"/> Insurance and Risk |
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| | <input type="checkbox"/> Other: _____ |

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Where did you hear about this event?

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- One calendar month or more prior to the first day of event:
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LexisNexis will refund 50% of the fee paid by you and provide you with a copy of event papers.
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C

Group Bookings Pricing Per Person (for 3 or more people from same organisation)				
Select	Options	Qty	Price	Subtotal
<input type="checkbox"/>	One Day Masterclass		\$900 + GST = \$990	
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Early Bird Pricing (register and pay by 4 September 2009)				
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Standard Pricing (register and pay after 4 September 2009)				
Select	Options	Qty	Price	Subtotal
<input type="checkbox"/>	One Day Masterclass		\$1150 + GST = \$1265	
<input type="checkbox"/>	Half Day Only#		\$650 + GST = \$715	

I will attend the Morning sessions Afternoon sessions

TOTAL

D

CONFERENCE RESOURCES

- I am unable to attend but would like to purchase a set of conference papers for Personal Injuries Law Summit \$180.00 + GST = \$198.00

TEAM DISCOUNTS*

- Register 3 or more people from the same organisation at the same time and book at the Group Booking price per person.

* Early Bird, team discounts and any other discount cannot be taken concurrently

E

Payment details

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- Enclosed is my cheque for: \$ _____ made payable to LexisNexis

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