

# apil<sup>08</sup>



association of personal injury lawyers  
annual report

This report is dedicated to Simon Walton, APIL's first vice president who died, aged 66, on 20 November 2008.

A dedicated personal injury lawyer with a social conscience.

## apil objectives

- To promote full and just compensation for all types of personal injury;
- To promote and develop expertise in the practice of personal injury law;
- To promote wider redress for personal injury in the legal system;
- To campaign for improvements in personal injury law;
- To promote safety and alert the public to hazards wherever they arise;
- To provide a communication network for members.

President's report .....	4
Secretary's report .....	6
Annual review .....	7
Financial Report .....	17
Report of the executive committee* .....	18
Independent auditor's report* .....	20
Financial statements* .....	22
Chief Executive's report .....	30
Past officers and executive committee members .....	31

\*These statements and reports form the annual statutory accounts which were approved by the executive committee on 10 March 2009 and auditors on 19 March 2009 and have been filed with Companies House.



## president's report

**There is never a dull moment as president of APIL and the past year has been no exception. In my first column for PI Focus, I said "I cannot promise you a period of calm and stability... hold on tight; we may be in for a rollercoaster ride but it will be worth it in the end". There was never a truer word.**

It has been a great privilege to participate in the fulfilment of initiatives started some years ago and supported by successive presidents. Some of our battles are not easily won but APIL has demonstrated the tenacity and persuasiveness required to ensure the right result for our clients in the end. Many of our initiatives were highly controversial in the beginning but have now reached a level of widespread acceptability and endorsement.

In July, I was delighted to participate in the launch of the multi-track code pilot project for high value cases valued in excess of £250,000. This continues to be an exciting project, the progress of which is being closely followed by legal commentators and other stakeholder interests. Then the Ministry of Justice issued its response to the year-old consultation on streamlining the claims process. We had been forewarned by the Master of the Rolls that earlier proposals to increase the small claims limit had been defeated. We very cautiously welcomed many of the MoJ decisions, including that of limiting the new process to road traffic claims. Some issues were still unclear and were patently contrary to our view on what was best for the injured consumer.

We then participated in numerous sub-group meetings hosted by the Ministry of Justice and collaborated with other organisations to try to improve on the original proposals.

It has been extremely disappointing that the Ministry of Justice has taken even longer to respond to the Law of Damages consultation than to the claims process consultation. This is a piece of work which will undoubtedly benefit claimants, if properly addressed, and could implement reforms that the Law Commission identified in 1999. This area of reform remains high on APIL's agenda for the coming year.

One of the highlights of the year was when the Government finally introduced coroners' powers to trigger investigations following an inquest.

The Coroner's and Justice Bill introduces for the first time a bereavement charter for relatives of the deceased and many other reforms which we have been campaigning for in successive consultations, for several years.

We continued to press the Financial Services Authority on the issue of third party capture this year. We have done this directly and through MPs and the press.

Victims of pleural plaques are still dis-enfranchised but we hope that direct, prolonged engagement with the Government on the need for a fund of last resort, backed by an electronic database of EL insurance policies, may yield results in the long term.

No review of the year would be complete without mentioning costs issues. This year we have been verging on “initiative overload” in this area. We have participated in a Civil Justice Council costs forum, consultations on cost capping and collective redress, reviewed academic research on CFAs and contingency arrangements. The launch of the Ministry of Justice Costs Advisory Committee and subsequently the Jackson review has required substantial work. In addition, we ensured that insurers’ attempts to reduce hourly charging rates by 20-35 per cent were unsuccessful: instead they were increased by eight per cent over 2007 levels. Finally, referral fees remain a live issue. APIL has submitted that the insurance industry must be as transparent about its own referral arrangements as claimants are required to be and this view is gaining currency.

We have taken on our detractors this year. We have more than matched the growing war of words by the NHSLA on the topic of fees for clinical negligence claims and our views have received a wide amount of coverage in the media, including on Radio 5 and Radio 4’s prestigious ‘You and Yours’ programme. We also took

part in a Lloyds Corporation debate on the myth of compensation culture with the distinguished parliamentarian, Lord Hunt of the Wirral.

I would like to emphasise that none of the above would have been possible without the vigour and commitment of the support staff at APIL HQ and without the inspirational leadership of APIL’s chief executive. The last few months have been particularly testing in terms of time commitment and financial pressures but this has never dented the enthusiasm of the staff who have so ably supported both me and the whole executive committee.

My thanks must also extend to the committee for committing so much time to picking through weighty agendas to combat the never-ending and occasionally ingenious efforts of many insurers to reduce proper compensation in order to benefit their own profit margins. We still have a system that we can be rightly proud of, but we must never be complacent.

**Amanda Stevens**  
President



## secretary's report

**Welcome to our 2008 report, in which we outline the highlights of the year and include the all-important accounts.**

It is my duty to remind you of the comings and goings of our executive committee members. At our AGM in April 2008 we said farewell to three long-serving members. Immediate past president Richard Langton concluded his duties as an APIL officer, as did Roger Bolt, who stood down as treasurer. Roger had been the APIL treasurer since 2004 and an EC member since 1997. He, like Richard, gave huge amounts of time to APIL's work both publicly and behind the scenes.

Our final farewell was to Robert Martin, who was the APIL EC representative for Northern Ireland for six years. Robert played a key role and continues to raise APIL's profile in Northern Ireland. All will be missed on the committee but we are delighted that they continue to support APIL and work with us. John McQuater, of Atherton Godfrey in Doncaster, joined the team of APIL officers and quickly took up the reins of vice-president, actively supporting Amanda Stevens.

Three new faces joined the executive committee: Cenric Clement-Evans from Hugh James; Stephen Gray from Gray Magee and Jonathan Wheeler from Bolt Burdon Kemp. Three other members were re-elected: Neil Sugarman from GLP Solicitors; Fred Tyler from Balfour and Manson LLP and Mark Turnbull from Thompsons.

David Marshall, who has been APIL's representative on the Law Society Council, has this year stood down from this role after committing a tremendous amount to the task. Our thanks to David for all the extra time he has given and for the thought and enthusiasm behind all he does for the association. David Bott, APIL executive committee member, has taken over the position.

Denise Kitchener, chief executive, heads the team of staff in Nottingham. The average staff head count from January to December was 32. Two new posts were introduced to build APIL's legal services and income generating activities.

In my capacity as secretary, I provide support to the APIL staff, have visited the APIL office and liaised directly with staff on matters relating to APIL's code of conduct. The officers met separately with Denise Kitchener on five occasions for formal business discussions. In my previous report I urged members to get involved, as I continue to be inspired by the support and positive energy shown towards APIL. You will see from the annual review which follows that APIL's work has increased yet again and the active input and voluntary support continues to grow.

APIL's strength is you, the members, supported by a professional team co-ordinating activity to ensure that our views are heard and key work is undertaken. We must keep up the fight for injured people.

**Stephen Lawson**  
Secretary

## campaigning on behalf of injured people

### Press highlights

Print circulation of stories featuring the organisation and its key campaign issues increased year on year by nearly one third. Many of these stories also appeared in on-line versions of newspapers and journals.

- National press coverage increased by 40 per cent.
- Regional press coverage increased by more than 20 per cent.
- Enquiries for information from the APIL press office increased by more than two thirds, further underlining a growing media awareness of the organisation.
- The number of press releases issued by the APIL press office increased by nearly a quarter.
- Almost half the total coverage was generated in the regional press, with APIL members who volunteered to help proving highly effective spokesmen for the organisation.
- Regional press highlights included the rolling campaign to promote corporately-accredited firms and 'SafetyWatch' stories. In an effort to prevent people from being injured, press releases were issued about the dangers of asbestos in homes, tanning risks among youngsters and carbon monoxide poisoning.
- National press highlights included coverage in *The Times* about the need to reform the coroner system, *The Observer* on so-called 'third party capture', and *The Sun* about compensation claims against the NHS.

### Parliamentary campaigns

- APIL took the lead in attacking the way insurers mete out rough justice to injured people through the 'capture' of claimants before they have chance to consult a solicitor. Ongoing representations to the Financial Services Authority have gone hand-in-hand with press and political briefings to raise the profile of this issue. Work will continue into 2009.
- The association worked tirelessly with partners to lobby the Government about the need for a compulsory database of employers' liability compulsory insurance policies, and a fund of last resort.
- Working publicly and behind the scenes with civil servants, MPs, ministers and the press, APIL played a fundamental part in helping to keep workplace health and safety issues on the agenda. Work continues into 2009.
- After more than ten years of consistent lobbying by APIL and other campaign groups, we were delighted to welcome the Coroners and Justice Bill in the Queen's Speech. Campaigning during the year focused specifically on extending the availability of funding for legal representation at inquests and this continues into 2009.
- After intense lobbying for changes to the CICA scheme, and detailed representations to the delegated legislation committee, some improvements to the scheme were introduced, but considerable developmental work is still required. Continuing into 2009.

## Legal reform

### Claims process

APIL was heavily involved in meetings with the Ministry of Justice and other stakeholders regarding the claims process for road traffic accidents since the MoJ's response in July. A raft of meetings were attended by APIL representatives at which we repeatedly challenged the Ministry about the lack of proper case-based evidence regarding the type of claim that will satisfactorily fit within this process. We also challenged their assumption that all cases under £10,000 are 'simple'. A survey was issued to our members in December calling for our own evidence on the extent of complexities in cases falling within this process and an excellent response was received from the membership.

### Costs reviews

- Professors Paul Fenn, Neil Rickman and Richard Moorhead were commissioned by the Ministry of Justice to undertake a study of 'no win no fee' arrangements, which effectively means conditional fees in personal injury and defamation/privacy cases and contingency fees in employment cases. We co-operated with the review team and continued to raise long standing issues with the agreements such as reviews of fixed costs and issues relating to fixed success fees.
- In October we attended the Civil Justice Council's costs forum where the civil costs review was announced by Lord Justice Jackson.

### MIB uninsured drivers agreement

APIL's attention has focused on the redraft of the uninsured drivers' agreement. We fought hard to remove many of the notice requirements and numerous exclusions from the proposed new agreement. Meetings with the MIB indicated that some of APIL's concerns were taken on board.

### Multi track code

APIL, FOIL and a number of insurers agreed a code of practice for cases with an estimated value over £250,000, and the pilot for the new code got underway. The code encourages a collaborative environment for the resolution of such cases by means of a framework of case planning and dialogue, designed to narrow issues, build trust and transparency. There was a slow start to the pilot, due to the nature of these types of claims, but the feedback on cases included so far is positive and suggests that the approach is working.

### Consultations

In 2008 we responded to 30 consultation papers issued by various organisations.

### England and Wales

The most prominent were:

- Ministry of Justice: **Pleural plaques**. A response was submitted calling for the House of Lords decision to be overturned by legislation. A response from the Government is awaited.
- The Law Commission: **Administrative redress, public bodies and the citizen**. We strongly opposed the proposals in this paper to make proving negligence against public bodies more difficult. A response is awaited.
- Civil Justice Council: **General pre-action protocol and practice direction on pre-action protocols**. We strongly opposed the proposals and the council has advised that it is not proposing that this is taken forward further.
- Civil Justice Council: **Proposals for a new collective actions procedure**. We agree with the CJC that a new, flexible procedure should be introduced. The CJC has now formally advised the Lord Chancellor and Secretary of State for Justice of its recommendations.



## Working with other organisations

### Association of District Judges

APIL's bi-annual meetings with the ADJ have led to useful exchanges on issues such as acceptance of Part 36 offers, costs satellite litigation, court fees and apparently fraudulent claims.

### Solicitors Regulation Authority

APIL continued to build on its relationship with the SRA. Two meetings were held this year to raise concerns in relation to referral fees and other matters. We hope to work with the authority on other topics in 2009.

## Claims management regulatory review group

APIL continued to be involved in the review group which met quarterly to consider and comment on regulation and emerging areas of concern.

### Smartrisk

Involvement with this charity has helped to disseminate our 'Accident or Negligence?' booklet and sensible risk message to schools and teachers.

Contact and liaison with other organisations included: Citizens Advice, RoSPA, Institute of Legal Executives, Trades Union Congress and other unions, the Motor Insurers' Bureau, the Expert Witness Institute, Abbey Legal Protection, the Insurance Fraud Bureau and the Criminal Injuries Compensation Authority.

## Campaigning on behalf of injured people in Scotland, Northern Ireland and Wales

### Parliamentary campaigns – Scotland

- Limitation (Scotland) Bill: lobbying started in the Scottish Parliament to persuade the Government to find a slot for legislation to introduce the Law Commission's draft Bill, which gives ordinary people in Scotland a fairer crack of the whip in the courts. Work continuing into 2009.
- Pleural plaques: APIL Scotland's working group developed the association's response to the Damages (Asbestos Related Conditions) (Scotland) Bill which will overturn the House of Lords decision on pleural plaques in *Johnstone v NEI International* (and conjoined cases).

### Northern Ireland

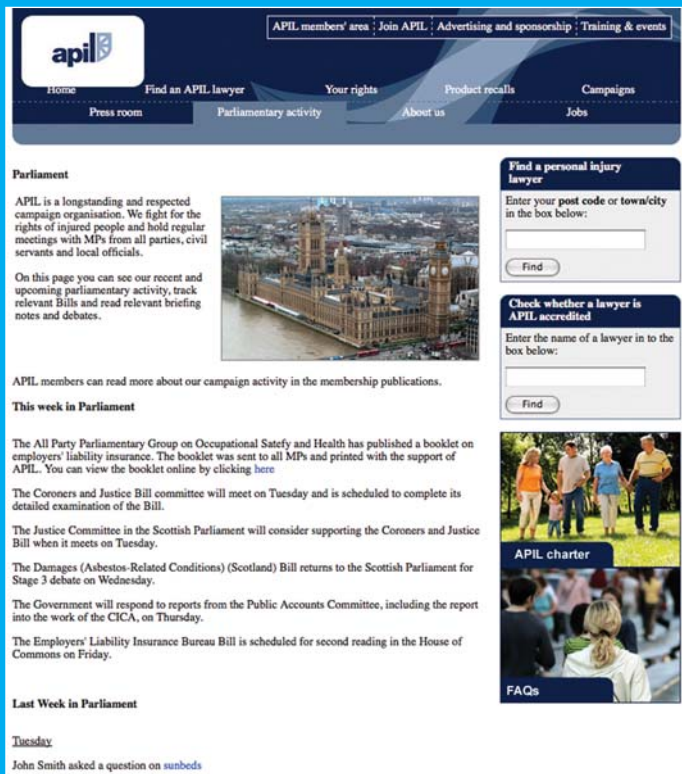
Accountability: concerns were raised about the need for wider consultation and transparency in relation to law reform addressed to the Minister of State. Work continuing into 2009.

### Legal reform – Northern Ireland

- Northern Ireland Office: **Proposed criminal injuries compensation scheme 2009**. We opposed the proposals to bring the scheme into Northern Ireland in line with the scheme in Great Britain as it would mean reducing the levels of compensation due to victims of crime. A response is awaited.
- Department for Finance and Personnel: **Pleural plaques**. We responded to this paper suggesting the most appropriate reform would be to overturn the House of Lords decision. A response is awaited.

### Scotland

- Sheriff Court Rules Council: **Adopting the Court of Session rules for personal injury cases in place of chapter 34 of the Summary Cause Rules 2002**. We supported the proposal that the Coulsfield rules ought to apply in all cases with a value of under £5,000. A response is awaited.



A page from the new APIL website

## Services and Activities

### APIL re-brand

On 1 January 2008, APIL launched its new branded image, bringing together the original APIL logo and former APIL kitemark. The aim of the merger was to ensure that APIL's brand is communicated by means of a single recognisable image and to ensure that members of the public look out for a single logo when seeking out a suitably qualified personal injury lawyer to pursue their case.

### WWW.APIL.ORG.UK

In January 2008 a major makeover of APIL's website brought the site in line with the new APIL brand.

The web address of [www.apil.com](http://www.apil.com) was moved to **[www.apil.org.uk](http://www.apil.org.uk)**. The change was made to recognise the nature of APIL's status and the services and activities offered.

The following improvements were made:

- Several new pages were added to the website this year including Think Rehab!, executive committee and about us;
- APIL's Information Exchange Service was completely revised and improved. A clearly identifiable page was added to the members' area providing a comprehensive legal information resource for APIL's membership;
- New website search: visitors to APIL's website can now instantly find content using the new site search facility. This search not only includes web pages, but also PDF and other documents which were added to the website;
- APIL Training: details of course speakers, including photos and biographies, were added to the training area of the website to enhance the level of information provided to potential course and conference delegates;
- A lawyers search facility was added to the homepage allowing members of the public to check whether a lawyer is APIL accredited;
- Webinars: to increase the number of ways in which APIL training is delivered, online training courses were introduced and enhanced. APIL now uses a leading online conference provider, enabling more interactive, multi-media driven webinars.

## Public awareness and accreditation

- CABx, libraries and members were provided with re-branded public awareness leaflets;
- A new solicitor-client leaflet was introduced to provide assurance to people that they have chosen a suitably qualified lawyer to handle their claims;
- More members gave talks to local CABx staff, raising their own and APIL's profile;
- APIL exhibited at the annual CAB conference, raising its profile and that of APIL's members, to promote our accreditation scheme;
- APIL also exhibited at the Trust-Ed conference this year. Trust-Ed is a charitable organisation, which aims to improve the lives of young people with acquired brain injuries and also the lives of their families.

## Accreditation

### Individual membership

1,396 practitioners are accredited. A breakdown of the numbers identified by accreditation level is listed in the statistics section on page 17. Almost one third of the membership is now individually accredited.

### Corporate membership

Corporate accredited membership increased and 250 branches of firms were accepted.

### In-house accreditation

56 firms were accredited to run courses in-house, enabling accredited APIL members to accrue APIL CPD hours.

### Accreditation of other training providers

APIL granted annual accreditation to 22 external providers.

### Academic Quality Council

At the annual meeting of the Academic Quality Council in November, council members acknowledged the amount of work carried out in monitoring the accreditation scheme.

The AQC comprises the following individuals:

Gregor Douglas, chair, Academic Registrar, College of Law; Professor Paulene Collins, Independent Quality Assurance Consultant; Ruth Craig, Institute of Professional Legal Studies, Queen's University; Pino di Emidio, Advocate, Faculty of Advocates; Tim Pearce, Education & Training Department, Solicitors Regulation Authority; Dr Valerie Shrimplin, Head of Education Standards, Bar Standards Board and Denise Kitchener, Chief Executive, APIL.

### On-site monitoring team

APIL's monitoring team continued its visits to accredited law firms' offices to ensure that high standards were maintained by all those who have obtained APIL accreditation. The team this year comprised: John Randall; Ian Walker; Roger Goodier; Terry Lee and Julie Swan.

## Information Exchange Service

A survey of members indicated a desire to see much more information available online. With this in mind, the Information Exchange Service was re-launched as an enhanced user-friendly service in November:



- All case reports submitted to APIL, even those which cannot be fitted into PI Focus, are added to the online case book database;
- Useful links section updated and extended;
- All current APIL briefing notes now online;
- Links to APIL's publications and directories;
- Expert database service reviewed and incorporated: 863 experts listed;

- Other databases include accredited member search, insurers database, PI Focus assistance requests, JPIL archive;
- Fully searchable either by case name or by key word;
- Direct link to APIL's legal information manager.

## Discussion forums

Postings on the forums ranged from informed discussions on the proposed changes to the claims process and case-solving brainstorming sessions to searches for experts or employers' insurers. They have been an increasingly popular method for members to communicate their views to APIL and the executive committee.

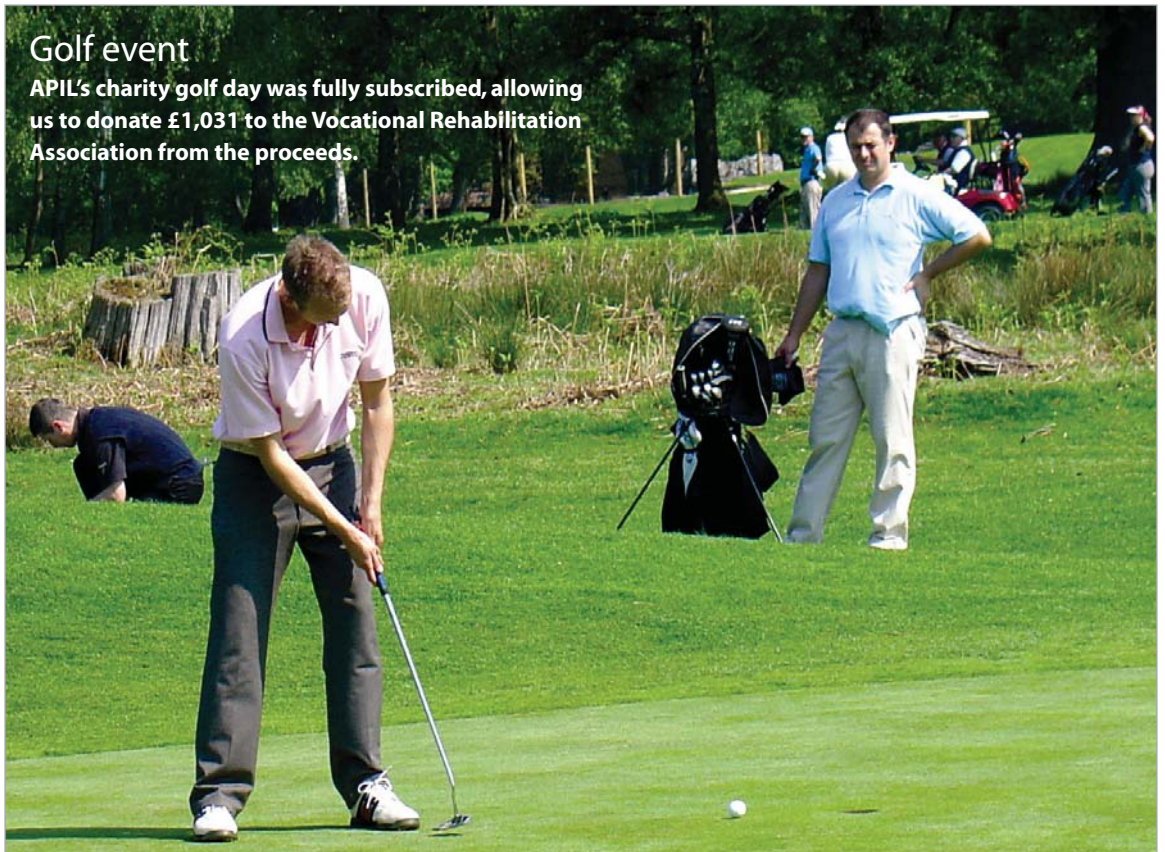
## Education and training

APIL's training schedule remained full, relevant and cost effective. It included:

- Five webinars covering the very latest developments, including changes to Part 6 and the Ogden Tables;
- Autumn series of PI updates; superbugs masterclasses and drafting schedules;
- Clinical negligence courses with more scheduled dates and another level (masterclass) planned for 2009;
- APIL's Certificate in Personal Injury Law was granted to five more members in 2008. They were: Rachel Flannigan and Daniel Slade, both of Express Solicitors; Nicola Barrett, Berry & Co; Marion Mabile, Fishburns Solicitors and John Rimmer of Martin Kaye Solicitors.
- APIL provided training and administrative support for the Accident Line training courses;
- At the end of November APIL brought together all its regular trainers to discuss the quality of training delivered throughout 2008, how this can be further improved for 2009, and to consider any gaps in the wide range of training events which APIL offers.

### Golf event

**APIL's charity golf day was fully subscribed, allowing us to donate £1,031 to the Vocational Rehabilitation Association from the proceeds.**



Former APIL presidents Richard Langton, Patrick Allen and Colin Ettinger catch up at the AGM.



## Events and networking

### Residential conferences

We organised two residential conferences. APIL's annual conference was held at the Hilton Metropole in Brighton and the clinical negligence conference at the De Vere Carden Park, near Chester.

### Regional and special interest groups

- 50 regional and special interest group meetings were held;
- Four forums were also held: in Cambridge the costs and funding, procedure and clinical negligence groups took part. In the Wales forum (held in Cardiff) the costs and funding, occupational health and damages groups took part. In Manchester the damages, costs and funding and brain injury groups met, and finally in Southampton the damages, procedure and spinal cord injury groups all contributed to the forum.

APIL member Kieran Magee discusses international issues with Eva Scheerlinck of the Australian Lawyers Alliance at APIL's annual conference.



## Publications



### PI Focus

APIL's membership publication continued to offer up to date information, practical articles, case notes, news and letters to help members run their personal injury practices and case loads:

- Increased number of issues – published ten times a year;
- Available online on the APIL website and circulated in printed format to all current APIL members and additional subscribers.

### Connect

The monthly members' magazine was launched at the start of 2008 and developed into a digital, easy to navigate format from October onwards. Connect delivered updates on campaigns, political lobbying, PI news, membership and training information.

### Weekly news

This weekly update is emailed to the membership overnight every Thursday. A mix of bite-size legal updates, campaign issues, training and events news, it is designed to ensure that members are fully aware of new legislation, case notes and APIL's activities as and when they happen.

## Directories

An **expert directory** was published for the first time in early June, followed by a **membership directory** in early October. Both publications were circulated to all members providing useful non-digital reference in print format, which remains popular with the membership.



## APIL Guides

Published in conjunction with Jordan Publishing, APIL's practitioner guides continued to sell well in 2008:

- All were re-branded with new APIL image and colours;
- 13 guides currently in print;
- Five new or new edition guides published: accidents at work; CFAs (2nd ed); clinical negligence; damages (2nd ed) and Motor Insurers Bureau (3rd ed).
- APIL's loose-leaf publication, APIL personal injury, law, practice and precedents, continued to attract a healthy number of subscribers.

## Journal of Personal Injury Law (JPIL)

JPIL is published quarterly for APIL by Sweet & Maxwell and is one of the publisher's best-selling journals. Back issues of JPIL, from March 2003 to December 2007, were added to APIL's web based information exchange service where they can be searched using key words. JPIL is edited by Muir's Lyons of Stewarts Solicitors and the Case and Comment section is edited by Nigel Tomkins.



Exhibitors at the annual conference kept delegates entertained.

## Services and activities in Scotland, Northern Ireland and Wales

### APIL Scotland

At the end of the year there were 149 members in Scotland who were able to attend:

- Tailored training events on accidents at work, a PI update (run in conjunction with the Law Society of Scotland) and two regional meetings, including a Christmas event.

### APIL Northern Ireland

There were 98 members in Northern Ireland who were able to attend the following events in their region:

- Training courses on accidents at work, a PI update and also client care. There were also two regional meetings, both held in Belfast.

### APIL Wales

- With 246 members, those based in or working in Wales were able to attend two PI update conferences and two further regional and joint regional/SIG meetings.
- The executive committee agreed that APIL Wales should be represented with a seat on the executive committee. The position is open to any member who is either practising or working in Wales and will be taken up at the 2009 AGM.

### Republic of Ireland

At the AGM in April 2008, it was agreed that members in the Republic of Ireland should be entitled to join as overseas members. The total number of members in the Republic at the end of 2008 was 18.

## Statistics

### Attendance at executive committee meetings (maximum of eight)

#### January - December 2008

Amanda Stevens (President) <sup>a</sup> ..... 7  
 Charles Russell, Guildford

Stephen Lawson (Secretary) <sup>c</sup> ..... 8  
 Forshaws Davies Ridgway, Frodsham

John McQuater (Vice President) <sup>b</sup> ..... 7  
 Atherton Godfrey, Doncaster

Christopher Limb (Treasurer) <sup>d</sup> ..... 7  
 Young Street Chambers, Manchester

#### Additional Officers

Martin Bare (immediate past president) <sup>e</sup> ..... 6  
 Morrish & Co, Leeds

Robert Martin <sup>fi</sup> ..... 1  
 Gray Magee, Belfast

Roger Bolt <sup>fi</sup> ..... 3  
 Bolt Burdon Kemp, London

Victoria Mortimer-Harvey ..... 8  
 Pattinson Brewer, London

David Bott ..... 7  
 Bott & Co, Wilmslow

Matthew Stockwell ..... 7  
 India Buildings Chambers, Liverpool

Cenric Clement-Evans <sup>gj</sup> ..... 3  
 Hugh James, Methyr Tydfil

Neil Sugarman ..... 8  
 GLP Solicitors, Bury

Stephen Gray <sup>gj</sup> ..... 4  
 Gray Magee, Belfast

Karl Tonks ..... 6  
 Fentons, Manchester

Harold Immanuel ..... 6  
 Immanuel & Co, London

Mark Turnbull ..... 6  
 Thompsons, Liverpool

Stuart Kightley ..... 6  
 Osbornes, London

Jonathan Wheeler <sup>gj</sup> ..... 6  
 Bolt Burdon Kemp, London

Richard Langton <sup>hi</sup> ..... 2  
 Russell, Jones & Walker, Birmingham

Fred Tyler ..... 4  
 Balfour Manson, Edinburgh

Muiris Lyons ..... 6  
 Stewarts Law, London

<sup>a</sup> Elected as president at AGM: 10 April 2008      <sup>e</sup> Post as president ended at AGM: 10 April 2008      <sup>i</sup> Out of a possible three meetings prior to the AGM  
<sup>b</sup> Elected as vice president at AGM: 10 April 2008      <sup>f</sup> Did not stand for re-election at AGM      <sup>j</sup> Out of a possible six meetings post election at the AGM  
<sup>c</sup> Re-elected as secretary at AGM: 10 April 2008      <sup>g</sup> Elected at AGM: 10 April 2008  
<sup>d</sup> Re-elected as treasurer at AGM: 10 April 2008      <sup>h</sup> Post as immediate past president ended at AGM: 10 April 2008

## Membership

- 4211 members renewed in 2008
- 498 new members were recruited
- 250 corporate accredited firms
- 1396 individually accredited members
- 56 in-house accredited firms
- 22 externally accredited training providers
- 89 new individuals accredited, plus several upgrades
- 11 corporate firms monitored

### As at 31 December 2008

Practitioners	4166	Litigators	489
Non practising members	34	Senior litigators	731
Honorary life members	11	Fellows	164
Web member	1	Senior fellows	12
Barristers	144		1396
Paralegals	216		
Students	41		
Academics	14		
Overseas	82		
	4709		



In what has been an extremely challenging year, APIL has made a small pre-tax surplus of £4,776 which, following taxation, reduces to £2,465. Although this figure is below our original budgeted projection of £23,889, given the global economic climate and challenges affecting all businesses, it is a commendable result. In terms of our income generation, I am delighted to report that once again we have shown an increase on the previous year's total.

Indeed, the increase from 2007 totals £146,140 which equates to a rise in our operational income of some 6.3 per cent. APIL's annual statutory accounts are reproduced on pages 24-28 of this annual review.

Our total membership numbers were down on those for the previous year, but our income generation from the membership remained constant, due to the fact that subscription fees for virtually all categories of membership were raised by 2.5 per cent in April 2008. The total income generated by membership subscriptions in 2008 totalled £885,148.

During 2008, we were able to increase our income streams in the following activity areas:

- Training fees up by £56,000 as a result of the ten additional courses and four additional web-seminars that were added to the programme in 2008;
- Expert subscription fees up by £26,000 due to an improvement in the service provision and a concerted recruitment drive to enlist more/new members;
- Conference sponsorship up by £14,000 as a result of increased sponsorship;
- Other membership services including accreditation and royalties up by £20,000.

Unfortunately, although we saw a significant increase in our operational income in 2008, we have for the first time in many years seen a slight reduction in the income generated by our investments. This was caused by the substantial fall in global interests rates in the latter half of the financial year.

We continued to demonstrate our skill and flair for organising major residential events, such as the annual conference, clinical negligence conference and the APIL charity golf day.



## financial report

These activities combined to realise a total surplus of £129,164, which far exceeded our budget expectations. This was once again due to our professionalism in marketing the events, increasing numbers of delegates and our ability to attract more exhibitors and sponsors.

Equally satisfying to me in my first year as treasurer of the association, is the fact that we were also able to manage our expenditure in almost all areas of the business in an extremely challenging economic climate. Departments throughout the organisation made concerted efforts to control their spending and subsequently reduce expenditure.

APIL made two charitable donations during the financial year, namely £1,000 to Smartrisk for its assistance with our *Accident or Negligence?* campaign and a further £1,031 was donated to the Vocational Rehabilitation Association from funds raised by the APIL charity golf day.

The results demonstrate that APIL is an extremely well managed organisation, with all areas of the business pulling in the same direction to ensure that wherever possible, financial targets are met and, as illustrated earlier, in many instances improved upon.

Finally, I would like to take this opportunity to recognise the efforts of the dedicated staff team based in Nottingham, and thank them all for their hard work and diligence in continuing to make APIL an outstanding, responsive and extremely professional membership organisation.

**Christopher Limb**  
Treasurer

## Year ended 31 December 2008

The Executive Committee present their report and the audited financial statements for the year ended 31 December 2008. This report also forms the report of the directors, as required under s.234 of the Companies Act 1985.

### Activity

The principal activities of the company are to campaign for improvements in personal injury law on behalf of injured people; to promote, encourage and develop expertise in the practice of personal injury law by education and the exchange of information and knowledge.

### Review of developments and future prospects

Income and expenditure has been carefully managed to allow for further key developments, including:

- The frequency of PI Focus increased from six to ten editions;
- A new monthly publication 'Connect' was introduced to keep members informed of latest events, services and activities;
- An enhanced and expanded information exchange service was launched;
- APIL's first directory of expert services was published;
- APIL's website was regularly reviewed, updated and improved.

For the next twelve months, the main focus will be on maintaining membership levels and providing key services and activities for our members and campaigning on behalf of injured people.

Improvements will continue to be sought on the quality and integrity of financial information available to APIL's Chief Executive and Executive Committee. The impact of low interest rates will be far more telling in 2009 and rates changes will be monitored carefully maximise income through this route.

### Results

Details of the results for the year are set out in the income and expenditure account on page 22.

## Charitable gifts

APIL made two charitable donations during the financial year, namely, £1,000 to Smartrisk for their assistance with our “Accident or Negligence” campaign, and a further £1,031 was donated to the Vocational Rehabilitation Association, from funds raised during the APIL charity golf day (2007; £7,500).

## Statement of directors’ responsibilities

Under the Companies Act 1985 the directors are responsible for preparing the annual report and the financial statements in accordance with applicable law and regulations.

Company law requires the directors to prepare financial statements for each financial year. Under that law the directors have elected to prepare the financial statements in accordance with United Kingdom Generally Accepted Accounting Practice (United Kingdom Accounting Standards and applicable law). The financial statements are required to give a true and fair view of the state of affairs of the company and of the surplus or deficit of the company for that period. In preparing these financial statements the directors are required to:

- select suitable accounting policies and then apply them consistently;
- make judgments and estimates that are reasonable and prudent;
- prepare the financial statements on the going concern basis unless it is inappropriate to presume that the company will continue in business.

The directors are responsible for keeping proper accounting records that disclose with reasonable accuracy at any time the financial position of the company and enable them to ensure that the financial statements comply with the Companies Act 1985. They are also responsible for safeguarding the assets of the company and hence for taking reasonable steps for the prevention and detection of fraud and other irregularities.

## Executive committee

A Stevens*	J McQuater*
S Lawson*	C Limb*
M Bare	D Bott
S Kightley	H Immanuel
M Lyons	M Stockwell
V Mortimer-Harvey	N Sugarman
K Tonks	M Turnbull
F Tyler	C Clement-Evans
S Gray	J Wheeler

\*are also directors of the company

## Financial risk management

The company’s objective regarding financial risk management is to keep exposure of price risk, credit risk, liquidity risk and cash flow risk to a minimum. The company makes sales on normal credit terms and manages the related risks through its credit control procedures. In the opinion of the Executive Committee the exposure of such risks has been assessed and at present deemed to be low and at an acceptable level for the company to continue to operate.

## Provision of information to auditors

So far as each of the members of the Executive Committee are aware at the time the report is approved:

- there is no relevant audit information of which the company’s auditors are unaware, and
- the members of the Executive Committee have taken all steps that they ought to have taken to make themselves aware of any relevant audit information and to establish that the auditors are aware of that information.

## Basis of preparation

This report has been prepared in accordance with the special provisions of Part VII of the Companies Act 1985 relating to small companies. Approved by the Executive Committee and signed on the behalf of the Executive Committee and the directors.

**Stephen Lawson**

Secretary and Director (10 March 2009)

# Independent Auditor's report to the members of Association of Personal Injury Lawyers

## independent auditor's report

### A company limited by guarantee

We have audited the financial statements of Association of Personal Injury Lawyers for the year ended 31 December 2008 which comprise the Income and Expenditure Account, the Balance Sheet and the related notes. The financial statements have been prepared under the accounting policies set out therein.

This report is made solely to the company's members, as a body, in accordance with section 235 of the Companies Act 1985. Our audit work has been undertaken so that we might state to the company's members those matters we are required to state to them in an auditors' report and for no other purpose. To the fullest extent permitted by law, we do not accept or assume responsibility to anyone other than the company and the company's members as a body, for our audit work, for this report, or for the opinions we have formed.

### Respective responsibilities of directors and auditors

The directors' responsibilities for preparing the annual report and the financial statements in accordance with applicable law and United Kingdom accounting standards ('United Kingdom Generally Accepted Accounting Practice') are set out in the statement of directors' responsibilities.

Our responsibility is to audit the financial statements in accordance with relevant legal and regulatory requirements and International Standards on Auditing (UK and Ireland).

We report to you our opinion as to whether the financial statements give a true and fair view and have been properly prepared in accordance with the Companies Act 1985. We also report to you whether in our opinion the information given in the report of the Executive Committee is consistent with the financial statements.

In addition we report to you if, in our opinion, the company has not kept proper accounting records, if we have not received all the information and explanations we require for our audit, or if information specified by law regarding the directors' remuneration and other transactions is not disclosed.

We read the report of the Executive Committee and consider the implications of our report if we become aware of any apparent misstatements within it.

## Basis of audit opinion

We conducted our audit in accordance with International Standards on Auditing (UK and Ireland) issued by the Auditing Practices Board. An audit includes examination, on a test basis, of evidence relevant to the amounts and disclosures in the financial statements. It also includes an assessment of the significant estimates and judgments made by the Executive Committee in the preparation of the financial statements, and of whether the accounting policies are appropriate to the company's circumstances, consistently applied and adequately disclosed.

We planned and performed our audit so as to obtain all the information and explanations we considered necessary in order to provide us with sufficient evidence to give reasonable assurance that the financial statements are free from material misstatement, whether caused by fraud or other irregularity or error. In forming our opinion we also evaluated the overall adequacy of the presentation of information in the financial statements.

## Opinion

In our opinion:

- the financial statements give a true and fair view, in accordance with United Kingdom Generally Accepted Accounting Practice, of the state of the company's affairs as at 31 December 2008 and of its surplus for the year then ended;
- the financial statements have been properly prepared in accordance with the Companies Act 1985; and
- the information given in the report of the Executive Committee is consistent with the financial statements.

PKF (UK) LLP • Registered Auditors • Nottingham • UK

19 March 2008



Association of Personal Injury Lawyers  
A company limited by guarantee

Income and expenditure account  
Year ended 31 December 2008

	Note	2008 £	2007 £
<b>INCOME</b>			
Membership Subscriptions	2	930,993	929,124
Other income		1,525,424	1,381,153
		<b>2,456,417</b>	2,310,277
<b>EXPENDITURE</b>			
Administration expenses		(2,507,879)	(2,345,085)
<b>(DEFICIT) OF INCOME OVER EXPENDITURE</b>		<b>(51,462)</b>	(34,808)
Interest receivable	4	56,238	57,333
<b>SURPLUS OF INCOME OVER EXPENDITURE BEFORE TAX</b>	5	<b>4,776</b>	22,525
Taxation	6	(2,311)	(7,104)
<b>Surplus after tax</b>		<b>2,465</b>	15,421
<b>Balance brought forward</b>		<b>399,058</b>	383,637
<b>Balance carried forward</b>		<b>401,523</b>	399,058

All activities derive from continuing operations.

There are no recognised gains or losses for the current financial year or previous period other than as stated in the income and expenditure account.

The notes on pages 24-28 form part of these financial statements.

# Association of Personal Injury Lawyers

## A company limited by guarantee

### Balance sheet

#### As at 31 December 2008

	Note	2008 £	2007 £
<b>FIXED ASSETS</b>			
Tangible assets	7	10,277	10,763
<b>CURRENT ASSETS</b>			
Debtors	8	13,185	18,758
Prepayments and accrued income		117,938	106,502
Cash at bank and in hand		793,182	764,639
		<b>924,305</b>	889,899
<b>CREDITORS:</b> amounts falling due within one year	9	<b>(533,059)</b>	(501,604)
<b>NET CURRENT ASSETS</b>		<b>391,246</b>	388,295
<b>TOTAL ASSETS LESS CURRENT LIABILITIES</b>		<b>401,523</b>	399,058
<b>NET ASSETS</b>		<b>401,523</b>	399,058
<b>RESERVES</b>			
Income and expenditure account		401,523	399,058

The financial statements have been prepared in accordance with the special provisions of Part VII of the Companies Act 1985 relating to small companies.

These financial statements were approved by the Officers on 10 March 2009.

Signed on behalf of the Executive Committee

#### **C Limb**

Treasurer and Director

The notes on pages 24-28 form part of these financial statements.

## Notes to the accounts Year ended 31 December 2008

### 1. Accounting policies

The financial statements are prepared in accordance with applicable accounting standards. The particular accounting policies adopted are described below. The profit and loss account has been replaced by an income and expenditure account as the Executive Committee considers that this policy is more appropriate given the nature of the company's activities.

#### Accounting convention

The financial statements are prepared under the historical cost convention.

#### Income

Membership subscriptions to the association cover a period of twelve months to 31 March each year. Subscriptions received during the year have been credited to the income and expenditure account, subject to the deferral of three months of each subscription, representing that portion attributable from 1 January 2009 to 31 March 2009.

Other income represents income from conferences, training events and publishing, and is recognised when the contractual obligations of the service have been delivered.

#### Interest receivable

Interest receivable is credited to the income and expenditure account on an accruals basis.

#### Tangible fixed assets

Tangible fixed assets are carried at cost less accumulated depreciation.

Depreciation of tangible fixed assets is calculated to write off their cost over the period of their estimated useful economic lives at the following rate:

Computer equipment and fixtures and fittings: 20 per cent per annum on cost.

#### Pension scheme

The company contributes to the personal pension schemes of eligible employees. Costs are charged to the profit and loss account as they are incurred.

#### Leases

Operating lease rentals are charged against income in equal amounts over the lease term.

#### Deferred tax

Full provision is made for material deferred tax assets and liabilities arising from all timing differences between the recognition of gains and losses in the financial statements and recognition in the tax computation.

A net deferred tax asset is recognised only if it can be regarded as more likely than not that there will be suitable taxable profits from which the future reversal of the underlying timing differences can be deducted.

Deferred assets and liabilities are calculated at the tax rates expected to be effective at the time the timing differences are expected to reverse.

Deferred tax assets and liabilities are not discounted.



## 2. Membership subscriptions

	2008	2007	2008	2007
	No.	No.	£	£
Practitioner member	4,344	4,586	845,301	856,825
Student members	41	53	2,555	2,120
Paralegal members	216	199	22,675	19,059
Academic members	14	17	1,040	1,325
Overseas members	82	75	7,375	6,256
Web members	1	0	220	0
Honorary members	11	9		
	<b>4,709</b>	4,939	<b>879,166</b>	885,585
Add: Deferred income brought forward			<b>227,045</b>	224,643
Less: Deferred income carried forward (see note 1)			<b>(221,063)</b>	(227,045)
			<b>885,148</b>	883,183
Corporate accreditation income			<b>50,185</b>	45,230
Add: Deferred income brought forward			<b>22,027</b>	22,738
Less: Deferred income carried forward			<b>(26,367)</b>	(22,027)
			<b>45,845</b>	45,941
			<b>930,993</b>	929,124

## 3. Committee and employees

	2008	2007
	£	£

Membership of the executive committee is voluntary. No remuneration for Executive Committee duties has been paid in the year.

### EMPLOYEE COSTS DURING THIS YEAR

Wages and salaries	799,686	700,207
Social security costs	73,694	70,190
Pension costs	27,003	29,410
	<b>900,383</b>	799,807

	No.	No.
--	-----	-----

### AVERAGE NUMBER OF PERSONS EMPLOYED

Administration	32	30
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#### 4. Interest receivable

	2008	2007
	£	£
Bank deposit interest	<b>56,238</b>	57,333

#### 5. Surplus of income over expenditure before tax

	2008	2007
	£	£
<b>THE RESULT FOR THE YEAR IS AFTER CHARGING:</b>		
Depreciation	<b>8,893</b>	10,094
Auditors' remuneration	<b>4,750</b>	4,100
Rentals under operating leases - land and buildings	<b>63,825</b>	64,964
- other	<b>2,543</b>	2,624
Loss on disposal of fixed asset	<b>338</b>	1,582

#### 6. Taxation on results for year

	2008	2007
	£	£
United Kingdom corporation tax charge at an effective rate of 21% (2007: 20%) based on taxable surplus for the year	<b>2,311</b>	6,224
Under provision in respect of previous year	-	897
	<b>2,311</b>	7,121
Deferred taxation	-	-
	<b>2,311</b>	7,121

	2008	2007
	£	£
<b>FACTORS AFFECTING TAX CHARGE FOR PERIOD</b>		
Surplus of income over expenditure before tax	<b>4,776</b>	22,525
Profit on ordinary activities multiplied by the effective rate of corporation tax in the UK of 21% (2007: 20%)	<b>1,003</b>	4,505
Effects of:		
- Expenses not deductible for tax purposes	<b>2,860</b>	1,814
- Depreciation in excess of capital allowances	<b>(1,525)</b>	(220)
- Adjustments to tax charge in respect of previous period	-	897
- Other timing differences	<b>(27)</b>	125
Current tax charge for the period	<b>2,311</b>	7,121

## 7. Fixed assets

	Computer Equipment, Fixtures and Fittings	Total
	£	£
<b>COST</b>		
At 1 January 2008	<b>153,029</b>	153,029
Additions during the year	<b>8,745</b>	8,745
Disposals	<b>(12,318)</b>	(12,318)
At 31 December 2008	<b>149,456</b>	149,456
<b>ACCUMULATED DEPRECIATION</b>		
At 1 January 2008	<b>142,266</b>	142,266
Charge for the year	<b>8,893</b>	8,893
On disposals	<b>(11,980)</b>	(11,980)
At 31 December 2008	<b>139,179</b>	139,179
<b>NET BOOK AMOUNT</b>		
At 31 December 2008	<b>10,277</b>	10,277
At 31 December 2007	<b>10,763</b>	10,763

## 8. Debtors

	2008	2007
	£	£
Trade debtors	3,443	11,521
Other debtors	9,742	7,237
	<b>13,185</b>	<b>18,758</b>

## 9. Creditors: amounts falling due within one year

	2008	2007
	£	£
Trade creditors	<b>108,624</b>	67,057
Corporation tax	<b>2,311</b>	7,121
Deferred income – subscriptions	<b>221,063</b>	227,045
Deferred income – corporate accreditation	<b>26,367</b>	22,027
Deferred income – courses	<b>47,898</b>	38,972
Deferred income – other	<b>100,589</b>	106,495
Accruals	<b>26,207</b>	32,887
	<b>533,059</b>	501,604

## 10. Other commitments

At 31 December 2008, the company had annual commitments under operating leases as follows:

	<b>Other</b>	<b>Land and buildings</b>	Other	Land and buildings
	<b>2008</b>	<b>2008</b>	2007	2007
	£	£	£	£
Leases which expire:				
Between 1 and 5 years	<b>2,543</b>	<b>63,825</b>	2,623	64,964

## 11. Share capital

The company is limited by guarantee and does not have share capital.

## 12. Ultimate controlling party

The company is limited by guarantee and has no shareholders. Under the constitution the Executive Committee is the ultimate controlling party.

## Detailed income and expenditure account

### Year ended 31 December 2008

	2008		2007	
	£	£	£	£
<b>INCOME</b>				
Membership (including other related income)		<b>1,044,683</b>		970,617
Conference, SIGS and Regional Meetings		<b>398,907</b>		383,820
Training Events		<b>917,359</b>		861,061
Publishing		<b>95,468</b>		94,779
		<b>2,456,417</b>		2,310,277
<b>DIRECT EXPENDITURE</b>				
Membership (including other related expenditure)	<b>73,473</b>		41,586	
Conference, SIGS and Regional Meetings	<b>289,820</b>		304,087	
Training Events	<b>660,033</b>		598,484	
Legal Affairs	<b>10,008</b>		40,962	
Publishing and Communications	<b>125,119</b>		73,354	
		<b>(1,158,453)</b>		(1,058,473)
<b>SALARIES AND OVERHEAD EXPENDITURE</b>				
Staff Costs (including training and recruitment)	<b>944,121</b>		850,737	
Property Costs	<b>120,581</b>		111,835	
APIL Stationery, Postage and Other costs	<b>204,012</b>		247,485	
Staff Travel	<b>14,071</b>		15,060	
IT Costs	<b>9,262</b>		8,422	
Executive Committee	<b>48,486</b>		42,979	
Depreciation	<b>8,893</b>		10,094	
		<b>(1,349,426)</b>		(1,286,612)
OPERATING (DEFICIT)		<b>(51,462)</b>		(34,808)
Interest Receivable		<b>56,238</b>		57,333
SURPLUS OF INCOME OVER EXPENDITURE		<b>4,776</b>		22,525



## chief executive's report

**Influence, impact and involvement are the words which sum up 2008 for me.**

APIL continued to influence key players throughout another challenging twelve months and our collective voice was listened to. The impact of that voice could be felt at meetings with Government, MPs, judiciary, voluntary and public organisations and many others.

The impact of our work could also be seen through the media, in the local and national press work we undertook on behalf of injured people. During the year millions of people read or heard about APIL and its views on issues ranging from health and safety, third party capture and inquests, to broader consumer issues and accredited firms.

Our work in this area reached out to a greater number of people due to the help of a significant number of APIL members who became actively involved with our work – providing data, case studies, raising local practice issues and concerns, attending meetings and generally 'having their say'.

Evidence is our ammunition and many more of you helped us to challenge misinformation from insurers, bring about change, increase knowledge, raise awareness, improve safety and prevent needless injury, as outlined in this report. Thank you.

Looking ahead into 2009, economic challenges affect us all and APIL is no exception. We have a clear and target-driven business plan, which will provide increased services and activities and new developments whilst maintaining APIL's membership fees at their current levels.

We are used to facing up to challenges from all sides and we know that will continue. Ensuring a workable, accessible and fair civil justice system is at the heart of our work, along with ensuring injured people have fair redress and prompt support, care and treatment to bring about full recovery from their injuries.

As Henry Ford once said, "Coming together is a beginning, staying together is progress and working together is success". Thank you again for your help and support.

**Denise Kitchener**  
Chief Executive

## Past presidents

John Melville Williams QC	1990-1994
Michael Napier	1994-1996
Caroline Harmer	1996-1998
Ian Walker	1998-2000
Frances McCarthy	2000-2002
Patrick Allen	2002-2003
David Marshall	2003-2004
Colin Ettinger	2004-2005
Allan Gore QC	2005-2006
Richard Langton	2006-2007
Martin Bare	2007-2008

## Past vice presidents

Simon Walton	1990-1992
Michael Napier	1992-1994
Caroline Harmer	1994-1996
Ian Walker	1996-1998
Frances McCarthy	1998-2000
David Marshall	2002-2003
Colin Ettinger	2003-2004
Allan Gore QC	2004-2005
Richard Langton	2005-2006
Martin Bare	2006-2007
Amanda Stevens	2007-2008

## Past secretaries

Michael Napier	1990-1992
Roger Goodier	1992-1997
John Pickering	1997-1998
Paul Balen	1998-2000
Mark Harvey	2000-2005
Frances Swaine	2005-2007

## Past treasurers

Gillian Solly	1990-1994
Frances McCarthy	1994-1998
David Marshall	1998-2002
Allan Gore QC	2002-2004
Roger Bolt	2004-2008

## Past executive committee members

Patrick Allen	1992-2000
Paul Balen	1996-2000
Martin Bare	2001-2005
Colm Barry	2003-2005
David Body	1990-1991
Roger Bolt	1997-2004
David Burnside	1990-1996
Christopher Carling	1990-1995
Andrew Dismore	1994-2000
Paul Donnelly	1999-2002
Colin Ettinger	1998-2003
Gordon Exall	2000-2003
Allan Gore QC	1995-2002
Frank Hanna	1990-1999
Caroline Harmer	1990-1994
Mark Harvey	1999-2000
Campbell Kennedy	1990-1992
Richard Langton	2000-2005
Stephen Lawson	2004-2007
Sarah Leigh	1992-1997
Russell Levy	1996-1999
Christopher Limb	2005-2008
David Marshall	1996-1998
Robert Martin	2002-2008
Frances McCarthy	1990-2000
Peter McDonnell	1999-2003
Neil McKinley	1998-2001
John McQuater	2005-2008
Hilary Meredith	1998-2007
John Pickering	1990-1997
Andrew Ritchie	1996-1999
David Short	1999-2002
Arnold Simanowitz	1990-1997
Amanda Stevens	2003-2007
Frances Swaine	2001-2005
Nigel Tomkins	1996-1999
Ian Walker	1994-1996
Laura Walker	1996-1999
Jane Williams	2002-2005



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