



PEOPIL CONFERENCE – MALTA 2009

By Katherine Allen
IRWIN MITCHELL SOLICITORS

The location for this year's conference was the beautiful coastal town of St Julian's in Malta, and the fabulous Westin Dragonara Resort Hotel. The conference began on the Thursday evening before the Conference with an opening reception on one of the many terraces at the hotel. PEOPIL's outgoing President, John Pickering, welcomed everyone to the picturesque island of Malta. Thanks must go to Irwin Mitchell for sponsoring the informal drinks reception, which gave the delegates the opportunity to meet old friends and acquaintances before the start of the conference.

The first day of the conference was opened by our President, John Pickering. The Maltese Minister for Justice and Home Affairs, Dr Carmelo Mifsud Bonnici welcomed us to Malta and then Dr Andrew Borg Cardona, the President of the Maltese Chamber of Advocates spoke to delegates about the system of legal redress in Malta. The delegates were then extremely privileged to have the opportunity of listening to the keynote speech delivered by Lord Mance, a Judge in the House of Lords in the UK. His speech concentrated on a number of European Law issues, including the eternal questions of jurisdiction and applicable law. His insightful comments about Rome II prompted much discussion between the delegates during the coffee break! UK Barrister Matthew Chapman then followed with further discussion of how the English courts deal with issues of jurisdiction and applicable law in the context of cross border road traffic and hotel accident claims, with Dr Kris Borg from Valletta giving the Maltese perspective. Given that Malta is one of the newest members of the European Union, having acceded in 2004, this lecture was of considerable assistance to the delegates.

There then followed an equally illuminating session on calculating damages which included information as to how damages were calculated in Norway (Carl Jerstad), Denmark (Soren Vagner Nielsen), Spain (Carlos Villacorta) and the UK (Mark Harvey).

After a fabulous lunch al fresco, the afternoon session was chaired by the President Elect of PEOPIL, Antoinette Collignon-Smit Sibinga. Attention turned to developments over the pond and Anthony Tarricone, President Elect

of the American Association for Justice, gave an overview of the state and federal court systems in the USA and some recent developments in personal injury law there. As we have come to expect from our American colleagues, his presentation was extremely informative and polished. A detailed consideration of the increased relevance of E-discovery followed. Although the presentation had intended to be a double act, illness prevented Tracey Stretton (a legal consultant from Kroll Ontrack) from attending but Mark Surguy of Pinsent Masons, a law firm based in Birmingham in the UK, was able to deal with the subject matter with the calm assurance of an expert in the field. The afternoon session concluded with a thought provoking look at the burden of asbestos disease in the UK. Despite it being the last session of the day, Dr Gurnam Basran, a Consultant Chest Physician from the Rotherham General Hospital in England, managed to both shock and entertain the delegates.

The day's activities concluded with the AGM at which PEOPIIL members had the opportunity to review the activities conducted by PEOPIIL throughout the last year. The AGM was particularly poignant as it marked the end of John Pickering's term of office as President. I am sure that all PEOPIIL members will join with me in thanking John for all the hard work that he has done on behalf of PEOPIIL over the last four years. John will be a hard act to follow but Antoinette Collignon-Smit Sibinga showed throughout the conference that she is well able to take up the challenge!

After a very packed day the delegates were all keen to enjoy themselves at the drinks reception and Gala Dinner and Dance which did not disappoint. This took place on one of the terraces at the hotel and although it was a little breezy, the elements were otherwise kind to us. The brilliant band gave us the opportunity to dance the night away, and this conference saw the return of PEOPIIL's harmonica player extraordinaire, Marco Bona, as well as a number of vocal performances from attendees!! Thanks to Beer Advocaten for sponsoring the drinks reception which got the evening off to such a good start.

Despite the number of sore heads and tales of late nights, the next morning's sessions were well attended. The topic for discussion was rehabilitation which as personal injury lawyers is one of the main purposes of our daily work. Andrew Frank, Medical Director of rehabilitation organisation Kynixa Ltd, gave an overview of the importance of rehabilitation from different perspectives, and the different ways in which rehabilitation is provided in the UK. Maggie Sargent was already well known to the UK delegates as a care expert and case manager, and she gave a very informative lecture on the role of the case manager in cases involving serious injury. Colin Ettinger, former President of the UK Association of Personal Injury Lawyers (APIL) and Partner with Irwin Mitchell, then brought the strands together in highlighting the role of the lawyer in obtaining rehabilitation for the clients they are instructed by. This was followed by a presentation from Clemens Reidel from Swiss Re Europe explaining the positive impact that rehabilitation can have from an insurer's perspective, which provoked a considerable amount of discussion!

Thanks to the excellent organisational skills of Wolfgang Resch the conference was, as always, a great success. Delegates learnt about the different legal cultures and systems of the Member States that make up the European Union, while at the same time having the opportunity to enjoy all that the beautiful island of Malta has to offer. As usual, it was at an end all too soon and delegates went away looking forward to the repeat performance in Geneva in 2010!