

**PIcArbs**

Don't litigate. Arbitrate.

# **The Personal Injury Claim Arbitration Service**



## **Introductory Guide for all**

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# About Personal Injury and Medical Negligence claims

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Don't litigate. Arbitrate.

Until 2015 all personal injury and medical negligence claims in England and Wales were settled or litigated in the law Courts.

Arbitration for personal injury and clinical negligence law cases was launched in England and Wales in May 2015 by the Personal Injury claims Arbitration Service (PIcARBS), a not-for-profit organisation, created by Andrew Ritchie QC.

## What is PIcARBS arbitration?

**PIcARBS arbitration is a private dispute resolution system in which the parties appoint a fair, neutral and impartial arbitrator to resolve a personal injury or clinical negligence dispute.**

Arbitration is an ideal approach for people who want to resolve a personal injury or medical negligence dispute without the delay and expense of the court process. It allows parties to engage in a flexible process, with complete confidentiality and the knowledge that a binding final decision will be made.

Injured claimants are helped by their lawyers, solicitors and barristers to use the arbitration process and 95% of PIcARBS arbitrations settle by agreement.

In the rare cases where you cannot reach a settlement the PIcARBS

arbitrator will produce a decision after hearing from each of the parties and their witnesses. Our arbitrators act fairly and impartially, giving each party the opportunity to put forward their views and their recollections.

PIcARBS arbitration applies the law of England and Wales. It is different from other forms of non-court dispute resolution such as mediation and non binding discussions because you are guaranteed a binding decision if you cannot reach agreement with the other side.

**PIcARBS arbitration is used to help parties to resolve disputes relating to:**

- **Personal Injury claims for over £25,000**
- **Medical Negligence for claims over £25,000**

## Why choose PIcARBS arbitration?

**The court process nowadays is long, complicated and expensive. It increases conflict and confrontation during an already distressing period.**

**PIcARBS arbitration provides a more gentle, cooperative alternative.**

### **Faster**

The courts are slow. PIcARBS arbitration is a lot quicker and the same

arbitrator will deal with the dispute from start to finish. Our secure online filing system is highly efficient, cuts legal costs and abolishes the tiresome paperwork required by the courts

### **Secure online filing system**



**Secure online filing**

### **More cooperative**

The court process is full of strict Rules and procedures. Arbitration is flexible. Your Solicitor will choose the steps in cooperation with the other party's lawyer. Your solicitor will choose the venue and arrange meetings on dates and times that suit you.

You can choose your arbitrator. This means that if you have specific requirements, your Solicitor can find an arbitrator with the specialist knowledge that will help resolve your unique dispute.

### **More versatile**

The court process requires face to face hearings and trials. Arbitration is more versatile. Your Solicitor can decide whether the process uses documents only, is conducted via telephone, or by face-to-face meetings. Issues may be dealt with all at once, or one after the other.

You can decide whether you want the arbitrator to look at the whole of a dispute or one part of it.

### **Confidential**

The courts are public. PIcARBS arbitration is private. The media are not entitled to attend hearings which are held at private venues. Only the parties, their representatives, the arbitrator and any witnesses will be permitted to be there.

### **Legal advice**

You can retain your own lawyers to advise you throughout the process – you will not need to change Solicitors



## **Binding**

At the end of the arbitration you will either reach a settlement or receive a decision which resolves your dispute. The arbitration will be respected by the Court and it will be made an Order of the Court on request. Your Solicitor will make the necessary arrangements and will discuss this with you.



## **Lower costs**

The courts charge enormous fees to start moderately large personal injury and medical negligence claims - £10,000. PICARBS arbitrations cost only £1600 + vat. Whilst the arbitrator will charge a fee, the process is very likely to be much less costly than the court process. Also the legal costs involved in arbitration are lower for all parties.

## How much does it cost?

### **Your lawyers**

If you are an injured claimant you will be able to enter a CFA (no win no fee agreement) with your lawyers so you will not pay much or anything in legal fees whether you win or lose.

It is a requirement for a PIcARBS arbitration that parties take independent legal advice to help them through the process. Until an order for costs is made, each party is responsible for its own legal costs, but if you have a CFA you will pay little or nothing towards them.

You may have an insurance policy which will cover legal costs and you should check with your Solicitor.

### **Documents, filing and service**

The courts require everything to be done on paper. The PIcARBS on-line filing system minimizes the cost involved when lawyers send documents to each other because it is all online and electronic. Parties have access to the documents 24/7. Online filing also minimizes the need for face-to-face meetings. The system costs are included in the initial fee which will normally be shared.

### **PIcARBS arbitrator's fees**



Our arbitrator's fees are fixed at a published hourly or daily rate, but may also be arranged on a fixed-fee basis. Until an order for costs is made, the



arbitrator's fees are shared.

### **Venue hire**

There may be costs involved in hiring a venue for any face-to-face meetings scheduled as part of the process but your lawyers will pay those.



### **Experts' fees**

The parties will require medical and other experts as part of the process. Initially the parties will each pay for their respective experts, but your lawyers will carry those fees until the end of the arbitration.

### **Savings**

The greatest savings occur in PlcARBS arbitration as a result of [1] the absence of any court fees; [2] cooperation between the parties lawyers [3] agreement in advance on hourly rates [4] e-filing and [5] experienced arbitrators identifying and narrowing the issues and making quick decisions when the parties ask for them.

### **Costs**

If the case settles the parties will agree the costs order. If the arbitration goes to trial the arbitrator will make a costs order which will usually follow the decision, so that the losing party usually pays the legal and arbitration costs.



If the parties cannot agree the amount of costs the parties can issue an application in the High Court for the costs to be assessed. The process will be shorter than costs for civil litigation because the hourly rates will have been agreed at the start. Alternatively the parties can arbitrate the amount of the costs which will be paperless and more efficient. Your Solicitor will advise you further on this if it becomes necessary

### **Questions**

If you have any questions, please contact your Solicitor who will be able to answer them for you or visit: [www.PlcArbs.co.uk](http://www.PlcArbs.co.uk) where you can download the full Guide for Lawyers.

### **Contact us**

Feel free to contact the PlcArbs Registrar

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**The Personal Injury Claims Arbitration Service**

**A not for profit company**