

The Pan European Organisation of Personal Injury Lawyers (PEOPIL)

John Pickering, London, UK

I am delighted to be able to report on the formation of the Pan European Organisation of Personal Injury Lawyers. The organisation officially came into being in June 1997 and already has a wide reputation across a large number of European countries - predominantly those within the European Economic Community. The purpose of this article is to introduce the organisation and comment upon its background and proposed structure. Just as with other established organisations such as APLA, APIL and ATLA, the development of PEOPIL is a recognition that the issues involved in personal injury litigation frequently extend beyond local and national boundaries and require truly international perspectives and knowledge. The fact that there are already practitioners who are interested in this perspective and who see the benefits of international exchange of information and knowledge is both encouraging and stimulating.

Background

There are many parallels between the development of PEOPIL and the formation of the Association of Personal Injury Lawyers (APIL) in the UK. A number of lawyers in the UK recognised the need for a personal injury organisation and took inspiration from the already well established and successful ATLA. Indeed, ATLA generously provided an initial injection of funds so as to facilitate the creation of APIL.

Similarly, the concept of a European organisation has its genesis within APIL and particularly within the European Special Interest Group. That Group recognised that in two broad senses there was a need for a European perspective. First, as signatories to the Treaty of Rome, it was clear that EC law impacted significantly upon a practice of law within the UK, thus

creating a need for knowledge and understanding of the various EC directives and regulations. Second, there was a clear need for knowledge of other European jurisdictions, bearing in mind that many UK nationals frequently travel, either on holiday or on business, to those jurisdictions and may sustain injury and vice versa. Hence, the European Special Interest Group was quick to embrace, as members, not only UK lawyers with an interest in Europe but also European lawyers of like mind. Thus started the sharing of information.

Such was the level of interest that in 1996 APIL decided to hold a European Conference. This took place at Runnymede on 8 - 9 March. The conference was well received with representatives from fifteen European jurisdictions in attendance and with lively debate on issues such as cross-border litigation. It quickly became apparent that there was a need for a separate organisation. Consequently an ad hoc executive steering committee was formed, charged with the responsibility of developing this concept. A draft constitution was put together and arrangements were made for an inaugural conference on 20 - 21 June, 1997, in Amsterdam.

The Amsterdam conference was widely reported in the legal press in a number of jurisdictions and proved highly successful. There were two main sessions within the conference. The first was the business meeting at which the concept of a Pan European Organisation was discussed, and the basic terms of constitution, membership and objects were considered. There was overwhelming support for the development of the organisation. The second session was an educational programme with presentations from leading speakers from a number of jurisdictions.

Enthusied with the warmth and depth of response to the initiative, the Executive

Committee have continued their work. Thus, PEOPIL is now being formed into a fully structured organisation within a legal framework. The organisation will operate through the mechanism of corporate status, with its registration in Holland and with its objects being recognised as essentially charitable.

There is to be a further meeting of the organisation in Paris in March 1998 when the workings of the Executive Committee will be presented. There will then be a further **major conference in June 1998 in Barcelona**. This is likely to be a 2 - 3 day programme with presentations from leading practitioners in various European countries, with educational workshops and a social programme.

Such is the significance of the organisation and its potential, that pump priming funding has been obtained from the European Commission. The Commission are keen for the organisation to develop and for it to become fully effective with its own administration and secretariat.

Structure/aims and objectives

There are a very diverse range of legal jurisdictions within Europe; many have very different approaches to the practice of personal injury law. Whilst there are significant similarities between the practice of personal injury law in the UK as compared with the USA, such as concepts of negligence, approaches to the quantification of damages and the like, the same parallels are not necessarily true of comparisons between jurisdictions within Europe. Further, the nature of personal injury practice is different. Thus, whilst in the UK it tends to be the case that practitioners choose to practice either on behalf of the plaintiffs or of defendants, the same is not true elsewhere. Many European practitioners will act for insurers as well as the

injured victim. Indeed, by way of illustration, a number of leading practitioners in Holland now have the reputation for doing excellent work on behalf of plaintiffs have developed their expertise through an insurer client background.

Recognising these issues, PEOFIL intends that membership should be open to any individual who practices in the field of personal injury law within their jurisdiction. There is to be no plaintiff/defendant divide. It was felt important that the organisation should encourage a complete dialogue and should seek to enfranchise members from as many European countries as possible. Further, whilst the EC has provided funding, the organisation is not limited to members of EC states - the organisation is to be truly European. **There is an actual category for international membership** (ie for practising lawyers outside Europe).

It is therefore very pleasing to be able to report that such has been the level of interest, there are now over 132 members representing sixteen European countries.

Much care has been taken in the formulation of the aims and objectives of the organisation. Simply stated, they are as

follows:

- To foster networking
- To facilitate ease of access to the legal system
- To promote safety
- To promote experts in the practice of personal injury litigation
- To review the function of damages in society
- To promote fair compensation

Conclusion

The development of PEOFIL represents a very exciting development in the international perspective of personal injury litigation. The fact that lawyers are now prepared to reject xenophobic styles and to embrace international dialogue, can not only be of great benefit to their personal understanding of the area of law in which they choose to practice but also, and more fundamentally, be of help to their clients. PEOFIL is at an early stage but it is clear that as an organisation, it already has international relevance and should come to play as important a role on that stage as APIL, ATLA, APLA and the various Canadian organisations do.

I encourage the members of APLA to embrace this organisation (and apply for membership)! ■

John Pickering is the Secretary of the Association of Personal Injury Lawyers and is on the steering committee of PEOFIL. He is a Partner in the English law firm of Irwin Mitchell. For membership information for PEOFIL, contact John on **phone** +44 114 276 7777, **fax** +44 114 275 3306 or **email** pickeringj@irwinmitchell.co.uk

APLA's Expert Database

This important referral service could make the difference between winning and losing a case.

Please consider who you would like to recommend to be listed on the Expert Database so that this service can further help you and your colleagues.

To access or contribute the Expert Database, contact Member Services on **phone** 02 9415 4233.



MORGAN FOX CONSULTING ENGINEERS

- *Structural Engineering*
- *House footings & structures*
- *Injuries due to structural failure*
- *All jurisdictions*

Expert opinion from practising engineers, expressed clearly in "plain English".
Our service is quick, reliable and cost effective.

Contact: Robert Morgan or Eric Fox

Morgan Fox & Harvey Pty Ltd
1 Great George Street, Paddington Q 4064
Ph.07-3369 8411 Fax.07-3369 1893
email: morgfox@ozemail.com.au

Traffic Accident Analysis

Jamieson Foley & Associates Pty Ltd Consulting Engineers

- 3D Accident Simulation - presented on video
- Site Analysis and Crash Reconstruction
- Contributory Negligence Assessment
- Mechanical Failure Assessment
- Slip and Fall Claims

Level 13, 109 Pitt Street Sydney NSW 2000
DX 10123 Sydney Stock Exchange

Phone: (02) 9233 1277
Fax: (02) 9235 2490

email: info@jamiesonfoley.com.au