Guildhall Chambers Personal Injuries Claimant Seminar
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MAKING MULTIPLIERS WORK FOR YOUR CLIENT
WORKSHOP NOTES

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BASIC USE OF MULTIPLIERS

NB PLEASE BRING A COPY OF FACTS AND FIGURES, IF POSSIBLE

C was born on the 1st June 1975. He was injured on the 1st December 2009. The trial is on 1st December 2010.

He can work still as a brick layer but now he is part-time. The medical reports agree that he will not be able to work beyond 55.

One of his injuries was to his right ankle and the experts have agreed that he will need orthotics, for life which will cost him about £75 each year and he will also need to visit the specialist for re-measurement every 3 years for the next 30 years at a cost of £100 per visit.

He would have retired at 65.

For these purposes ignore "contingencies other than mortality".

1. **Which of the Ogden Tables would you use to find the appropriate multipliers?**

2. **What multiplier do you arrive at for his loss of earnings claim?**

3. **What multiplier do you arrive at for his cost of orthotics claim?**

4. **What multiplier do you arrive at for his cost of measurement claim?**

5. **How do you calculate the multiplier for his loss of pension?**

Now assume that his right ankle injury was much more serious, so that he is unable to walk very far without having to rest; he cannot stand for long periods (more than 15 minutes) and is in pain. He is about to undergo an arthodesis, which will fuse his ankle and mean that he can walk almost normally, and stand without pain.

6. **How do you assess the discount for "contingencies other than mortality"?**

However, now assume that just before trial evidence emerges that there is a 75% chance that he will be made redundant in the year after the trial. Assume that the Defendant agrees that he qualifies for a "*Smith v Manchester*" payment to cover this risk.

7. **Can the Ogden Tables assist with assessing such an award, and if so how?**

Now assume that C died in the accident and the claim is being brought by his widow (aged 30 at his death). The post mortem revealed that C was otherwise healthy.

There are 2 children aged 6 and 4 at his death.

The widow did not work.

8. **How do you calculate the multiplier for:**

    (a) **loss of financial dependency (we will ignore "contingencies other than mortality");**

    (b) **loss of services dependency (assuming he did nothing for his wife)?**

CONTINGENCIES OTHER THAN MORTALITY

Anyone (!) can pick a base multiplier from a table once they know how. However, there is a huge gap between picking your base multiplier and predicting (a) how best to present and plead the claim and (b) what you will actually be awarded.

The answer to these two questions is bound up in understanding:

(a) **How the base multipliers are discounted for contingencies other than mortality (i.e. the use of the Tables A,B,C and D of Ogden 6);**

(b) **The effect and practical consequences of a Claimant's <u>Educational Attainment</u>;**

(c) **The effect and practical consequences of a Claimant's <u>Disability</u>;**

(d) **The effect and practical consequences of a Claimant's <u>Employment Status</u>.**

The answers lie in:

(a) **Knowing what the Odgen 6 introductory note provide;**

(b) **Understanding what has been going on, on the ground;**

(c) **Understanding the criticisms of some of the decisions made.**

CASES AND TOPICS:

Educational Attainment

<u>What if my client is only 16 and has not yet finished her education?</u>

A v Powys Local Health Board [2007] EWHC 2996
Smith v East and North Hertfordshire Hospitals NHS Trust [2008] EWHC 2234

Disability

<u>What if my client has had an operation and is now completely better?</u>

Conner v Bradman [2007] EWHC 2789
Garth v Grant and MIB LTL 17.7.2007
Leesmith v Evans [2008] EWHC 13

Employment status

<u>What if my client is a woman in her 20's and the Defendant says "you must make a discount to reflect "the child –rearing years"?</u>

A v Powys Local Health Board [2007] EWHC 2996

<u>What if my client is now not employed but "should be in employment"?</u>

Hunter v MOD [2007] NIQB 43
Leesmith v Evans [2008] EWHC 134

<u>What if at the accident my client was employed but historically his employment record was poor?</u>

Huntley v Simmonds [2009] EWHC 405
Peters v East Midland SHA [2008] EWHC 778

… or his employment record was very good…?

Hopkinson v MOD [2008] EWHC 699

Ogden 6: the magic bullet – is Blamire dead?

Van Wees v Karkour [2007] EWHC 165
Bullock v Atlas Ward Structures Ltd [2008] EWCA 194

I have a Judge who is happy to tinker with discounts: how do I rein him in?

Visual analogue scale of discounts

Handy articles

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