



PERSONAL INJURIES BAR ASSOCIATION

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Personal Injuries Bar Association urgent survey of PI hearings

PIBA contacted the main personal injury sets of chambers across the country and asked them to provide the number of personal injury (including clinical negligence and industrial disease) hearings conducted by members of chambers on a weekly basis since 1st March 2020.

We did not ask for data for individual barristers; just the numbers of hearings done by those chambers' PI teams as a whole, week-by-week, across the period. We asked chambers to include hearings whatever their nature – interim or trial (counting each day of a trial as a separate hearing, so as to get the full picture of work done and lost) – and by whatever means they were conducted (in person, telephone and video, whether before or after lockdown). We asked chambers to include the small claims which junior PI practitioners would usually do, even if there was strictly speaking no PI suffered. We were clear that the returns should not include conferences, JSMS, mediations or Inquests. We were specific that it was court hearings we wanted to know about.

PIBA received data from 23 of the main personal injury sets. 12 were based in London / South East, 3 on the Midlands Circuit, 4 on the Northern Circuit, 2 on the North Eastern Circuit and 2 on the Western Circuit. That said, all those chambers operate nationally, so we do not feel confident that any local trends can be deduced with any precision from our data.

The national picture from this data is that:

1. The average weekly number of hearings which have taken place post-lockdown is about 50% of the number which were taking place pre-lockdown (see **figure 1**).
2. The picture across all circuits of the number of hearings per week is a consistent one of a substantial drop in the two weeks after lockdown, rising slightly thereafter, but recently plateauing (see **figure 2**).
3. That is borne out by the data, taken nationally, shown at **figure 3**.
4. We attempt to assess the current position at **figure 4**, comparing the three weeks pre-lockdown with the last three weeks (thereby taking out of consideration the effects of Easter, and the immediate and severe response to the lockdown for most of April). That shows a reduction of about 43% in hearing numbers remains, even now, some 8 weeks into lockdown.

Figure 1

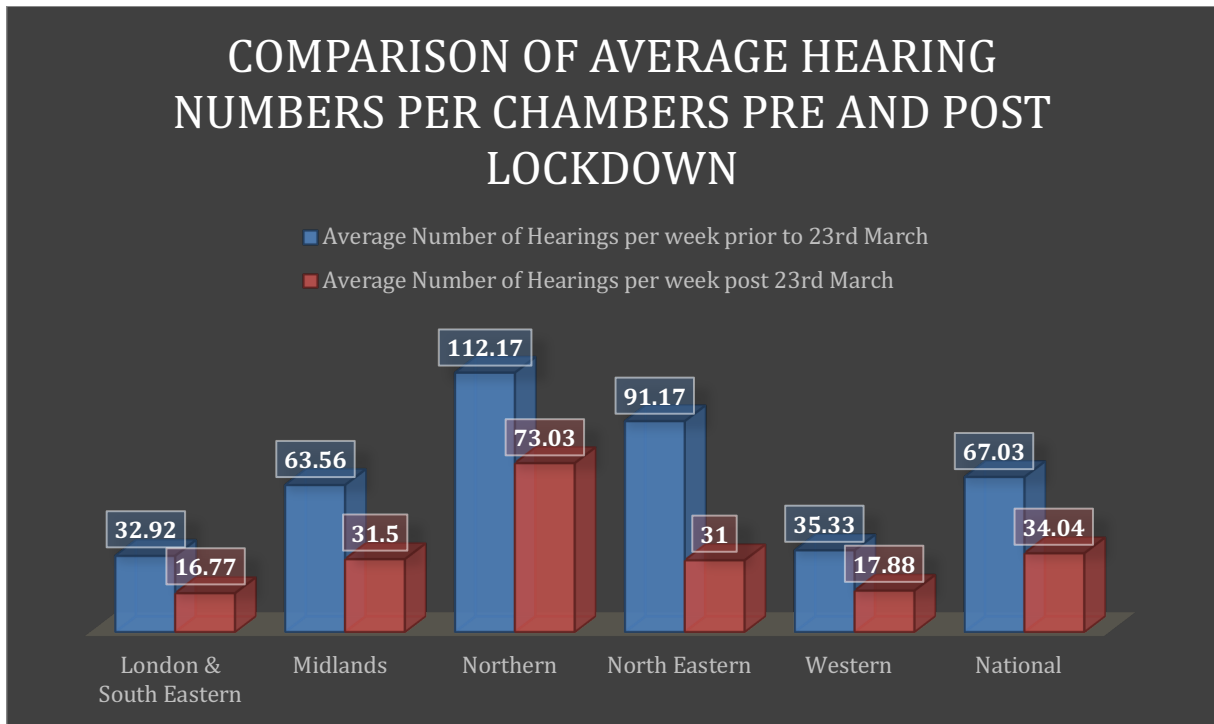


Figure 1 represents the average number of hearing numbers being undertaken each week on circuits and nationally before and after lockdown and then divides that figure by the number of Chambers on a Circuit who submitted data. In the main, the average number of hearings per circuit and nationally has broadly declined by around half in personal injury claims. This is also a rough guide to the sort of percentage reduction being experienced by most Chambers specialising in PI work which stands at 50.76% according to the data received.

Figure 2

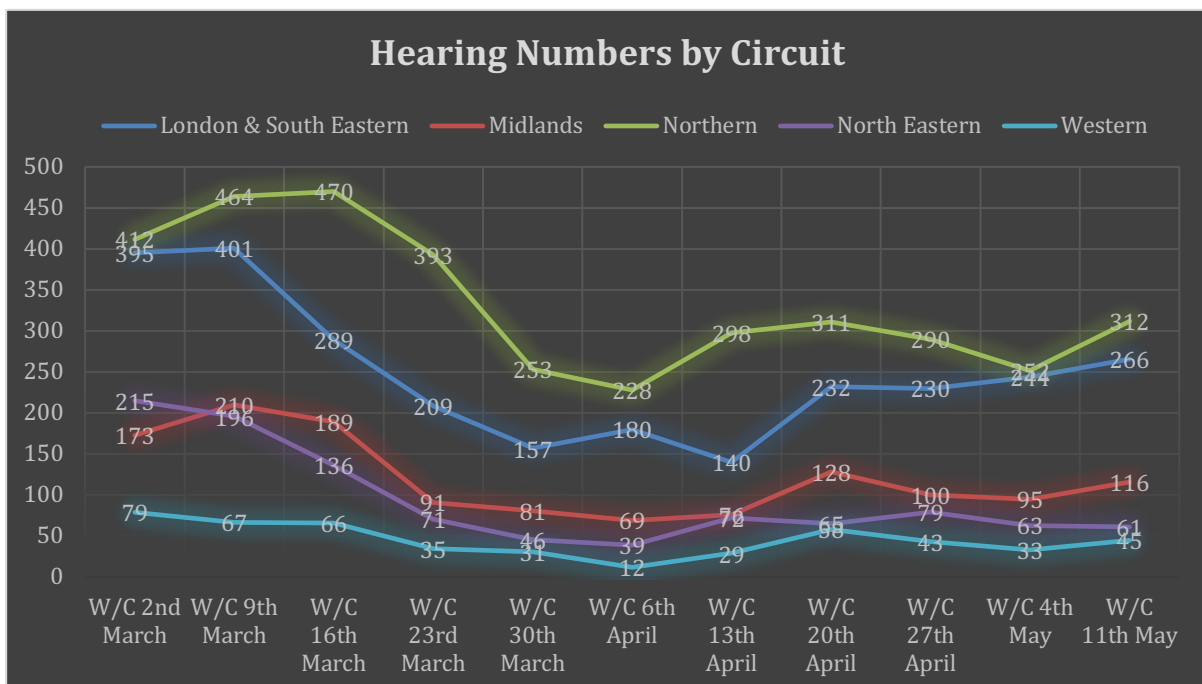


Figure 2 represents the total number of PI hearings on the five circuits we had responses from on a week by week basis throughout the period in question. It can be seen that there was a drastic reduction when lockdown was announced and this has not recovered. Whilst undoubtedly, the numbers of hearings have increased subsequently, you have to be wary of how many of those were generated as a result of adjournments and also the type of hearing they are. In addition, and perhaps most crucially, though the curve did begin to increase in each circuit, it is interesting to note that in nearly all circuits, in the last few weeks, the curve has flattened or only marginally increased, perhaps indicating a capacity issue with the Courts and their infrastructures.

Figure 3

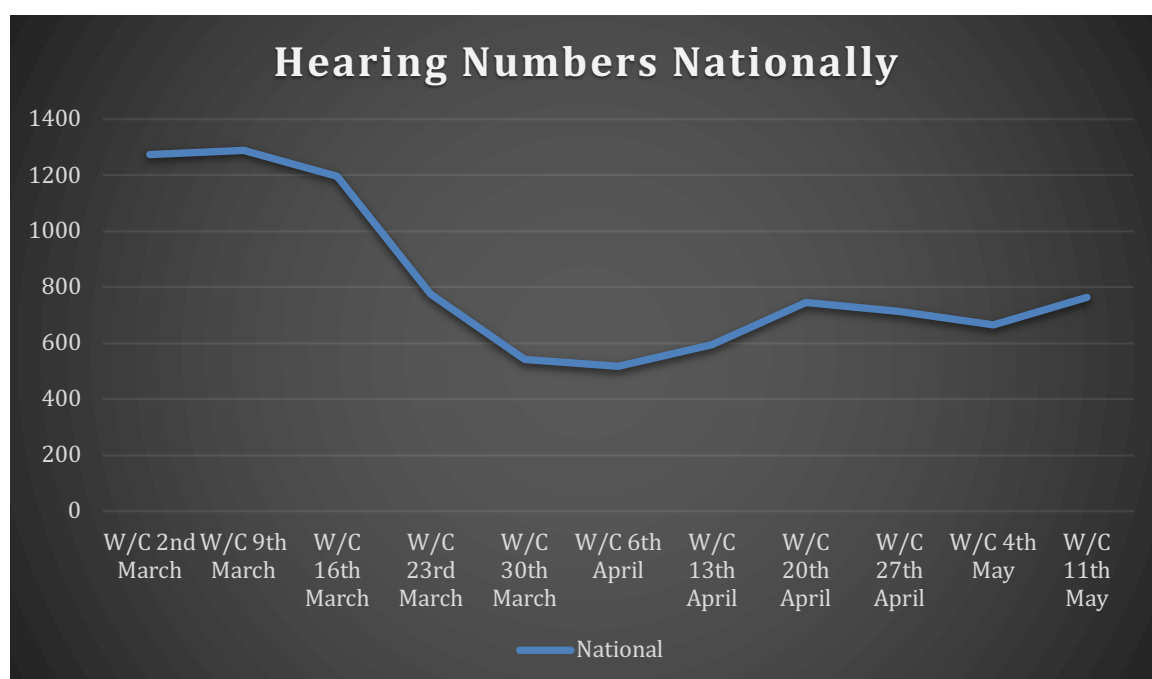


Figure 3 shows the national number of hearings across all circuits from those 23 chambers which submitted data. It is probably the best indicator of the present position given that chambers inevitably have work off their home circuits, so the circuit figures will not necessarily reflect the courts local to those chambers. Nonetheless, the above graph shows a very similar profile to those seen for each circuit and shows that though there was a recovery in the number of hearings being heard after week 3 of lockdown, the curve has again flattened out and numbers remain relatively static at between 700-800 per week in total for these 23 chambers. Pre-lockdown, the levels had been around 1,200-1,300 per week.

Figure 4

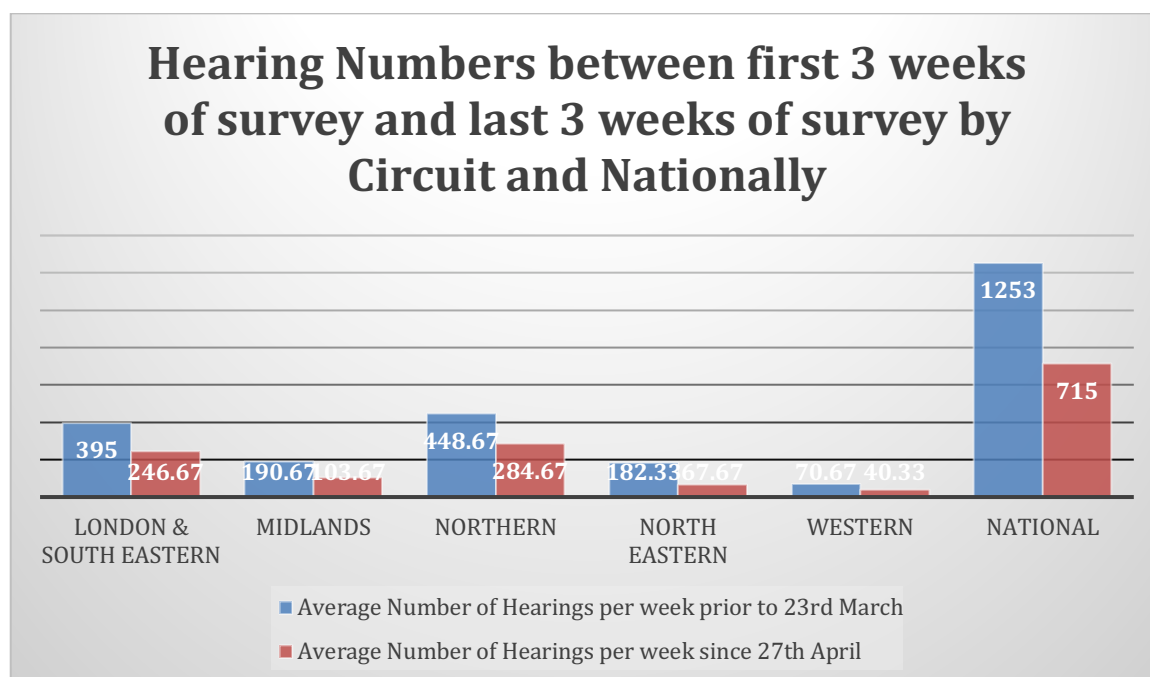


Figure 4 probably demonstrates the most up-to-date picture of where we are now. It takes the average numbers of hearings per week before lockdown on each circuit and nationally for the 23 sets which submitted data, and compares them to the average number for those same sets over the last three weeks. It can be seen that nationally, there were, on average, 1,253 PI hearings per week (for those 23 chambers) prior to lockdown, and the number over the last three weeks has plateaued at an average of 715. That represents a continued reduction of 43% despite the initial recovery displayed on the curves following the first 3 weeks or so of lockdown, and equates to an average of 538 hearings per week being lost.

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(for and on behalf of the PIBA EC)

20th May 2020