

Keoghs Northern Ireland LLP

September 2022



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Key Contact



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Legal Update

Consultation on court live links announced

A new consultation was announced in July by Justice Minister, Naomi Long, which is seeking views on the use of video and audio conference systems in Northern Ireland Courts and Tribunal hearings.

The consultation comes as a result of the drive to modernise the justice system, including digital improvements, which has accelerated in the last two years due to Covid-19 as Courts needed to adapt. In a statement from the Justice Minister, it says:



This consultation is your opportunity to help us achieve the right balance between capitalising on the benefits identified from using live links to conduct hearings remotely, while having appropriate safeguards in place to adhere to our domestic and international obligations.

I encourage you to take part and share your views on how legislation for the use of live links can improve the justice system of the future. The responses received from this consultation will be reflected in any legislation brought forward within the Northern Ireland Assembly.



The consultation can be found at:

<https://consultations.nidirect.gov.uk/doj/audio-and-video-links-live-links/>



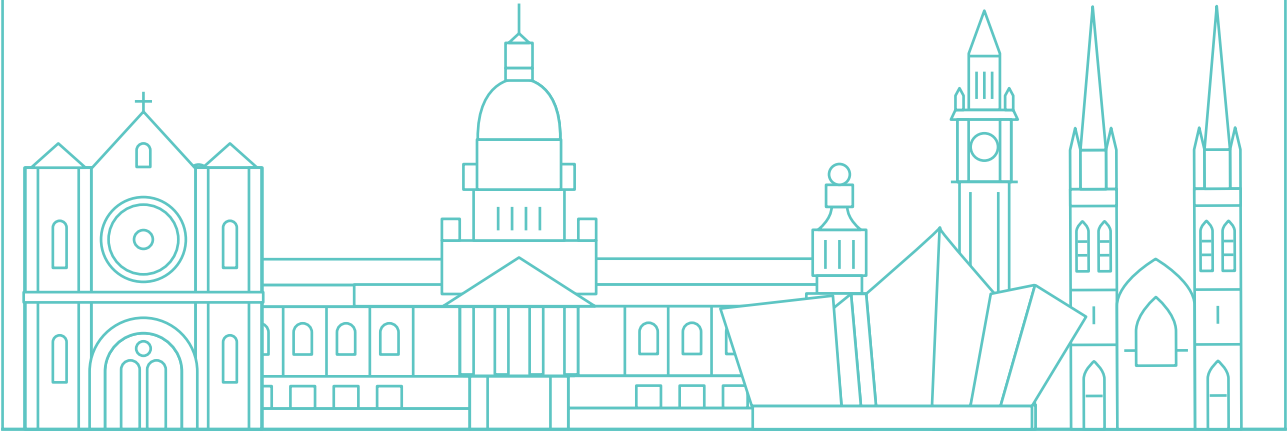
Ogden Tables updated

The Government's Actuary's Department has updated the Ogden Tables, to adjust the prescribed discount rate to be taken into account by courts in Northern Ireland when assessing lump sum damages awards for personal injury. The discount rate has been increased from -1.75% to -1.5%, which took effect from 22 March 2022.

The tables can be found here:

<https://www.gov.uk/government/publications/ogden-tables-actuarial-compensation-tables-for-injury-and-death>

As we approach the third anniversary of opening an office in Belfast, we want to provide clients with an update on the teams and services available given the amount of growth we've experienced.



Casualty Team

The Belfast Casualty team is led by Victoria McLean who has over 25 years' experience defending the UK's largest insurers, as well as Northern Ireland's leading private companies and Public Authorities.

Keoghs Casualty team handle both employers' liability and public liability claims, against a wide variety of commercial organisations. Our dedicated team of casualty experts service almost all the top ten insurers, as well as a significant number of other self-insureds and loss adjusters.

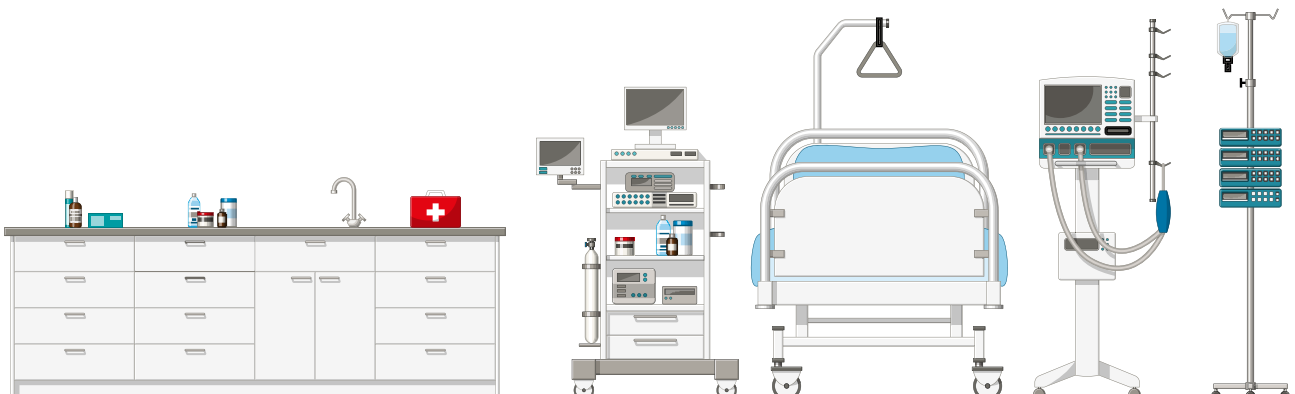
We are uniquely placed to provide premier relationship management along with tailored MI and business intelligence. We also have a number of AI-driven services that are truly changing the way casualty claims are handled, delivering significant efficiency and cost savings for our clients.

We are pleased to welcome Edel McCullagh who joined the Keoghs Casualty Team in February 2022 from a leading Belfast Law Firm. Edel has over 10 years' experience in dealing with insurance claims:



I was attracted to Keoghs as its culture offers an opportunity to develop my expertise with an enviable portfolio of clients.

I was excited to join a team of technical experts with a one team approach offering unrivalled sector insight, innovative processes and claims risk initiatives for clients.



Recoveries Team

We are delighted to announce the creation of a new specialist, high quality and targeted Recoveries Team centred within our Belfast Office. We are dedicated to providing a full service practice to our insurer clients and are evolving our practice to ensure that all services are catered for, including the recovery of debt and losses regardless of the value of the case.

Our newly formed Recoveries Team provides a pragmatic and results driven service for every type of recovery claim within the insurance industry. We provide an efficient and swift initial prospects opinion giving our clients a detailed expert overview on the prospects of recovery of losses and an outline of the tactical approach adopted to yield optimum results.

Our bespoke Recoveries Team has been created solely to service this specific need of our client base and contains within it a unique wealth of experience of acting on behalf

of the Plaintiff Insurer in every type of claim from the lowest value motor recovery to the most complex multi-million pound action brought in the Commercial Court. We offer a flexible fee structure commensurate to the value of the case and provide accurate fee estimates at the outset enabling insurers to make confident and informed decisions on the pursuit of a recovery matter. Once instructed, we provide a flexible, innovative, robust and client-focused recovery service tailored to suit the needs of each individual insurer client.



Motor Team

The Belfast Motor team is led by Anthony Murphy and the teams' expertise and experience in handling Northern Ireland motor claims is unparalleled, with specialist knowledge of Northern Ireland practice and procedure, tactics and our opposition.

We act for many of the UK's largest insurers with whom we have long standing valued relationships, in the defence of vehicle damage, credit hire and personal injury claims arising from road traffic collisions. The team are involved in both pre-litigation and litigated cases, as well as in costs negotiations, with a unique end to end solution for clients. We adopt a collaborative approach in conjunction with client claims handlers to ensure an aligned approach, with our aim being to reduce indemnity spend and case lifespan, as well as identifying and tackling exaggerated and fraudulent claims. Our team are recognised for providing practical and commercial resolutions to legal problems in the motor claims arena and we have a proven track record of securing substantial savings for our insurance clients.



“

I am writing to thank you for all your help both in the lead up to and on Friday past...Your help was indeed so valuable and appreciated and I wanted to tell you that we appreciated your gentle, respectful manner towards us.

”

Disease Team



The Disease team in Belfast is market leading in this jurisdiction with a reputation for defending industrial disease claims in a robust manner but with a clear commercial focus.

What sets us apart is that we have a clear impact on the market with highly dedicated and experienced fee earners with both the technical knowledge and commercial acumen to handle these claims effectively and efficiently. We generally provide a speed of resolution to cases because we build on the knowledge we have of our opponents and our clients' policyholders. We have solid professional working relationships and our approach to claims reduces costs across the board. However we will vigorously defend cases, when appropriate, and the team has recent successes in claims discontinuing even up to the door of court.

We are a team that delivers. Our early and immediate investigations utilising intelligence we already hold along with obtaining the necessary documentation from the

Plaintiff Solicitors ensures we have all the evidence available to make the necessary decisions and provide clear advice how to resolve claims. We have early access to the best Defence experts in this jurisdiction to assist in optimising outcomes. We know our opponents very well which results in early proactive and highly advantageous settlements reducing damages and costs. We will also negotiate costs and have the experience and ability to drive down costs on both sides throughout the case.

Our clients' MI highlights our excellent performance against our Northern Ireland peers with a focus on commercial settlement of claims in a timely manner. The team's approach is professional but personable and, by working as a team with insurer, insured and broker, this optimises the litigation experience.

Recent Successes

- 1) Partner, Victoria McLean, acted on behalf of a public authority in a bullying and harassment case. Not only was a CRU Certificate, well in excess of £30k, brought down to nil, but Victoria also successfully negotiated with the Plaintiff's Solicitor to remit this case to the County Court securing a quantum saving of £130k.
- 2) We achieved a 75% saving to our insurance client in a recent asbestos-related case whereby the Plaintiff maintained a claim for close to £300k. Despite no other Defendant agreeing to contribute and our client being at risk of a 100% pay out, Victoria resolved the matter with her insurance client only contributing 25% toward an overall gross settlement on foot of 4 robust defence reports.
- 3) Scott McCarroll recently acted in an asbestos-related disease case. Scott successfully argued that his client was a "mere occupier" on which no duty of care should be placed in respect of the safety of the Plaintiff. Scott's client was delighted to have been released from proceedings which had a potential for Plaintiff's damages and costs in excess of £100K.
- 4) Megan McBrien acted for a policyholder who was unfortunate enough to become involved in a collision which was caused as a result of the Plaintiff's sole negligence in failing to observe the policyholder's parked vehicle and not as a result of the policyholder reversing, as alleged by the Plaintiff. The Judge was not satisfied that the policyholder had moved his vehicle and the Civil Bill was therefore dismissed.
- 5) Harrison Hall's most recent successes include a Discontinuance in a Noise Induced Hearing Loss claim where a successful argument was made in relation to the noise exposure being de minimus.
- 6) Harrison was also successful in a motor claim where we reduced the hire period by 51 days. It was the Plaintiff's evidence that she required a hire vehicle even though within her medical evidence it was stated that she was unable to drive for a period of 4 to 6 weeks. His Honour decided against the Plaintiff and he specifically stated that it was not reasonable for the Plaintiff to hire a vehicle when she was unable to drive. His Honour stated that he would remove 5 weeks from the overall hire period. There was a delay in respect of the salvage monies being provided to the Plaintiff and His Honour sought to remove a further 2 weeks from the overall period. His Honour then stated that he would award hire in respect of the amount declared on the Crash Services Contract of 88 days. This is an important decision as we can refer to this point in future cases.



Meet the Team



Victoria McLean

Partner

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Our Keoghs NI Team is growing to meet increasing demand from our insurance clients. We are delighted to welcome Edel McCullagh and Gavin Greaves to the firm, to complement our expert, dedicated customer focused team. We are here to deliver for our insurance partners to help them achieve their strategic vision in Northern Ireland.



Our Lead Partner in Northern Ireland, Victoria McLean has defended claims for the UK's largest insurers, as well as Northern Ireland's leading private companies, public authorities and third sector organisations for over 25 years. Victoria specialises in complex and large loss litigation across a range of sectors including casualty, construction, motor and disease and has expertise in defending claims involving brain injury and quadriplegia with quantum claimed up to £40m. Victoria works in partnership with clients, combining her technical and strategic knowledge with effective investigation into all issues. She has a strong track record in securing optimum outcomes and successfully defending claims with reported judgments in the High Court. Her partnership approach ensures clients receive all necessary training and support, are kept informed of progress at all times, and achieve beneficial outcomes.



Scott McCarroll

Partner

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I have recently been asked to take on the role of training and development for the Belfast Office. The Belfast team has a wealth of experience and expertise within it and I am looking forward to working to help maximise its potential to the benefit of the team and clients alike.



Scott was, until very recently, the Head of Insurance at another well-known national insurance practice before moving to Keoghs and has almost 30 years' experience in dealing with personal injury litigation. He has acted for a number of leading insurance companies and syndicates in relation to the defence of large loss and catastrophic personal injury motor and casualty claims. Scott is regularly instructed in cases with reserves in excess of £1M. He is known for his collaborative approach and for his understanding of the needs of insurance clients. Scott is a member of the Belfast Solicitors Association, FOIL and a qualified mediator.



Anthony Murphy

Solicitor

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Anthony specialises in insurance personal injury litigation, including employers' liability, public liability and motor, where his experience includes dealing with catastrophic injury cases. After graduating with an LLB in Law and an LLM in Computers & Law, he began his career in 2001 as an apprentice in a leading city centre law firm and since qualifying in 2003 has worked exclusively in insurance litigation.



Karen Copeland

Solicitor

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Joining Keoghs Belfast in November 2021, I have been given opportunities to run a full caseload of defence litigation, with support from colleagues throughout. The benefits of hybrid working, flexibility and a positive atmosphere are complimented with professional benefits such as working with a variety of insurer clients and diversity of cases.



Gavin Greaves

Solicitor

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Gavin has amassed more than 20 years' experience within the field of litigation. Having been admitted to the roll of Solicitors in Northern Ireland in 2015 he was until recently Head of Litigation in a Belfast City Centre insurance practice before moving to Keoghs in March 2022.

Gavin is Head of Recoveries at our Belfast Office predominantly specialising in property damage and all types of subrogated recovery cases. He also has a wide ranging litigation experience acting for leading insurance companies in relation to the defence of large loss, motor, catastrophic injury, industrial disease, professional negligence, construction, abuse, corporate manslaughter, animal claims and claims arising out of sporting accidents. He has extensive experience of defending complex matters with a value in excess of £2M.



Will Gibson

Solicitor

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Will graduated from Dundee University with a LLB Honours degree in Law in 1994 and worked in the insurance industry for several years before commencing his legal career in Bristol. Over many years Will has built extensive legal experience working in mainly large defence firms in Bristol and Cardiff and completed both a Postgraduate Diploma in Law and Diploma in Legal Practice at the University of the West of England in Bristol. He was admitted to the Roll of Solicitors in England and Wales in 2009. Will later returned to Northern Ireland and was admitted to the Roll of Solicitors in 2018.

Will has a wealth of defence experience advising clients in road traffic, public liability and employers' liability litigation. Will now specialises in occupational defence litigation with a specific emphasis in Noise Induced Hearing Loss.



Harrison Hall

Solicitor

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Harrison commenced his career in 2011 working in a general practice solicitor firm. Harrison handled a range of criminal, family and Plaintiff litigation matters as a paralegal. Harrison was admitted to the Roll of Solicitors in Northern Ireland in 2018. On qualifying as a Solicitor, Harrison gained employment in a leading defence litigation firm, as an Assistant Solicitor, assisting the Head of Litigation in defending a range of complex and high value casualty, motor and occupational disease claims. Whilst carrying out that role Harrison handled a case load consisting of occupational disease claims with an emphasis on Noise Induced Hearing Loss. He continues to specialise in occupational disease claims and also handles a range of motor and casualty claims. Harrison has now added a further string to his bow by joining the recovery team. In this role Harrison will be dealing with a range of motor, property damage and subrogated recovery cases.



Charlene McSparron

Solicitor

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Charlene has worked for Keoghs for some 11 years. Charlene completed her training contract with Keoghs England and was promoted to Associate. During the pandemic, Charlene took the decision to relocate back home and cross qualified in Northern Ireland.



Edel McCullagh

Solicitor

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Edel has recently joined Keoghs in February 2022. She has over ten years' experience in the area of insurance litigation. She primarily acts in the defence of employers' liability, public liability and motor claims on the instruction of insurance companies, public bodies and self-insured organisations.



Megan McBrien

Associate Solicitor

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Megan qualified as a Barrister in 2014, later re-qualifying as a Solicitor, and brings a wealth of skill, knowledge and experience to her role. She is an Associate Solicitor within the team and her case load is focused towards handling complex, large loss and catastrophic injury claims both independently and alongside the Lead Lawyer in matters of significant complexity. Megan advises clients across a range of areas to include motor, casualty, employers' liability, public liability and abuse claims. She has experience of dealing with claims involving catastrophic brain injury, spinal injury, and traumatic orthopaedic injuries and has achieved significant savings for insurer clients over the years following a forensic analysis of available evidence. She is often approached by clients to provide legal opinion on matters such as indemnity and she regularly advises on strategy and the intricacies of the Northern Ireland legal system, as well as providing training to clients. Megan also has a particular interest in fraudulent motor claims.



Victoria Wilson

Legal Secretary

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In one of Victoria's recent cases, hire was negotiated down from £14,425.28 to £11,500 making a saving of £3925.28 with which the insurers were delighted. In another, hire was claimed at £12,646 and she discussed the daily rate, which was very high, and negotiations were entered into reducing the hire to £11,500 saving £1,146.00.



Orla Shevlin

Solicitor

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Orla specialises in occupational disease litigation. She was admitted to the roll of Solicitors in Northern Ireland in 2008, holding a LLB honours degree in Law from Queens University Belfast. She practised in a Belfast City Centre firm of Solicitors for six years before relocating to the South of England with her family. There she worked for a firm of Solicitors in the greater London area before returning to Northern Ireland in 2019. Orla has experience in both Plaintiff and Defence Litigation.



Denise Hutchison

Paralegal

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Denise graduated with an LLB (Hons) from the University of London and is an Associate of the Chartered Insurance Institute and is a Chartered Insurer. She worked for a leading insurance company for over 20 years as a Senior Claims Technician and for the past 11 years has worked as a paralegal/investigator specialising in asbestos exposure claims.



Hope Houston

Junior Paralegal

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Hope has worked for Keoghs as a Paralegal for the last two years. Hope graduated from Queen's University of Belfast in 2019 with a First Class Honours in Law and Spanish. She also holds an LLM in Criminology and Criminal Justice. Hope recently was offered a place at the Institute of Professional Legal Studies and will commence her new role as Trainee Solicitor with Keoghs in September 2022. Being involved in defending the full spectrum of claims for insurers has enabled Hope to develop a keen interest defending personal injury claims with a particular expertise in historical abuse claims and harassment and bullying claims.

Busy Belfast teams celebrate charity efforts

In May, Keoghs Northern Ireland joined over two hundred members of the legal profession for the return of the Law Society Legal Walk/Run through Belfast City Centre in aid of Leukaemia & Lymphoma NI (LLNI). LLNI are the only charity in Northern Ireland dedicated to blood cancer research and all funds raised stay in Northern Ireland to support Clinicians, Scientists and Students researching these diseases.

This was followed in June by the Breast Foot Forward 10km walk around Belfast, raising funds for Action Cancer.

We also held our own events, with a highly competitive scavenger hunt around Belfast city centre with teams meeting at the final location for burgers and beers. The Belfast office also hosted our very own Great British Bake-off with Alison Maternaghan taking home the title of Star Baker!

Finally, Donna Kerrigan hosted an LGBTQ+ morning in order to raise funds for The Proud Trust which supports at-risk LGBTQ+ youth. As an LGBTQ+ ally, and mum to a non-binary child, Donna became an LGBTQ+ Inclusion & Diversity Champion within Keoghs in order to raise awareness and to educate people on how to remove much of the stigma that is held, particularly in Northern Ireland.



Breast Foot Forward



Law Society Legal Walk



Breast Foot Forward

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