

Terms and Conditions of medico-legal work undertaken by

Dr C V R Blacker
Consultant Psychiatrist FRCPsych MD

With effect from 1 March 2010

1. Fees for reports, correspondence and joint statements

No charge is made for initial telephone discussions with solicitors concerning potential instructions.

£220 per hour is charged for all subsequent work relating to the production of reports including related correspondence, preparatory reading, relevant annotation of medical and other records, examination of the client and/or any third parties, subsequent dictation preparation and writing of the report, plus any subsequent amendments and supplementary reports as requested if they involve additional disclosed material.

Two hours is normally allocated for the examination of the claimant and one hour for subsequent examinations unless the circumstances are such that a more lengthy interview is indicated. Generally speaking, the writing of the report takes 2 to 3 times the length of the interview. **The median cost of my reports in 2008/9 was £1500 and the range was from £410 to £4200.**

It is not possible to give estimates for the costs of a report without first studying the instructions and the contents of any files involved.

If there is a **limit or ceiling of costs** this must be **clearly specified in writing and agreed** with Dr Blacker before any work is undertaken.

If, during the course of interview with the client, or perusal of documents, it appears that the report will take longer to prepare than the previously agreed ceiling will allow then Dr Blacker will discuss this with the instructing party before proceeding.

In the case of joint statements the time spent in discussion with the other expert(s) is charged at the same rate as reports.

It is normally the case that Dr Blacker, on receipt of instructions and the medical files, will start preparing from these for interview. In cases where an instruction is issued and then subsequently cancelled, for whatever reason, the instructing party will be liable for any fees incurred in preparatory work to date.

2. Fees for attendance at Conference or Court

£1400 per day plus travel expenses and accommodation, if necessary.

3. Cancellation fees for conference and court appearances

For cancellation within 2 working days of a requirement to attend Court 100% of the fee (£1400) will be charged.

For cancellation between 5 and 2 working days 50% (£600) of the expected fee will be charged.

Both cancellation fees, however, will be reduced according to and by the amount of any additional paid work (including medicolegal work) Dr Blacker is able to obtain at short notice (this is normally possible).

4. Fees for non-attendance of appointments

If a client fails to attend an appointment or else cancels an appointment with insufficient notice to allow for an alternative appointment for another patient to be allocated made, the right to charge a fee equivalent to the allocated appointment time (2 hours) is reserved at the discretion of the consultant. The cost of wasted room rental and travel will always be charged.

5. Refunds and waivers

Fees are not subject to a refund or waiver in whole or in part in the event of disallowance or reduction on the Court's assessment for costs and fees or refusal by the funding, paying or contributing party/firm to pay in full, part or at all.

6. Payment of fees

Due to previous losses from the collapse of several Medicolegal Agencies Dr Blacker is no longer able to wait for payment until settlement of the case **unless this is negotiated with the instructing party in advance.**

Payment must otherwise be made strictly **within 90 days** of submission of the report.

Dr Blacker reserves the right to charge interest on unpaid fees after that time **at the Court's judgment rate as from time to time subsisting.** Interest will be charged at the County Court rate of 8% per annum pursuant to s69 of the County Courts Act 1984 or 2% above the bank of England base rate from time to time (whichever is greater).

In the case of transfer of the case to another set of solicitors payment must be made prior to transfer.

7. Joint instructions/Part 35 questions

In the event of joint instructions **or questions raised by a non-instructing party under Part 35 CPR**, fee liability is joint and several.

8. Time for submission of reports

Reports are usually completed and submitted within 2 weeks of interview. Delays may result if key documents are missing. **Unless specified in writing – at the time of instruction** - it will be assumed that 2-3 weeks from interview is sufficient time for the production of the report.

9. Due diligence and Case records

Instructing solicitors or companies will use their best endeavours to give full instructions and also to supply all necessary records and information - including relevant medical personnel and occupational health records – **several weeks prior to interview**, which they may be reasonably asked to supply in relation to the claim and or court proceedings, in order to prepare the interview and examination.

All medical records will be reviewed in detail as part of the report. These will be returned to the instructing party with the report as specified by the instructing party.

All notes records and papers will be shredded at the conclusion of the case unless their return is requested in writing.

Copies of the instructions, the report, and invoices will be kept for 10 years.

10. Terms application.

These terms override the terms and conditions of any instructing party **unless agreed in writing in advance by Dr. Blacker**

11. Operation of Terms

These terms and conditions will apply to all instructions received or work carried out on or after 1 September 2009.

Dr C V R Blacker MB, BS. FRCPsych. MD.
Consultant Psychiatrist
1 September 2009

Agreement:

To be received by Dr Blacker before he can proceed with any work on a case:

I _____ on behalf of _____

have read and agree to abide by Dr Blacker's Terms and Conditions as part of
my instructions regarding _____

Signed: _____

Date: ___ / ___ / ___

**Please return to Dr C.V.R. Blacker
MSS Medicolegal
20 Iles Close, Hanham, Bristol, BS15 3BN**

TYPICAL COST ESTIMATES

Solicitors often ask in advance how much a report will cost? It is impossible to predict this until I have read the instructions, seen the nature of the claim/problem, and the size of the medical records and other paperwork. It is usually necessary also to *read* the medical records to gain an idea of what additional matters lie in the background which may be relevant vis a vis causation.

I do around 140 reports a year. I tend to get referred the more complicated cases but am willing to undertake simple cases e.g. straightforward driving anxiety which can be done in a few hours. In other cases the interview alone takes 2 hours (£440) and an average time spent in preparation of reports (including review of medical records) is between 5 and 8 hours in all.

Preparation of more complex reports can take 12 or more hours with reports running sometimes to 50, 60 or more pages in length. These include the more complex Personal Injury, Medical Negligence and Employment Law cases.

Range of costs in 2009:

My minimum charge for an original report in 2009 was £546.

The most charged for a single report was £5976.

The average charge for all original reports prepared in 2009 was £1766 - which reflects the complexity of the cases I tend to get referred.