

# Personal Injuries

Assessment Criteria 2024



## Specialist Accreditation

*Distinction in law*



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## **1. INTRODUCTION**

The 2024 Personal Injuries Specialist Accreditation Program Guide is designed to assist practitioners to understand, prepare for and undertake the assessments specific to this area of accreditation.

This document is to be read in conjunction with the 2024 Specialist Accreditation Scheme Handbook which contains the policies and procedures relevant to all areas of accreditation.

## **2. CONTACT DETAILS**

Please address all enquiries regarding specialist accreditation in Personal Injuries Law to the QLS Specialist Accreditation Team at [spec@qls.com.au](mailto:spec@qls.com.au) .

### 3. IMPORTANT DATES

<b>1 March 2024</b>	Applications open.
<b>31 March 2024</b>	Applications close, 5pm.
<b>Mid-late April 2024</b>	Notification of candidates accepted into the program.
<b>14 May 2024</b>	Assessment Briefing Evening, more information will be provided to all candidates via Canvas and the Specialist Accreditation Team.
<b>21 June 2024</b>	Take Home Assignment scheduled to be released.
<b>12 July 2024</b>	Take Home Assignments scheduled to be due.
<b>14 September 2024</b>	Written Examination conducted via Microsoft Teams and Canvas.
<b>15 September 2024</b>	Simulated Client Interview will be conducted online using Microsoft Teams, more information will be provided to all candidates via Canvas.
<b>Mid-late November 2024</b>	Candidates advised of results

*Queensland Law Society reserves the right to change any of these dates. Sufficient notice will be provided to candidates. Please note that further information regarding each assessment component and how it will be conducted will be outline on Canvas.*

## 4. ASSESSMENT PROGRAM

Candidates must successfully complete the prescribed assessment program set out in this section to be awarded specialist accreditation in this area of accreditation.

### *Learning Outcomes and Objectives*

As part of this program, Candidates will undertake practical exercises in:

- Conducting necessary research on relevant law, and statutory and court procedures;
- Providing advice on courses of action available in personal injuries litigation;
- Drafting legal process to institute and/or defend claims;
- Interviewing clients, and providing technically correct and appropriately communicated advice; and
- Comprehending the ethical rules applicable to the conduct of legal practitioners in the course of litigation.

Practitioners wishing to be accredited must demonstrate a high standard of:

- (a) knowledge of the law and procedure which underpins the performance of tasks in this area of practice; and
- (b) oral and written advice which is expected of practitioners wishing to hold themselves out as specialists in the area.

For the purposes of these Learning Objectives, “high standard” means the standard expected of a specialist legal practitioner with enhanced skills, superior knowledge, significant experience and a high proficiency in Personal Injuries Law, as reflected in the skills set out in Section 6 of this Guide – SKILLS. A candidate must demonstrate a “high standard” to meet the standard of accreditation.

Details of the knowledge and skills expected are contained in Parts 5 and 6 of this document.

The assessment program for specialist accreditation in Personal Injuries Law is in three parts.

**Part 1** Take Home Assignment

**Part 2** Written examination

**Part 3** Simulated client interview

To gain accreditation, candidates must meet the standard of accreditation in each of the three parts of the assessment program. Candidates will be advised of what constitutes the standard of accreditation in the assessment instructions.

Unless the assessment instructions specify otherwise, candidates will be assessed on the law as it stands on the date of the assessment.

### ***Standard of Accreditation***

Candidates will be advised of the standard of accreditation in the instructions for each assessment item. The assessments will be graded on either a percentage score or on a scale of 1 – 5.

Candidates wishing to be accredited must:

- a. perform at a high standard which is expected of candidates wishing to hold themselves out as specialists in the area; and
- b. display a high standard of knowledge of the law and procedure which underpins the performance of tasks in this area of practice.

## **How the Assessments will be Conducted / Delivered**

The Assessments will be conducted / delivered online using our Learning Management System Canvas. Assessment details will be confirmed by the QLS Specialist Accreditation Team ahead of the assessment dates via Canvas. All registered candidates for this program will be provided with student access accounts for Canvas.

The Take Home Assignment will be accessible by candidates on Canvas. Candidates will either upload their Assignment to the Canvas, or email the Specialist Accreditation Team at [spec@qls.com.au](mailto:spec@qls.com.au) by the required due date set by the Advisory Committee.

The Simulated Client Interview will be conducted virtually via Microsoft Teams. The Specialist Accreditation Team will provide all candidates with link details ahead of the assessment.

The Written Exam will be delivered online via Canvas. The Specialist Accreditation Team will provide further instructions about the exam ahead of the assessment.

**IMPORTANT NOTE FOR ONLINE ASSESSMENTS:** Candidates attending any online assessments:

- (a) must have a strong and reliable internet connection;
- (b) will be solely responsible for any malfunctions, errors or technical problems of any kind associated with the electronic devices they use for the assessment;
- (c) will not be provided any additional time to complete an online assessment due to any malfunctions, errors or technical problems of any kind in relation to the electronic advice they use to complete the assessments, or due to their own poor internet connection or usage outages, without approval from the Advisory Committee on a case-by-case basis; and
- (d) absent Advisory Committee approval, candidates who fail to undertake or complete an online assessment due to any malfunctions, errors or technical problems of any kind in relation to the electronic advice they use to complete the assessments, or due to any their own poor internet connection or usage outages, will fail that assessment.

### **4.1 Take Home Assignment**

Candidates will be presented with a mock file and required to complete specific tasks, which may include instigating inquiries, preparing pleadings, drafting letters of advice including a detailed assessment of damages, and negotiating settlement.

The mock file will assess the candidate's ability to deal with more complex issues and may cover more than one core area of knowledge as identified in section 5.1. Candidates will be granted three weeks to complete the mock file, and therefore it is anticipated this will be sufficient time to address all assessed areas of knowledge.

- This assessment will be uploaded to Canvas for candidates to access. Candidates will be provided with instructions about how to submit their completed assessment to QLS.
- Candidates may use the resources of their offices in completing this assessment task. **Candidates will face automatic disqualification from the accreditation program if any assessment material is referred to counsel or any other person for opinion or assistance.**
- Submissions received after the due date will not be assessed. Candidates should refer to the appropriate section of the *Specialist Accreditation Scheme Candidate Handbook* if they experience a problem completing the assessment by the due date.
- No reference or marks which may identify the candidate, or their firm, should appear anywhere in the candidate's work.
- Candidates will be allotted a period of time to complete this assessment, up to a maximum of 3 weeks. Candidates will be informed by the QLS Specialist Accreditation Team about the exact assessment duration period in advance of the assessment being released.

## 4.2 Written Examination

The written examination will cover a wide range of personal injuries law matters that may be encountered in practice. Candidates will be expected to demonstrate a high standard of knowledge of personal injuries law and associated practices and procedures as outlined in Part 5 of this document.

It is expected that responses are appropriately detailed, identifying the key issues and advice appropriate to the specific situation.

### **Examination Conditions**

- The duration, including perusal time, will be 3 hours and 30 minutes.
- Candidates may use books, notes or other written material as reference throughout their exam.

- Candidates may also access written material on an electronic device on a read only basis. The electronic device must not be connected to the internet.
- Answers must be typed out using the allocated text box on Canvas

**IMPORTANT Note:** QLS will take no responsibility for any issues experienced on electronic devices during the written examination. Malfunctioning of electronic devices during the written examination will not constitute grounds for a special consideration application.

#### **4.3 Simulated Client Interview**

The Simulated Client Interview will be conducted online using Microsoft Teams and candidates will be greeted by an individual acting in the role of a client. Candidates will be provided with further information on this assessment item closer to the date using Canvas.

The interview will be time limited and will be recorded for assessment by the examiners. The duration will be 30 minutes and this time limit will be strictly enforced.

**IMPORTANT NOTE:** The Advisory Committee and QLS reserve the right to modify any of the above assessment conditions, as required, with advance notice to candidates.

## 5. KNOWLEDGE

### 5.1 Core areas of knowledge

For the purposes of the personal injuries law specialist accreditation assessment program, the core areas of knowledge have been identified as:

- Motor vehicle accident
- Public liability
- Workers compensation/industrial
- Product liability cases
- Medical negligence cases

### 5.2 Expected areas of knowledge

The list below is not exhaustive but is set as a guide to candidates as to the type of matters that may be raised in the personal injuries law specialist accreditation assessment program.

Topics are grouped under headings as a matter of convenience only. Not all the topics listed will necessarily be tested and any matter relevant to practice in personal injuries law may be examined.

#### 5.2.1 Common law principles

- Liability in negligence and breach of statutory duty
  - The duty of care
    - general principles;

- specific categories, e.g. product liability, motor vehicles, duties to rescuers, occupiers' public liability, duties in the workplace;
- medical negligence, public authorities liability, nervous shock/pure psychiatric injury;
- non-delegable duty, and
- no-duty situations and immunities, e.g. barristers, joint illegal enterprise.

- Breach of duty and the standard of care
  - the standard of care;
  - proof of negligence (general principles, the onus of proof, circumstantial evidence, *res ipsa loquitur*); and
  - Statutory impact including the National Injury Insurance Scheme (Qld)
- Damage
  - causation of damage (general principles, tests of causation, multiple or complex causes)
- Remoteness of damage
  - general principles;
  - egg-shell skull rule; and
  - intervening actions.
- Statutory impact

- Liability in public nuisance
- Liability in private nuisance

- Liability for professional negligence arising out of personal injuries claims.
- Liability in assault, battery and false imprisonment
- Liability in contract
- Defences
  - Voluntary assumption of risk;
  - Contributory negligence;
  - Disclaimers;
  - Inevitable accident;
  - Fraud;
  - Consent; and
  - Illegality.
- Liability for animals
- Vicarious liability
- Assessment of damages
  - General damages
    - Identifying and applying the correct Regulations to determine the appropriate Injury Scale Value; and
    - Identifying those situations where a common law assessment is applicable and the basis of such assessment.
  - Special damages
    - out of pocket expenses

- statutory liability
- Past economic loss
  - allowance for receipt of statutory benefits, in particular calculation of interest and allowance for receipt of sick pay and superannuation
- Future economic loss
  - use of actuarial tables including deferred calculations and life expectancy tables
- Care
  - Gratuitous and paid care
- Particular issues
  - interest on awards;
  - overlap with other claims;
  - contributory negligence; and
  - statutory limitations.
- Compensation to others
  - dependency actions e.g. loss of expectation of financial support; and
  - loss of services.
- Parties
  - the naming of correct parties;
  - circumstances when it is appropriate to have action against insurer alone; and

- the correct party to claim in some cases for economic loss.
- Future recurring and deferred expenses
  - ongoing expenses;
  - cost of aids and appliances;
  - future deferred surgery; and
- Mitigation of damages.
- Choice of Law
  - General knowledge of choice of law rules applicable in interstate accidents
- Time limitations
  - Common law principles as to when cause of action arises; and
  - Statutory limitations and notice provisions (*Motor Accident Insurance Act 1994, Workers' Compensation and Rehabilitation Act 2003 and Personal Injuries Proceedings Act 2002*, claims against the Commonwealth).

#### 5.2.2 Statutory provisions, rules and practice directions

- *Legal Profession Act 2007*;
- *Australian Solicitors Conduct Rules 2012*
- *Motor Accident Insurance Act 1994*;
- *Workers' Compensation and Rehabilitation Act 2003*;
- *Personal Injuries Proceedings Act 2002*;
- *Civil Liability Act 2003*;
- *District Court Act 1967*;

- *Magistrates Court Act 1921;*
- *Uniform Civil Procedure Rules 1999;*
- *Supreme Court Act 1995;*
- *Law Reform Act 1995;*
- *Limitation of Actions Act 1974;*
- *Public Trustee Act 1978;*
- *Succession Act 1981;*
- *Service and Execution of Process Act 1992;*
- *Victims of Crime Assistance Act 2009;*
- *Work Health and Safety Act 2011;*
- *Commonwealth Employees Rehabilitation and Compensation Act 1988;*
- *Military Rehabilitation and Compensation Act 2004;*
- *Safety Rehabilitation and Compensation Act 1988;*
- *Choice of Law (Limitation Periods) Act 1996;*
- *Crown Proceedings Act 1980;*
- *Health and Other Services (Compensation) Act 1994;*
- *Guardianship and Administration Act 2000;*
- *Coal Mining Safety and Health Act 1999 (Qld);*

- *Civil Aviation (carriers liability) Act 1959 (Cth);*
- *Civil Aviation (carriers liability) Act 1964 (Qld);*
- *Corrective Services Act 2006;*
- *Competition and Consumer Act 2010;*
- *Civil Proceedings Act 2011;*
- *National Disability Insurance Scheme Act 2013;*
- *National Injury Insurance Scheme (Queensland) Act 2016;*
- *National Redress Scheme for Institutional Child Sexual Abuse Act 2018; and*
- Practice Directions applicable to the relevant Court.

#### 5.2.3 Stages of proceedings

- Pre-court proceedings
- Pleadings
  - Commencement of proceedings;
  - Serving originating process;
  - Entry of Appearance and Defence;
  - Statement of Claim;
  - Third Party Notices/Notices claiming contribution or indemnity;
  - Cross Claims specific pleadings;
  - Supreme Court Practice Direction 18 of 2018.
    - Document management protocol and plan
    - Lists of issues and non-issues
    - Case Conferences

- Discovery, disclosure and privilege
  - Discovery;
  - Interrogatories;
  - Notices of non-party disclosure; and
  - Privilege.
- Statements of loss and damage
- Statements of expert and economic evidence
- Settlement procedures
  - Settlement conferences;
  - Mediation;
  - Case appraisal;
  - Preparation of terms of settlement/orders of judgment;
  - Release, indemnity and discharge; and
  - Written instructions.
- Trial preparation
  - Preparation of chronologies;
  - Preparation of schedules;
  - Preparation of trial bundle;
  - Agreement on heads of damage;
  - Conferences;
  - Subpoenas;

- Documents for tendering;
- Witnesses, lay and expert;
- Evidence by electronic media; and
- Various Practice Directions.
- Special procedures in cases of legally disabled
  - Appointment of Litigation Guardian;
  - Settlement of claims for those lacking legal capacity;
  - Sanction of settlement by the court or by the Public Trustee; and
  - Appointment of Administrator.
- Application for speedy trial
- Procedures for judgment
  - Obtaining default judgment; and
  - Enforcing judgment.
- Assessment of costs
- Appeals
  - Leave to appeal from interlocutory judgment;
  - Appeals from Magistrates, District and Supreme Courts to Court of Appeal and Applications for special leave to appeal to the High Court;
  - Notice of Appeal;
  - Outline of Appellant's submission;
  - Outline of Respondent's submission;
  - Appellant's Reply; and

- Respondent's Reply.

## 6. SKILLS

The skills required to be demonstrated during the personal injuries law specialist accreditation assessment program include the following:

### **6.1 Conducting cases efficiently, effectively and expeditiously, namely:**

- demonstrating initiative and acting promptly to promote the client's case;
- being commercially responsible and guarding against wasteful procedures and over servicing;
- developing and maintaining efficient and disciplined office procedures, including an efficient diary system for pleadings and time limitations;
- being objective and professional; and
- ensuring all actions and advice is in accordance with their ethical duties.

### **6.2 Assisting the client to gain a realistic understanding of the case, namely:**

- regularly advising the client in relation to the assessment and likely outcome of the claim;
- explaining to the client the basis on which damages or compensation are assessed, the likely range of damages, the impact of discount rates, the statutory restrictions contained in the *Motor Accident Insurance Act, Workers' Compensation and Rehabilitation Act 2003, Personal Injuries Proceedings Act and Civil Liability Act 2003, Uniform Civil Procedure Rules*;
- advising on the availability of Alternative Dispute Resolution mechanisms e.g. arbitration, mediation;
- advising in relation to liability;

- advising on mandatory final offers, offers to settle, the implications in relation to costs and the principles of awarding interest;
- warning of the risks of proceeding with litigation;
- clarifying with the client the implications of settlement and the impact settlement may have on social security and/or workers compensation entitlements;
- advising on all statutory entitlements and refunds;
- discussing the terms of the retainer;
- discussing and entering into a costs agreement having particular regard to conditional cost agreements; and
- advising about the availability of structured settlements in appropriate cases.

### **6.3 Ascertaining and obtaining information and evidence necessary to advise and represent a client, namely:**

- communicating with clients to elicit all relevant details relating to liability and quantum;
- identifying the common law, statutory provisions and the relevant time limitations that applied;
- identifying available defences and considering admissions of liability, grounds for privilege and third party proceedings;
- obtaining full details of the injury to establish a profile of “before” and “after” the injury;
- combining a professional attitude with objectivity, tolerance and a thorough approach in obtaining information;

- establishing rapport;
- discussing costs, including the basis on which the client will be charged and costs recovery rules. Ensuring the client has the opportunity to raise any questions or concerns regarding costs issues;
- providing the client with a balanced overview of the process and gives an overview of time frames, time limits and the “pros” and “cons” of proceeding with a claim; and
- openly raising any ethical issues and advises about any peculiar issues that may arise.

#### **6.4 Ascertaining and obtaining evidence on liability, namely:**

- demonstrating initiative, promptness and knowledge of the appropriate sources;
- obtaining factual reports;
- taking statements from all relevant witnesses; and
- engaging and qualifying appropriate experts.

#### **6.5 Ascertaining and obtaining appropriate medical evidence, namely:**

- Ascertaining and obtaining medical information from hospitals, treating doctors and qualified medical experts;
- if necessary, conducting an investigation of previous medical history and obtaining details of the likely cost of any future treatment and care;
- updating information in response to constant monitoring of the progress of the medical condition by treating doctors or other health professionals, including rehabilitation programs;

- demonstrating knowledge of medical terminology and the medical experts who are available to give required medical evidence; and
- ensuring that the medical experts address themselves to the important questions of evidence e.g. causation.

#### **6.6 Ascertaining and obtaining evidence of loss and damage, namely:**

- quantifying or testing the claims for loss and damage by developing and contrasting a profile of pre and post-accident life of the injured party;
- when appropriate, obtaining details of employment, taxation, income, ability, duties, prospects for promotion, redundancy and retirement, personal records, professional qualifications and references;
- if necessary, engaging and qualifying actuarial experts to assess economic loss;
- if necessary, arranging necessary surveillance of injured party; and
- demonstrating knowledge of relevant superannuation legislation and its application to damages assessment.

#### **6.7 Using procedures to ascertain and obtain additional facts, namely:**

- Demonstrating initiative and a knowledge of formal and informal procedures to obtain facts before the action commences, including:
  - discovery before action;
  - searches; and
  - use of *Information Privacy Act 2009* and *Right to Information Act 2009* to obtain hospital and other State government records.
- Demonstrating initiative and a knowledge of formal and informal procedures to obtain facts after the action commences, including:

- subpoenas to produce documents; and
- interlocutory proceedings e.g. discovery, interrogatories and notices to admit facts.
- Demonstrating knowledge of the application of the provisions of the *Evidence Act 1977* (Qld) (s134A).

#### **6.8 Developing a plan in order to assess liability and quantum, namely:**

- analysing the strengths and weaknesses of the client's case in light of the available facts and the current law;
- considering the probable evidence of the other party's experts' reports, probable defences, the possibility of third party proceedings; and the likely availability, demeanour and credibility of all parties and witnesses; and
- assessing the likelihood of success.

#### **6.9 Assessing compensation, namely:**

- adopting a realistic approach to the quantification of heads of damage and the calculation of entitlements to workers compensation, and applying knowledge of common law principles and legislation;
- reviewing precedents;
- considering questions of insurance and the other party's ability to pay;
- evaluating the strength and extent of the medical evidence, based on knowledge of medical terminology and investigative procedures;
- considering obligations and entitlements to provide and receive rehabilitation services;
- considering the likely availability, demeanor and credibility of all parties and witnesses; and

- considering statutory limits of the:
  - *Workers' Compensation and Rehabilitation Act 2003*,
  - *Motor Accident Insurance Act 1994*,
  - *Personal Injuries Proceedings Act 2002*
  - *Civil Liability Act 2003; and*
  - Associated Regulations, including *Uniform Civil Procedure Rules 1999*.

**6.10 Determining the appropriate tribunal, namely:**

- ascertaining the nature and quantum of causes of action;
- ascertaining the appropriate jurisdiction in relation to quantum and where the cause of action accrued; and
- ascertaining the advantages and disadvantages of various tribunals, including alternative dispute resolution options.

**6.11 Considering tactics to present the client's case in the best possible light, namely:**

- determining when to proceed with, defer or attempt to settle a claim;
- understanding the commercial reality and assessing the strengths and weaknesses of the evidence on both liability and damage;
- if appropriate, using any of the following to advance the client's position:
  - speedy hearings;
  - interlocutory proceedings;
  - offers to settle;

- requiring experts to be available for cross-examination;
- seeking agreement on the quantum of heads of damage;
- application for mediation or case appraisal;
- availability of jury trial;
- compulsory conferences; and
- joinder of parties.

**6.12 Advising the client on a course of action, namely:**

- advising the client on possible courses of action, including alternative dispute resolution options, the need to compromise, settlement options, and the likely duration, cost and outcome of litigation
- considering joining other parties to the proceedings, the availability and desirability of jury trial and time limitations
- communicating with the client in a manner consistent with the client's needs
- remaining objective and realistic; and
- advising the client in an ethical and professional manner

**6.13 Implementing a plan, namely:**

- accurately preparing all necessary documentation in accordance with the rules of court, common law and statutory provisions;
- ensuring that documents reflect the client's instructions or the terms of any agreement;
- drawing pleadings which identify all relevant parties and disclose proper causes of action, heads of damage or defences; and

- if required, preparing documents for the appointment of next friend.

**6.14 Briefing counsel, namely:**

- briefing a barrister who is skilled in the appropriate field in appropriate cases;
- taking an active role in liaison between the client and counsel; and
- monitoring the presentation of the case and not abdicating responsibility to counsel.

**6.15 Reviewing the evidence, namely:**

- Reviewing the file to ensure the preservation of evidence and updates evidence of loss;
- considering the opponent's material; and
- reviewing which reports will be used and which experts should be called as witnesses or be required for cross-examination.

**6.16 Assessing general damages, namely:**

- applying common law principles and the injury scale prescribed under the *Civil Liability Act 2003* and the *Workers' Compensation and Rehabilitation Act 2003*.

**6.17 Assessing the care component, namely:**

- applying relevant principles to the calculation of all heads of special damages and statutory provisions, and
- applying restrictions provided by the *Workers' Compensation and Rehabilitation Act 2003*, *Personal Injuries Proceedings Act*, *Motor Accident Insurance Act 1994* and *Civil Liability Act 2003* as appropriate.

**6.18 Calculating past losses, namely:**

- obtaining particulars and calculating the out-of-pocket expenses;
- testing whether out-of-pocket expenses are reasonable and arise out of the injury;
- considering and calculating entitlement to interest; and
- applying restrictions provided by *Motor Accident Insurance Act 1994*, *Personal Injuries Proceedings Act 2002*, *Civil Liability Act 2003* and *Workers' Compensation and Rehabilitation Act 2003*.

**6.19 Assessing future loss, namely:**

- Considering and calculating the various heads of damages in relation to:
  - future loss, including loss of income;
  - loss of opportunity;
  - medical and rehabilitation costs;
  - the value of care provided voluntarily and/or commercially;
  - the recurring costs of special equipment; and
  - home and transport modifications.
- applying the appropriate discount rates and actuarial tables;
- taking into account adverse contingencies, the vicissitudes of life and life expectancy; and
- applying the relevant statutory provisions on restrictions on future loss.

**6.20 Negotiating settlement, namely:**

- demonstrating an appreciation of when and how to negotiate;

- understanding the advantages/disadvantages of acceptance/offers to settle;
- assessing the known attitude and likely approach of the other parties and the strength of the opponent's case;
- in appropriate cases, considering structured settlements;
- advising the client on social security and National Disability Insurance Scheme implications;
- advising the client on Medicare requirements and WorkCover refund; and
- advising the client of indemnity and standard costs.

#### **6.21 Preparing and conducting hearing, namely:**

- marshalling the evidence;
- issuing subpoenas;
- preparing trial bundles;
- conferring appropriately with counsel and ensuring adequate representation at the hearing;
- determining availability of witnesses and ensuring efficient and considerate calling of witnesses;
- keeping the client informed; and
- advising the client on prospects of appeal/re-hearing.

#### **6.22 Finalising the claim, namely:**

- ensuring all court documents and forms of judgment are properly prepared and filed;
- seeking court approval when necessary;

- notifying proper authorities, including Medicare;
- advising the client of relevant dates, e.g. payment of interest, re-hearing or appeal, and any other arrangements which need to be made;
- taking steps to see that verdict or settlement monies are paid promptly;
- obtaining written authorities to settle;
- recording instructions with finalisation of claims;
- paying all outstanding accounts/expenses;
- preparing final accounts and complying with proper accounting procedure;
- preparing and arranging execution of deed of release or discharge;
- enforcing judgment and settlement; and
- where appropriate, promptly preparing and sending assessment of costs.