

CONFERENCE OF THE RTA AND WHIPLASH EEG

TURIN – 8 MARCH 2013



Home of the Shroud of Turin, Juventus FC, Torino FC and the Headquarters of SEAT, Lancia and Alfa Romeo, the City of Turin also welcomed the delegates of the conference of PEOPIL's RTA and Whiplash EEG on 8 March 2013.

The conference got off to a great start on 7 March 2013 with a drinks reception kindly hosted by Marco Bona and Umberto Oliva at the offices of Studio Legale Bona Oliva & Partners. There was the usual excitement amongst delegates meeting up with old friends, fortified by fantastic wine and food, as you would expect when in capital of Italy's Piedmont region. Many thanks to Marco, Umberto and their staff for the fabulous welcome.

The conference opened the next day with a short welcome from the Chairperson, Katherine Allen, and then the first presentation began. What better start than a presentation from the PEOPIL double act of Marco Bona and Philip Mead! Philip gave a summary of the rules relating to jurisdiction and applicable law, and then Marco described how the Italian Courts deal with issues of jurisdiction and applicable law under Rome II in both fatal and non-fatal accidents, as well as providing information about the Judgment of the EFTA Court in the case of *Nguyen v The Norwegian State*.

Our other host, Umberto Oliva, then gave us a summary of fatal road traffic accident law from the Italian perspective, advising delegates as to the causes of action that arise from a fatal accident under Italian law and the level of damages payable in respect of both pecuniary and non-pecuniary losses. This was followed by presentations from Philip Banks representing England and Ioannis Pavlakis representing Greece who gave us the comparative views from their own countries. These three presentations were quite sobering for the English lawyers in the audience given the fact that damages in both Greece and Italy for non-pecuniary loss are very much more substantial than the paltry amount of damages recoverable under English law. However Philip Banks identified that, despite this, large awards are made in fatal accidents claims in England because of the ability to claim for loss of dependency.

Finally, before lunch Gerard McDermott QC, in what was a very entertaining presentation, provided further detail of the sorts of claims that can be pursued in England and Wales by secondary victims of fatal road traffic accident cases.

After an enjoyable lunch the conference reconvened with a presentation from Satnam Singh Kunar, Consultant Psychiatrist, who grappled with the question "Is bereavement a psychiatric illness?". His conclusion was that, while bereavement in itself is not a psychiatric illness, it may develop into one. Lawyers do

not often get the opportunity to look in detail at the science behind an injury and therefore this presentation was particularly engaging.

We then tried to put in practice what we had learnt that morning with a practical workshop lead by Marco Bona with a set of factual circumstances that could have been taken from an exam paper!

The focus of the seminar then moved to the issue of whiplash which appears to be the subject of reform in many European countries currently. John Spencer, Vice President of the English Association of Personal Injury Lawyers (APIL), presented a summary of the proposals currently being considered by the British Government in relation to whiplash and small claims generally. He concluded that, as an industry we need to challenge any intervention from business or Government that means people are prevented from having the opportunity to use the legal system to fight for justice and that whilst we cannot and must not condone fraudulent crime, removing it from the system must not come at the expense of the truly injured. This very thought provoking presentation was followed by the presentation by Herbert Schober of a video to illustrate what really happens when whiplash occurs. Herbert also described the radiological advancements which can now show the damage caused to the spine as a result of a whiplash injury.

That concluded the presentations for the day and following the PEOPIL General Meeting and the RTA Group Meeting we left the hotel for a traditional Italian dinner in a wonderful restaurant in the city. The meal truly was delicious and gave those who were doing the tour the following day a taste of what was to come.

In the tradition of the Conference of the RTA and Whiplash EEG, Saturday was given over to our cultural education! Marco Bona had organised a food & wine tour which allowed delegates to sample sparkling wines from a producer in the Asti region and red wines from a producer in the Barolo region. Although food and wine are often a feature of PEOPIL events the experience in Turin certainly surpassed anything that I had experienced before!

Thanks must go to Wolfgang Resch, Marco Bona and Umberto Oliva who together produced an exceptional conference and a very enjoyable cultural tour. Thanks also to all of the speakers, without whom the conference would not have happened, and to our sponsors Studio Legale Bona Oliva & Partners, Fentons Solicitors LLP and Pavlakis-Moschos & Associates. I would also like to thank Marco's Mother, Lucia who I understand ran a delightful partners programme while the delegates were engaged in the conference.

See you all in Malaga!