

My personal injury matter is going to a ‘compulsory conference’ – what should I expect?

Date: Friday December 20, 2024

Going to a compulsory conference for your personal injury matter can be confusing, particularly when you are not sure what to expect. We make every effort to make sure our clients understand the process so that they are as comfortable as possible when attending their compulsory conference.

We hope this article provides even more information so that you know what to expect when attending a compulsory conference for your personal injury matter in Queensland when you are a client of IM Lawyers.

Prior to a compulsory conference

In the months leading up to a compulsory conference, it is common that we will have produced a schedule of damages for your claim and gone through a process of informal negotiations with the Respondent (the other party).

For more information about the process of a personal injury claim, you can refer to our previous article, "A comprehensive guide to making and finalising a personal injury claim".

Pre-conference meeting

One way we help our clients feel comfortable heading into the compulsory conference is to meet with them prior to their conference so that we can go through what to expect.

This meeting will usually be held on the morning of the compulsory conference and will involve the client, their lawyer and their barrister (if one is engaged to assist with the conference).

Can I bring a support person with me to my compulsory conference?

Absolutely! It is important to be aware that details surrounding your injury and your claim will be discussed at the conference. So, it is important that you bring someone you are comfortable with being there for that discussion.

We would ask that you let us know in advance if you intend to bring a support person so that we can advise the Respondent and ensure that the logistics are looked after (we'd hate to add the stress of looking for an extra chair at the last minute on the day). It is also better to reduce the number of people as much as possible at the conference to ensure it can run as smoothly as possible. So, we generally advise that you bring only one support person where possible.

One thing to be aware of is that the support person's role is to support you rather than to speak for you or to provide a statement or information. Therefore, it is important they refrain from participating in the conference, particularly with the Respondent or their representatives. Again, this is to ensure that the conference can run as smoothly and efficiently as possible.

Arrival at the conference

Upon arrival at the conference, each of the parties will be set up in separate rooms until the initial session commences. We will meet with you when you arrive (if we have not gone to the conference together) and keep you informed of what's happening next.

Initial session at a compulsory conference

The initial session will take place in a room with all the parties together. This may be in one of the separate rooms or an additional larger room.

During this initial session, each of the parties (through their legal representatives) will discuss their position in relation to your personal injury claim and how they believe a court would view the claim. This will generally include a discussion of the strengths and weaknesses of the claim and the evidence supporting (or not supporting) the claim.

It is possible that the Respondent will be present at the conference, along with their legal representatives.

For workers' compensation claims, this may be a representative from your employer;

For historical child abuse matters, this may be a representative from the responsible institution;

For a motor vehicle accident/CTP claim, this will generally include a representative from the CTP insurer; and

for medical negligence claims, it is possible that this may include the medical practitioner and/or their insurer's

representative.

It is possible that this initial session could be quite frustrating for the Claimant (and their support person), particularly while the Respondent is going through their view of the claim and highlighting possible weaknesses in the evidence of the claim.

The Respondent may say things that you disagree with. It is important to remember that this process is helpful and necessary for us to fully understand the Respondent's position and view. Therefore, we would ask that you don't interrupt (e.g., to correct the Respondent) during that time, as this could mean that the initial session gets too 'bogged down' in discussing particular details.

Instead, we would ask that you keep a mental note (or a physical note, for example in a notebook if that works better for you) of the parts that you disagreed with. This way when we discuss the initial session together you can highlight these things with us. If necessary, we can then make the appropriate corrections with the Respondent.

Will I have to say anything during the conference?

Not at the compulsory conference – this is a process where we will do all the talking with the Respondent on your behalf. Although it is possible that the Respondent may ask some questions or ask for information from you, this will be done through us as your advocates rather than directly from you.

Parties will go to separate rooms to discuss the initial session

Following the initial session, the parties will generally split into separate rooms so they can discuss the initial session with their legal representatives.

Usually, at the end of the initial session, one party will make an offer for settlement. The other party will generally then consider this and either accept it, reject it or make a counteroffer. This process may continue through several rounds as the parties try to reach an agreement to settle the personal injury matter.

During the to-ing and fro-ing of offers, we are there to discuss this with you and provide advice about them. We will then take your instructions on how to proceed with each offer made to you.

How long will the compulsory conference last?

The duration of the conference will change from matter to matter, however, generally we advise our clients to allow 3–5 hours for the whole process (including the pre-conference meeting). This is important to know in case there are arrangements that need to be made for you to attend (e.g. childcare or transport arrangements).

If an agreement can be reached at a compulsory conference

If an agreement can be reached during the compulsory conference, then we will take steps to draw up a settlement agreement and

take all the appropriate steps to finalise your personal injury claim.

You can learn more about this part of the process in our earlier article, "Finalising your personal injury claim once settlement is agreed".

If an agreement can't be reached at a compulsory conference

If an agreement cannot be reached, then usually, each of the parties will exchange 'mandatory final offers'. This is a final formal offer for the conference, which is a final attempt to settle the matter.

From there we will keep you updated on the progress of the matter and whether the mandatory final offer is accepted by the Respondent.

Get help from a personal injury lawyer

At IM Lawyers, we have a team of highly experienced personal injury lawyers who will assist you throughout the claim process. We make sure the process is as smooth as possible for our clients, and they are kept informed at every step of the way. We run personal injury claims on a 'no win, no fee' basis and offer an initial free consultation, so it costs you nothing to find out where you stand.

This article is of a general nature and should not be relied upon as legal advice. If you require further information, advice or assistance for your specific circumstances, please contact us.