McEWAN & PATON
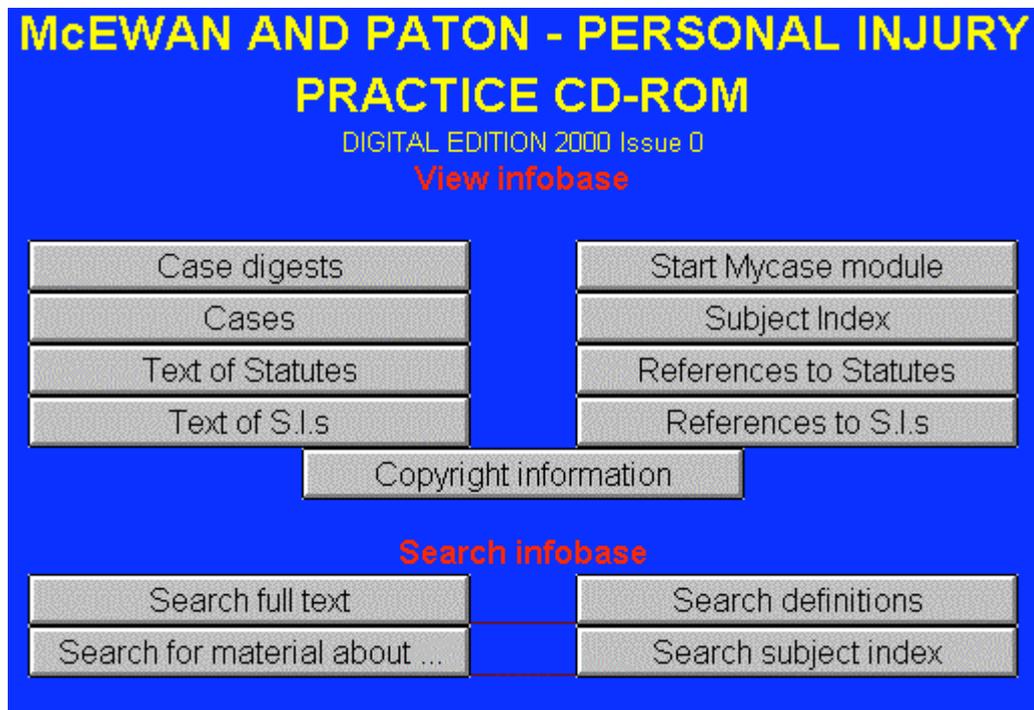
PERSONAL INJURY PRACTICE

Helpdesk
Monday – Friday
9am – 6pm
0845 850 9355
Or email
sweetandmaxwell.techsupport@thomson.com

CONTENTS

This training documentation has been prepared both to guide you through your training session and serve as a quick reference guide for subsequent use. It is not intended to replace the user's manual and on screen help facility. It is much recommended that you invest your time in carefully studying this material to ensure you gain maximum benefits from the CD-ROM.

The Personal Injury Practice CD-ROM operates under Folio Bound VIEWS software common to all W.Green and Sweet & Maxwell products.

Personal Injury Practice

McEwan & Paton's Personal Injury Practice CD-ROM supports the ways in which personal injury practitioners work. The CD-ROM has the facility to perform complex and highly specific searches on the entire database of over 400 case summaries – making time-consuming research a thing of the past.

This CD –Rom provides you with all the authoritative content available in the McEwan & Paton on Damages loose-leaf.

Key features include:

❍ Rapid search facilities make complex case research quicker and easier

❍ The database of over 400 personal injury cases, known as the 'MyCase' module, allows you to specify certain factors such as plaintiff's age, sex, injury, etc. to find relevant case histories which meet those attributes

❍ Offers the ability to add cases to the database, which can then be used to generate schedules of special damages

❍ Includes integral calculators for working out inflation, multipliers and periods of time elapsed

❍ Fully updated 2 times a year to bring you all the recent quantum decisions

NAVIGATING

Introduction

The term navigating refers to the methods available for moving around the databases, initially using the Table of Contents and Browsing Tables and subsequently using their associated cross-references.

You may already know where the material you require is to be found. The text is therefore available for browsing just like a printed book, using the Table of Contents feature as the primary method of navigation.

```
✥ ☐ Chapter 1: Interim Damages
✥ ☐ Chapter 2: Provisional Damages
✥ ☐ Chapter 3: Interest on Damages
✥ ☐ Chapter 4: Inflation and Damages
  ☐ Chapter 5: Loss of Earnings and Deductions
  ☐ Chapter 6: Loss of Employability
✥ ☐ Chapter 7: Multipliers and Actuarial Evidence
✥ ☐ Chapter 8: Miscellaneous Factors Affecting Damages
✥ ☐ Chapter 9: Nervous Shock, Psychiatric Damage and Psychological Disorders
✥ ☐ Chapter 10: The Unaware Pursuer
```

Using the Contents window, as shown above, on the left-hand side of the screen will allow you to utilise the Table of Contents function, this shows the components that comprise the Sentencing Tenant Service.

To view one of the headings, there are 2 options:

1. **Double-click on the text of the relevant heading to go straight to the beginning of that section.**

2. **Single-click on the plus sign to the left of a heading. You will see displayed beneath it a list of the subheadings within that subject. This process may be repeated until all the subheadings are visible. Simply clicking the minus sign to the left of the text will reverse this process.**

```
━ ☐ Chapter 11: Nursing Care and Special Aids
    ☐ Nursing Care
    ☐ Para-Nursing Care and Attendance
    ☐ Home Assistance
    ☐ Special Aids and Equipment
    ☐ Alterations to Existing Home
    ☐ Moving to Alternative Home
    ☐ Additional Living Expenses
    ☐ Living in an Institution
    ☐ Curatory or Trust Costs
```

Browsing tables

You will find it useful to browse the tables in the McEwan & Paton service when you are looking for a specific case, statute or statutory instrument with which you are already familiar.
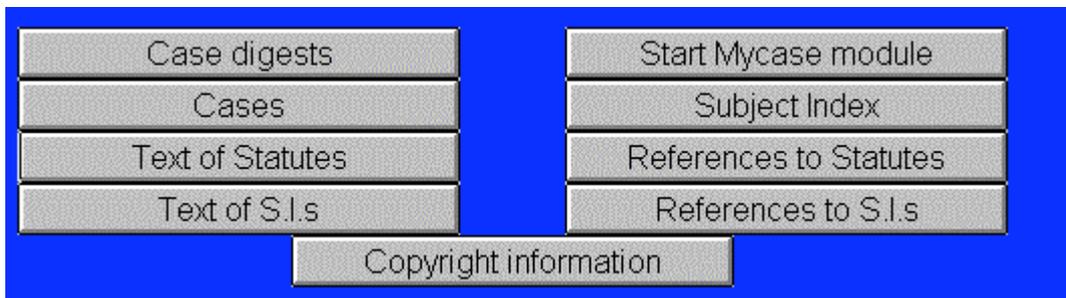

The tables available for browsing the database are accessible from the front screen via the relevant buttons shown above.

Upon choosing to click on one of these buttons you will find the index in a table which is listed in alphabetical order and each table includes an alphabetical accelerator feature, as a time efficiency device.

The general principles of browsing in each of the tables are identical.

Example:
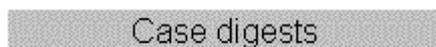
This is a list of the cases of which the digest has been reproduced in McEwan & Paton.

To browse:

- **Double-click on the Case Digests button from the Front page.**

- **You will see the table heading, the alphabetical accelerator and a list of statutes running off the bottom of the screen.**

- **Double-click on the letter P on the accelerator**

- **This will take you to the case name entries in the table beginning with the letter P**

Pace v. Cully 1992 S.L.T. 1073
Page v. Smith
Palmer v. Beck 1993 S.L.T. 485
Paris v. S.S.H.A. 1978 S.L.T.(Notes) 50
Park v. Tractor Shovels (Contracts) Ltd 1980 S.L.T. 94
Parke v. Glasgow D.C. 1979 S.L.T. 45
Parker v. Wigtown D.C., 1981 S.L.T.(Notes) 95

- **Single-click on the letter H on the accelerator for the second letter**

Petrie v. B.R.B. 1981 S.L.T.(Notes) 41

Phillips v. Grampian Health Board 1988 S.L.T. 628

Plaintiffs (various) v. Ford Motor Co. [1989] 7 C.L. 136

- **Click on Philips v Grampian Health Board to be taken to the case digest**

- **Click on Front from the Toolbelt to be returned to the front screen of McEwan & Paton.**

Occasionally you may come across listing in blue and green text as shown below. A blue link will take you to a reference whereas a green link will take you to a case digest or reproduced text.

Finnegan v. British Gas Corporation 1991 G.W.D. 9_540
    Taxation and Interest on Damages
        Chapter 3: Interest on Damages: Taxation and Interest on Damages (§3-

Firth v. Marwood [1985] C.L.Y. 1007
    B. Pre-Existing Knee Condition
        Case Notes: 31. Exacerbation or Acceleration of Pre-Existing Conditions
            (§CN31-B/03)

Searching in Personal Injury Practice

Four types of search windows are available for executing searches.

| Search definitions	Search full text
Search for material about ...	Search subject index

1. **Full Text Searching, which allows users to find specific words, combinations of words or phrases in the full text.**

2. **Search for Material About, searches relevant keywords (matter specific subject terms) in statutes, cases, statutory instruments and any other type of material on a specific topic**

3. **Search the Subject Index, finds all material about a particular subject**

4. **Search the table of Definitions**

1/ Full Text Search

To search for a word, type the word into the box provided. Once a number appears after Records With Hits, click on Search in Text.

You can limit the search to the type of text you wish to view by ticking in the appropriate box .
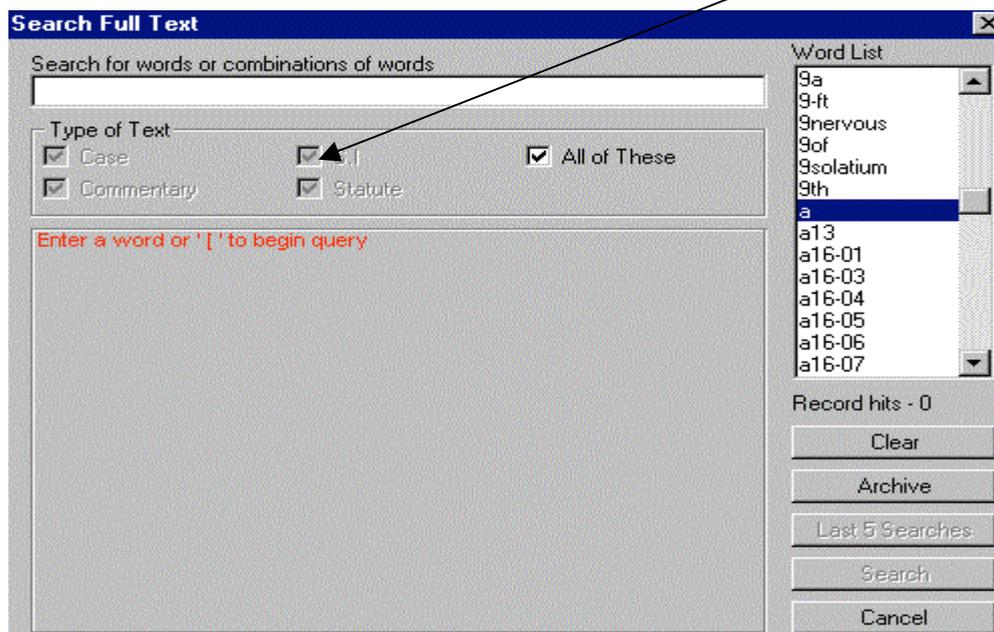
There are various searching techniques which you may employ at this stage to help you. These include;

- **Phrase Searching**

- **Wildcard Searching**

- **Boolean Searching**

- **Proximity Searching**

Phrase Searching

Phrase searching is when you are searching for two or more words, which must appear consecutively.

Example;

Wildcard Searching

The wildcard operator for truncated searches in Folio Bound VIEWS is the * (above the 8 key)
By simply adding an * after the stem of the word, i.e. the part of the word that does not change, whether the word is singular, plural, past or present, you will retrieve all possible combinations.

▪ **Enter blind into the template you will find there are 5 hits.**

▪ **To search for blind, blinds, blinding, blinded etc. you can use the wildcard operator.**

▪ **Enter the part of the word that remains constant. In this case it will be blind. Then immediately after enter an *. Like this, blind*, you will find the template now finds 9 hits.**

Boolean Operators

The search template uses various Boolean operators. By default, i.e. if you do not specify otherwise, the template will combine your search terms with the operator and.

Operators allow you to closely define your search by linking words and/or phrases. You can use either the words indicated or the equivalent symbols. The available Boolean Operators are listed below;

❍ **AND (&) between two words or phrases will ensure that the result contains instances where both words or phrases appear. By default, words typed with a space separating them are treated as having AND between them.**
❍ **OR (I) between two words or phrases will ensure that the result contains instances where either of the words or phrases appear**
❍ **NOT (^) between two words or phrases will ensure that the result contains instances where the first word but not the second**

- **Try entering the term loss you will receive 204 hits within the cases field, however if you were only interested in cases to do with a loss which was not a loss of earnings using the Boolean term NOT will ensure you only receive relevant cases.**

Search Full Text

Search for words or combinations of words

loss not earnings

Type of Text
- ☑ Case   ☐ S.I   ☐ All of These
- ☐ Commentary   ☐ Statute

Proximity Searching

To find references containing "whiplash injury" and "whiplash type injury", both being equally relevant, instead of entering both into the template there is a quicker alternative.

- **Enter "whiplash injury" @15**

This will retrieve references containing drink and driving, in any order, separated by a maximum of fifteen other words.
There are 16 hits.

Search Full Text

Search for words or combinations of words

"whiplash injury"@15

Type of Text
- ☑ Case   ☑ S.I   ☑ All of These
- ☑ Commentary   ☑ Statute

2.Search for Material About...

Designed to help the user who is just beginning to research a new topic and wants to bring together for review a broad selection of material. Search for Material About works by applying relevant keywords to all the cases, statutes and statutory instruments included in the work.

Search for Material About

Search for Material

compensation payments

Restrict to items whose title contains...

Materials
- ☑ Cases   ☑ S.I.s   ☑ Statutes
- ☑ All of these

3.Search Subject Index

If you should you wish to view all types of material relating to a specific topic the index which is the equivalent to the back of a book is available for searching.

Archived Searches

It is possible to retrieve and edit any of the last five search terms you used during the current or previous session. Simply click on the Last 5 searches icon up to 5 times. If you want to permanently save the search, click on Archive button.
This box will then appear.
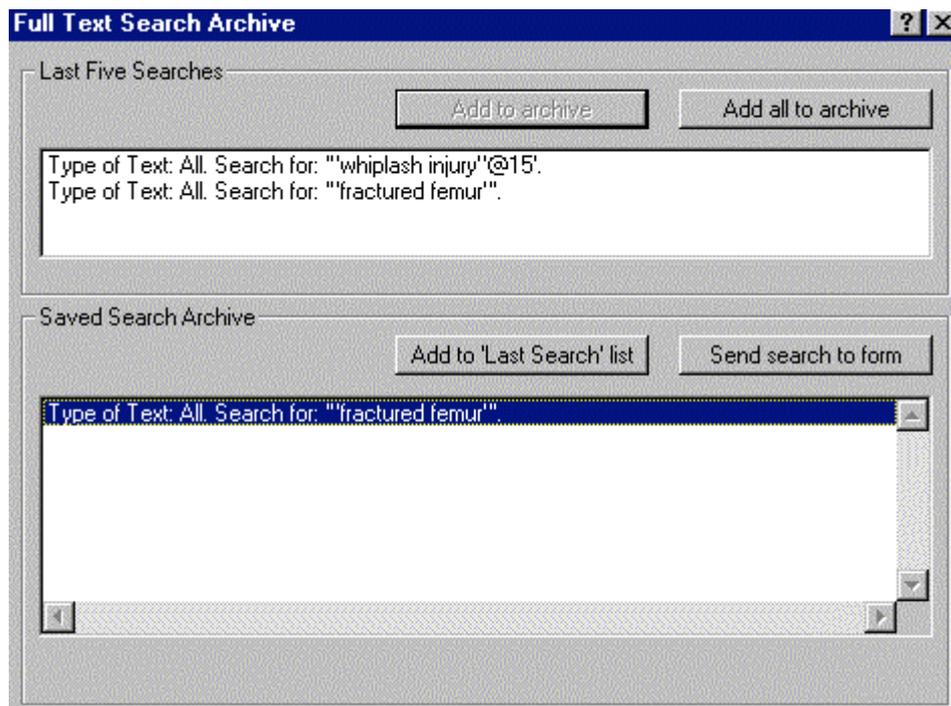
- **Select the search you wish to archive and double click on the Add to Archive button.**

- **To use the search, highlight the terms, double click on Send Search to form button.**

- **To delete a search, select the search and double click on Delete Archived Search button.**

MyCase Module

MyCase Module is a database containing an ever expanding archive of cases taken from McEwan & Paton.

1. **Specific searching for cases in the database**
2. **Add new cases to the database**
3. **Prepare a schedule of damages**
4. **Perform Calculations – Inflation, Time Elapsed, and Ogden Table/Multiplier**
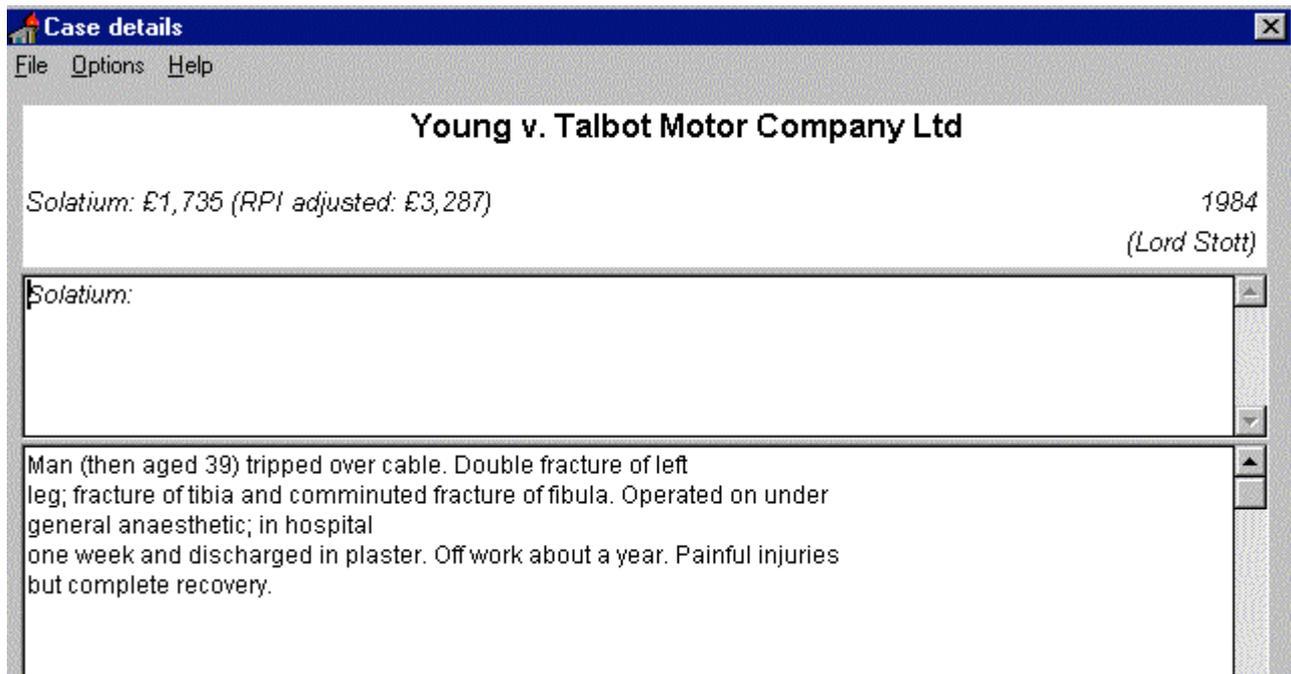

Stage 1

- **Start MyCase to look at existing cases to see the general damages awarded to similar cases**

- **Enter search terms in search details window**

- **Example - Male claimant, aged 35(at time of accident), suffered fracture to a bone in his leg.**
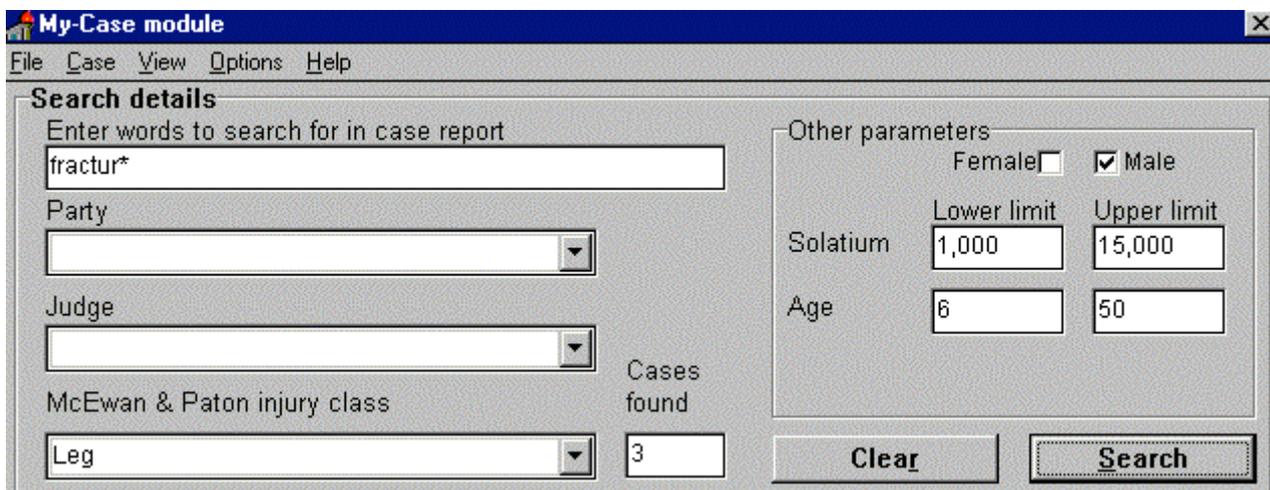
- **In order to determine the most similar cases we need to view each of these as follows:**

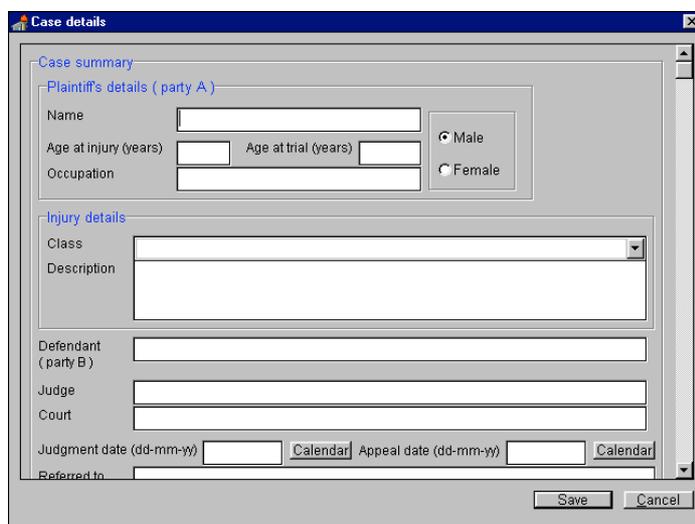- **From search results box, highlight the desired case(s) and select display case, to see the text of the case in the case details window**

- **If the case is relevant for your current research, choose add case to enter it to your selected cases**
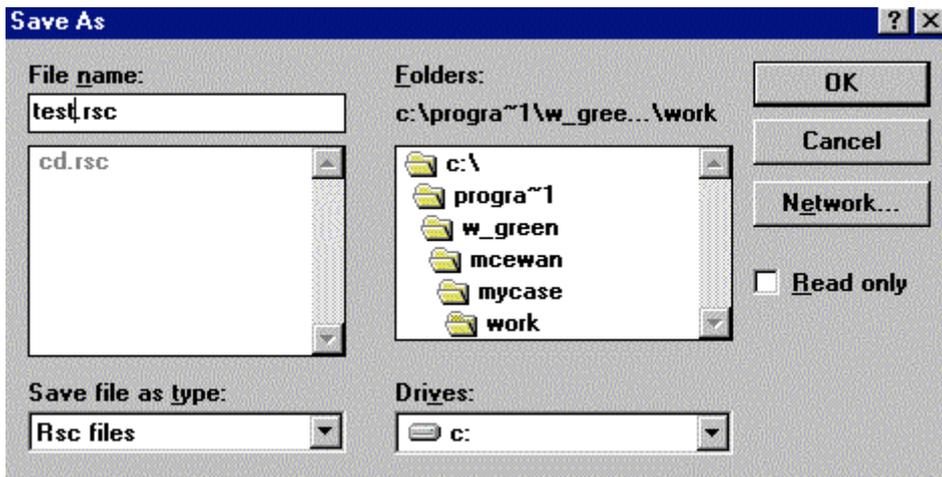
Stage 2:

- **From the menu bar select case and then new**

Enter the details of the case:
Name,
Age,
Occupation,
**Injury details (class and description)**

Recap:

1. We searched for similar cases to our claimant's condition and injury to give us an idea as to general damages compensation, which we have saved as selected cases.

2. We created our own new case, which has been added to the database of cases. To save the case along with our selected cases to our MyCase work file we need to select File from the menu bar and then Save as – remember to keep the .rsc file extension. To open the case at a later time, select File and then Open.

-   **Now we want to work out the quantification of damages.**

Stage 3:

-   From the menu bar select options and schedule of damages, to create an on-screen schedule
-   By clicking on select at the top, the box on the right appears
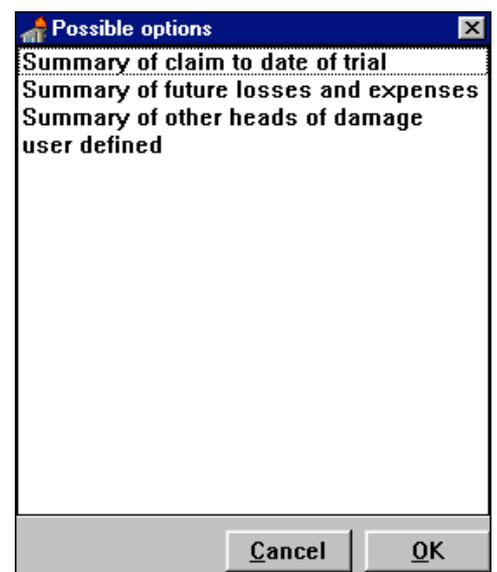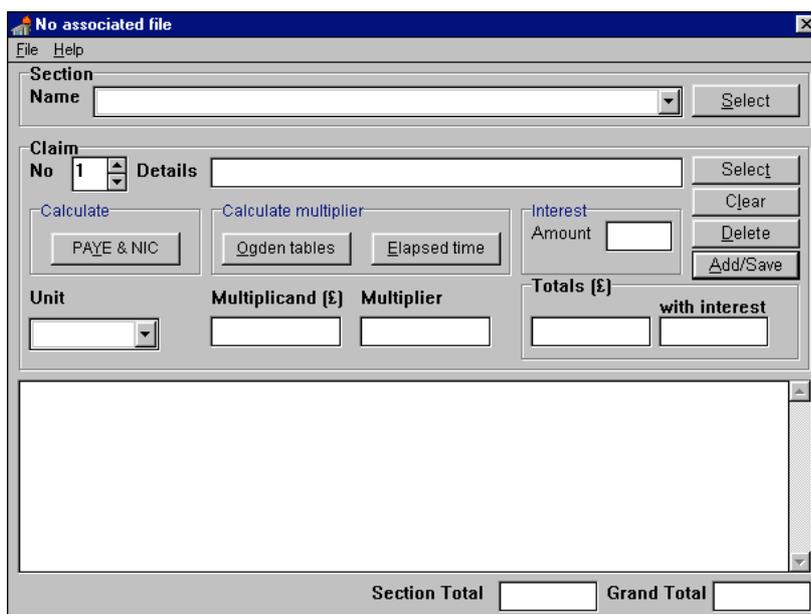
Highlight summary of claim to date of trial and click OK
- **Now from the lower select box choose loss of income to date (2 weeks absent from work)**
- **Select PAYE & NIC**
- **Enter following details: Pay - £20,000**
- **Period – 01/02/99 to 15/02/99 check elapsed time = 2 weeks**

- **Calculate**

- **Click OK to return to previous screen**

Multiplicand is the net salary
Multiplier is the period of loss –
2 weeks = 0.04

- **Add/Save to enter this section of the claim to the schedule**

Additionally our claimant required 2 sessions of physiotherapy @ £50, so enter the following:
- **Select (lower box) medical expenses notice the claim number has now changed to 2**
- **£100 into the totals box**
- **8 into the interest amount**
- **Add/Save, to complete second section of claim**

Finally, he spent £40 on travelling costs to Hospital
- **Select (lower box) travelling expenses**
- **Repeat as above with new figures**

PAYE & NIC calculator

Tax

Code: 131L
☐ Self employed
☐ Contracted out

Pay

20,000 per Year ▼

☐ per week

Period

From: 01-02-1999
To: 15-02-1999

Elapsed time

Calculations

Tax year	1998/1999
	per year
Gross	20,000.00
Tax	4,169.70
NI contribution	1,733.76
Net	14,096.54
Total	540.32

Calculate

Cancel   OK

Summary of claim to date of trial

1. Loss of income to date, From: 01-02-1999, To: 15-02-1999, at £20,000.00 per Year, Total: £540.32. (Gross: £20,000.00, Tax: £4,169.70, Nic: £1,733.76, Net: £14,096.54 per Year)
2. Medical expenses, Total: £100.00, Total with interest (8.00%): £108.00.
3. Travelling expenses, Total: £40.00, Total with interest (8.00%): £43.20.

Section Total: 691.52   Grand Total: 691.52

The schedule can now be printed or exported to your word processing package. To do either, chose File from the menu bar and then select the appropriate option.

Printing the results of a Search

You can print a single paragraph, a series of paragraphs you have tagged previously, or a block of highlighted text.
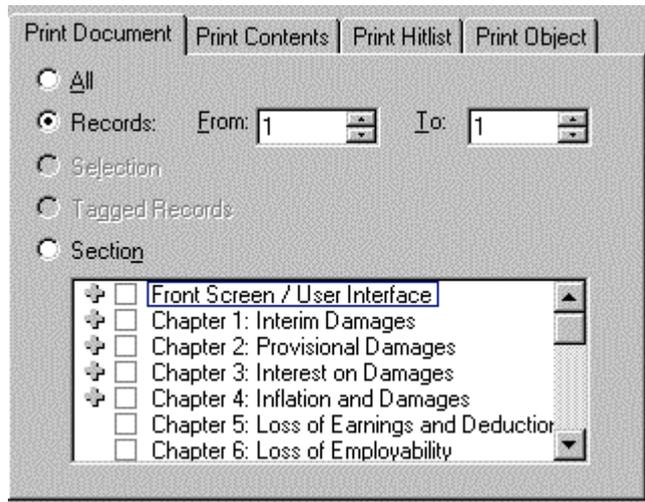
Once you have tagged or highlighted the paragraph(s) you want to print, select File and then Print from the Menu bar. Select the required Print Range by clicking a the radial button to the left of the appropriate option

- **All - Warning! If you haven't conducted a search choosing View will print the entire database.**

- **Records - prints the specified range of paragraphs identified by their record numbers**

- **Selection - prints a selected (highlighted) block of text**

- **Tagged Records - prints paragraphs you have tagged**

- **Section – There are two ways you can use the Section option. They both work from the same principal.**

- **The first option is from the front page within the Contents Section of Sentencing as shown below. Use the boxes beside the chapter headings to choose which Section you want to print. From the front screen make your choice, when you click on a box a tick should appear, then click on the print icon. Within the print range window click on the Section option then OK to print.**

- **The second option is from the Print Range window itself as shown above. Again choose the Section option then choose which Sections you wish to print, then click on OK.**

Copy and Paste the results of a Search

You may copy paragraphs from The Sentencing Service and paste them directly into a Windows-based word processor. Eg. Word

Once you have tagged or highlighted the paragraph(s) you want to copy:

Select Edit and then Copy from the Menu bar. This will copy the text to the Windows clipboard.
Open word processing document and select Edit and then Paste from the Menu bar, to paste in the text, which you can then edit as normal

Note: Formatting of paragraphs as they are displayed in Folio Bound VIEWS will be lost.

The Copy command can be added to your Toolbelt as an icon by selecting File and then Preferences from the Menu bar to customise the Toolbelt to your own requirements.

ADDITIONAL TIPS

- **To view only your tagged records on screen got to VIEW then TAGGED RECORDS. To reverse the process click on VIEW then ALL RECORDS.**

- **Remember to clear all your tags once you have completed your print.**

- **The TAG button will tag a record but will also UN-TAG a record if clicked upon a second time.**

- **An easy way to highlight text is using the SHIFT and set of ARROWS on your keyboard simultaneously.**

- **If you find the processing of search results difficult to do due to the lack of highlighted hits go to SEARCH on the windows menu bar then click on ADVANCED QUERY. This will map your results to the contents pane and highlight your hits.**

Minor details to the content of this training handout may change as McEwan & Paton is updated. However, the general principles of navigating, searching and downloading will not be affected.