

# International medical malpractice claims and monitoring service

## Our international service

Whilst the majority of our work is in the UK we do advise defence organisations and insurers on claims emanating out of foreign jurisdictions. Based on our vast medical malpractice experience we can offer a tailored international medical malpractice coverage, legal claims and monitoring counsel service for claims in foreign jurisdiction. We can work with local lawyers and claims handlers and provide you with detailed information necessary for you to properly manage your portfolio of cases. In particular we are able to:

- Review policy coverage issues and provide detailed policy coverage advice including on jurisdiction and choice of law clauses.
- Provide market intelligence about the medico-legal landscape in particular jurisdictions and whether common law principles apply, applicable limitation periods, whether strict liability applies and local approaches to the quantification of claims.
- Look over your whole case portfolio and identify cases which need close monitoring compared to those where a “watching brief” is sufficient. Our extensive expertise of handling well over 20,000 malpractice claims ensures that we are able to actively manage case portfolios and ensure claims are dealt with quickly and cost effectively. Where required we can provide you with a gatekeeping service acting as a conduit between your claims team and your local TPA ensuring compliance with your claims handling requirements and KPIs through formal audit if necessary.
- Undertake a review of reserves on open claims and consider these against awards made in the local jurisdiction to ensure that all claims within the portfolio are appropriately reserved.
- For claims litigated in England we will be able to manage the litigation on your behalf. We have close partnerships with specialist counsel and experts who routinely advise on cross border and international claims.
- Advise you on how Rome II is likely to apply to individual claims particularly with regard to the key questions of whether the English courts have jurisdiction over a claim and what law is to be applied.
- Assess claims from a risk management perspective, at the insured's premises if necessary, to ascertain whether there are any patterns in relation to claims which warrant further investigation. Our risk management expertise ensures that we can work with you and your insured to identify areas of risk and thereby minimise the likelihood of further claims arising.
- Act as a point of contact on any inquests and regulatory matters which may arise in relation to incidents occurring in foreign jurisdictions which will impact upon the potential for a future claim.

In essence this service ensures that you are provided with detailed legal and commercial advice on a claims portfolio giving you reassurance on any risk outside of the jurisdiction.

## Tailored to meet your needs

A central tenet of our service is that we will tailor the service to meet your specific requirements with as much or as little involvement as you feel is necessary. This is a partner led service to ensure that you have the necessary expertise available to provide you peace of mind on foreign risk.

## Our specialists

Majid Hassan and Joanna Bower are our principal senior lawyers leading teams of insurance specialists. They are assisted by lawyers across a range of qualifications to ensure work is passed to the appropriate level.



**Majid Hassan**

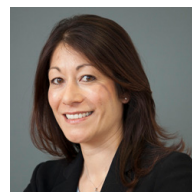
Partner

020 8780 4876

[majid.hassan@capsticks.com](mailto:majid.hassan@capsticks.com)

Majid handles a range of medical malpractice claims for NHS bodies and private healthcare providers. His broad range of litigation experience allows him to provide commercial and practical advice to clients.

He handles a wide range of clinical negligence claims including high-value cerebral palsy claims and group litigation. In addition to his litigation work Majid advises on various consent to treatment and mental capacity issues and has appeared as an advocate at inquests. Majid lectures to clients and national conferences on risk management and improving safety in medicine.



**Joanna Bower**

Partner

020 8780 4805

[joanna.bower@capsticks.com](mailto:joanna.bower@capsticks.com)

Jo specialises in clinical negligence litigation, disciplinary and regulatory defence work. She has worked for all three medical defence organisations and a number of medical malpractice insurers. Jo's healthcare claims experience includes handling high value maximum severity and catastrophic injury claims for medical defence organisations and their members, and insured healthcare professionals.