



Medico-Legal Terms of Engagement

Mr. Tomas Madura

MD, PhD, MRCS(Ed), FRCS(Plast), Diploma Hand. Surg. (BSSH)

Consultant Plastic, Hand and Peripheral Nerve Surgeon

- I offer my expertise to prepare medico-legal reports for personal injury cases only.
- I work as a Consultant Plastic, Hand and Peripheral Nerve surgeon with particular expertise in the following fields:
 - Hand injuries from simple to the most complex
 - Peripheral nerve injuries in all anatomical locations
 - Iatrogenic nerve injuries in all anatomical locations
 - Brachial plexus injuries
 - Upper extremity soft tissue injuries
 - Paralysis after brachial neuritis
 - Chronic pain after nerve injury
 - Compression neuropathy (carpal tunnel, cubital tunnel, radial tunnel, thoracic outlet syndrome, meralgia paraesthetica, peroneal / fibular tunnel, tarsal tunnel)
 - Scars
- Prior to accepting the instruction, a brief letter outlining the exact condition / nature of the claim is required to ensure it is within my area of expertise.
- On my acceptance of the instruction it is the responsibility of the instructing party to provide me with all the relevant medical records and imaging.
- I offer an appointment at the earliest convenience after receipt of the records – usually within 2-4 weeks.
- The report will be produced within 6 weeks after examining the client. If an urgent report is required please inform me and an expedited report can be produced sooner.
- The report will be initially released with a “draft” watermark, which will be removed after settling the fee.
- If the instruction is withdrawn after I have accepted it and reviewed the medical records, a fee will

be incurred for this preparatory work.

- My liability to you as my Client and/or your clients for negligence however arising in respect of any loss or damage caused by an act or default of me shall be limited to the amount received by me for my services.
- I confirm that I am registered with the ICO as a Data Controller and that I comply with the updated General Data Protection Regulations of 2018.

Fees

- My fee for perusal of documentation, medical examination and preparation of the report will vary depending on the volume of the materials and complexity of the case. It will be calculated based on my hourly rate which is £300 per hour or part thereof on a pro rata basis.
- I will provide a quote for my work to the instructing party, which has to be agreed by the party before I accept the instruction.
- The settlement of my fees should be made in full within 30 days of release of the report.
- The fee for the report remains payable in full by the instructing party regardless of the outcome of the case and shall not be subject to taxation by the Court.
- The first missed appointment for examination will incur a non-attendance fee of £75. Subsequent missed appointment will incur a non-attendance fee of £150. After two missed appointments, the instruction will be returned to the instructing party and no further appointment will be offered.

Conferences with Counsel

- Preparation, travel time and conference time will be charged at an hourly rate of £300.

Attendance at Court

- My rate for attendance at a Court Hearing is £3,500 per day or part thereof, payable even if I am not required to give oral evidence.
- I require 8 weeks notice to cancel my operating lists and clinics before attending the court.
- If the requested Court attendance is canceled with less than 8 weeks' notice, 50% of the fee is payable; if less than 2 weeks, 100% of the fee is payable.
- Attendance at Court will be in accordance only with the guidelines issued by the Law Society in "Code of Practice for Medico-Legal Reports in Personal Injury Cases" January 1995, which reads as follows:

"If the case proceeds to a hearing:

(a) The Solicitor should:

- i. Notify the medical examiner that the case has been set down for hearing and, once

the case has been entered in the Warned List, would request a list of dates when the medical examiner is unavailable to attend Court during the period of that List;

- ii. Not agree to a hearing date on one of the examiner's unavailable dates;
- iii. Ascertain the fee for attending Court and be in a position to pay that fee within 6 weeks of the Court attendance;
- iv. Where appropriate, arrange and attend a conference with Counsel and the medical examiner and other relevant experts prior to the hearing;
- v. As soon as the hearing date is known, inform the medical examiner;
- vi. Endeavour to ensure that the medical examiner's attendance is limited to half a day.

(b) The Medical Examiner should:

- i. If required, confer with Counsel in advance of the hearing date at a place to be agreed;
- ii. Attend Court to give evidence without subpoena (provided the hearing date has not been fixed on a previously notified unavailable date); the service of a subpoena on a medical examiner should, if this agreement is observed, rarely be necessary, but it must be recognised that it is sometimes the professional duty of Solicitors to secure the attendance of a witness by subpoena;
- iii. Unforeseen clinical circumstances may mean that the medical examiner's priority is to attend to patients and not to Court. Such circumstances should be rare and the onus must be on the medical examiner to justify this exercise of clinical judgement".