

## ATLA Convention Report

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The 1995 ATLA Winter Convention in Hawaii was attended by some 600 lawyers including four Australian lawyers and representatives from the UK.

A wide range of topics were discussed in open sessions and in special interest groups. Issues discussed included:

- Adoption negligence: the failure on the part of an adoption agency to disclose to prospective parents known background information about the adopted child that is of such significance that the prospective parents' knowledge of the information could have altered their decision to adopt the child or would have given them the opportunity to ensure that the appropriate financial and professional resources would be available to attend to the special needs of the child. This background information could include that the child was the victim of physical or sexual abuse; that the mother abused drugs or alcohol during pregnancy; a pre-existing medical or psychological disorder or known genetic abnormalities within the birth family.
- The dangers of toxic carpet. The major component of carpet emitting volatile organic compounds is the glue. Injuries caused by the "off gassing" of new carpets include sensory irritation, pulmonary irritation and neurological symptoms. There have been a number of "toxic carpet" cases settled in the USA and there is presently a class action filed in the Federal Court in Georgia.
- The effective use of video settlement brochures. Video brochures can be a very effective settlement tool as they can include photographs, pages of personal diaries, personal letters, interviews with the Plaintiff, scenes from therapy sessions, portions of "Day-in-the-life" tapes and other information to include sights and

sounds that cannot be demonstrated on paper.

- The recovery of damages for non-monetary losses consequent upon the wrongful death of a child. In Queensland, as in some other states, damages for the loss of love, comfort, companionship and support of loved ones is not recoverable. In the US this loss is being recognised as a monumental one requiring an award which reflects the magnitude of that loss. In California the average verdict in wrongful death cases is approximately US\$1.7 million. These were in cases involving little or no economic loss. A recent decision in the United States by the Supreme Court of Florida recognised, in a damages claim in which a child had been left severely disabled after negligent medical treatment, that in modern society the earning capacity of children is far less valuable than their companionship. The parents in that case recovered damages for the loss of companionship of the injured child.

The experience of the Convention was an invaluable one. It certainly brought home the message that the effective representation of injured people can bring about real and positive changes in social values and assist society to make products, workplaces and premises safer.

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## Queensland Affairs

### Publicity for New CTP Scheme

One of APLA's main objections to the new scheme which came into force in respect of injuries sustained after 1 September 1994 was that there was no advertising campaign to inform Queenslanders of these vital changes. Initially the treasurer responded that the only publicity to the changes was that all car owners would receive notification when their registration was to be renewed. APLA campaigned further about the lack of public education about the major changes introduced by the Act. As a result a major television campaign was launched by the Motor Accident Insurance Commission advising of (at least in part)