

Mistakes made about Personal Injury

1. Will a personal injury court hearing involve a Jury?

If a personal injury claim goes to trial, it will be in front of a judge, not a jury. It is estimated that only about 1% of claims go to trial and these are usually the very high valued claims.

2. Thinking your question might be stupid so not asking for it

Solicitors should ensure that their clients feel comfortable to ask any question they want. There are no stupid questions. Clients should be always kept updated of any progress on their claim.

3. Is claiming for compensation easy?

Personal Injury claims are rarely easy. All cases are complex in their own way. It is very challenging for an employee to bring a claim against their employer for example. When a client starts a claim, they will not know whether they will be required to go to Court to give evidence, as a solicitor will not know how the other side will defend the claim. It is essential that solicitors discuss the advantages and disadvantages of bringing a claim with the client.

4. Failing to keep key evidence

In a Personal Injury claim, the Claimant must prove that the Defendant's negligence caused their accident on the balance of probabilities. Therefore, following someone's accident, it would be helpful if the client gathers as much evidence as possible, for example, taking pictures of the accident scene, noting down the accident date and any other key information in case the client forgets. It is also useful to speak to witnesses as early as possible, as witnesses are often unwilling to give a statement a few months down the line.

5. Settling a claim without obtaining medical evidence

Insurers sometimes submit an offer of compensation immediately after receiving notification of a claim. However, it is extremely difficult for a solicitor to value a claim without obtaining medical evidence first. Solicitors should be wary of the possible reason behind such an offer.

6. Choosing to rely on a GP's medical report only

Clients should not rely solely on their GP's prognosis. They should insist that they are referred to a Specialist in the specific area, so that they can fully understand the extent of their injuries. Otherwise, they may decide not to instruct solicitors re a claim when unbeknown to them, they have suffered serious injuries.

7. **Assuming all law firms are the same**

People injured in an accident, should not just use the law firm allocated to them by their insurance company. The law firm allocated should be researched to ensure that they provide a good service. Clients should consider the trustworthiness of the firm and the experience of their staff.

8. **Assuming all solicitors are equally skilled and experienced**

It is important that cases are allocated to staff members who are experienced and competent enough to deal with the complexity of the case. This may change through the case necessitating a change in the person dealing with your claim.

9. **Settling your claim too soon**

It is important that cases are not settled too soon as once settled, they cannot be reopened, except in rare circumstances. The medical evidence and prognosis should be finalised before settlement in order to ensure that the client is not undercompensated.

10. **Believing you can deal direct without a lawyer**

Insurance companies attempt to settle claims directly without involving solicitors as they claim solicitors complicate matters. People involved in accidents should be encouraged to seek independent advice to ensure that they are fully compensated for a wrong that was not their fault.

11. **Failing to keep records of financial losses**

Clients should be encouraged to keep a detailed record of all their incurred financial losses, such as, loss of earnings, travelling costs, medical costs and care and assistance. This will avoid the client being undercompensated.

12. **Failing to inform the medical expert of all symptoms**

Medical reports are essential in Personal Injury claims and it is very difficult to change a report once it is compiled. If an injury is not covered in the report, a client is unlikely to be compensated for it. Clients must be encouraged to tell the expert all the symptoms that they are suffering. They should tell the expert any relevant information, even if the expert does not directly ask them.

13. **Not telling your lawyer about the mental/psychological side of an injury.**

Clients must be asked about the impact of their accident on their mental health, so that this can be claimed for. Clients should tell the medical expert about the impact. This can often be the worst impact. Following accidents, clients may be suffering from PTSD, having nightmares, or drinking more for example. If this is not asked about, clients will not be fully compensated.