

LEGAL ADVICE

Claiming and Compensation

If your injury was caused by the negligence of a third party, you may be liable to compensation – a payment to compensate you for your financial losses, medical and rehabilitation costs. Personal injury lawyers specialise in helping people determine their eligibility for compensation, securing payouts from third parties and can also help the injured access care and rehabilitation services.

There are time limits for making personal injury claims within which court proceedings must be started. Within English law, a claim for compensation for injured adults must be made within 3 years of the accident or incident that produced the injury. For children, a claim can be started up to the age of 21. However, the timeframe can vary for a number of reasons including in which country the injury occurred and who the third party is. Personal injury lawyers can advise on your particular case.

The Claims Process

First, personal injury lawyers need to understand circumstances under which the injury has occurred, to identify if there is anyone at fault and potentially legally liable. Sometimes it is clear a third party is at fault. Other times, lawyers have to make investigations to determine this – for example, talking to police and witnesses in a road crash case.

To determine the level of compensation required, lawyers need to understand the exact nature of the injury and its implications for the patient's life. Personal injury lawyers work with independent medical experts who visit the patient to make assessments of the injury and its likely impact on the patient's life.

It is good to have the first assessment done as soon as practicable after the injury so that the lawyers can gather good medical evidence about the nature and severity of the injury. This helps lawyers understand the kind of medical treatment and support (such as rehabilitation) the patient is likely to need in the short and longer term. Lawyers can sometimes obtain part payouts from third parties early in the claims process to assist the injured pay for things like loss of earnings and early rehabilitation.

The majority of claims are settled out of court. Once your lawyers have gathered enough evidence, they usually negotiate a compensation figure with the third party and their insurance company. In the minority of cases that go through the full court process, a judge determines liability and what compensation, if any, should be paid.

AfterTrauma

Finding a solicitor

There are number of organisations and websites that help you get started finding a solicitor that is right for you. These include:

- The Law Society <http://www.lawsociety.org.uk/>
- Association of Personal Injury Lawyers <http://www.apil.org.uk/>
- Solicitors Regulation Authority <http://www.sra.org.uk/consumers/consumers.page>
- Lawyers Specialising in Brain Injury <https://www.headway.org.uk/about-brain-injury/individuals/practical-issues/legal-advice/>