



Choosing the right personal injury lawyer for you

A checklist of what to ask, for patients at University Hospitals Coventry and Warwickshire NHS Trust



Choosing a personal injury lawyer checklist

Making a personal injury claim is not something you will do very often, if ever, so choosing a lawyer or firm that is right for you or your family members needs is not something you can expect to be experienced at. This leaflet has been developed to help you make that decision.

When you or a family member have had a serious injury, your choice of lawyer becomes even more important as it is likely you will have a more complex claim, plus have greater financial and rehabilitation needs.

This checklist has been prepared to help patients at Trauma Centres choose a firm that can provide the right level of support, and achieve the best outcomes for you and your family.

1. DO THEY HAVE THE RIGHT EXPERIENCE?

With a more complex injury it is important that you know the individual who will be dealing with your claim has the right level of experience. Sometimes the firm might be experienced, but it is important to know about the person who will be dealing with your case on a day to day basis. Some questions you might want to ask;

ARE THEY THE RIGHT FIRM?

Q1	What is the name of the person who will be dealing with my claim?
A1	You should be concerned if they are unable to specify who you will be dealing with. If there is more than one person involved in your case, who are they and what level of experience do they have?
Q2	How many years experience do they have in dealing with major trauma patients like you?

1. DO THEY HAVE THE RIGHT EXPERIENCE? Continued...

A2	Depending upon the nature of your injuries you would expect someone to have at least 4 years' experience in your type of claim, ideally more than 8 years. Can they give you a recent example of a similar case to yours?
Q3	Are they a full member of the Association of Personal Injury Lawyers (APIL).
A3	You would expect your lawyer to be a full APIL member and also be on relevant special interest groups and other personal injury accreditation panels. They should be happy to tell you about these.
Q4	Will they be able to come and see me at home or in hospital if needed?
A4	All firms should be happy to offer this service to you.
Q5	If I need it, can the firm provide me with legal advice on community care, employment law, housing and education?
A5	The more complex your circumstances, the broader the range of skills are needed to manage your case. For example, if your injury impacts your housing or educational needs, you may need a firm who can help you receive what you are entitled to from your local authority.

2. WHAT WILL IT COST - IF WE WIN OR LOSE?

Lawyers need to be paid for what they do, so there is always a cost to making a claim and either you, as the claimant and or the at fault party, will have to pay for their time. There are a number of ways in which a lawyer's time can be paid for, and different firms charge differently, which can be confusing.

It is common that you will hear people describe a "no win no fee" service. You need to understand in advance what this means and how it might affect any compensation you might receive. Some firms may take their fees from your compensation money or ask you to pay a 'success fee' out of your compensation towards their fees.

2. WHAT WILL IT COST - IF WE WIN OR LOSE? Continued...

To help you through this complex area, here are some questions you should ask any firm before making a decision.

WHAT WILL IT COST?

Q1	What will I have to pay towards my legal costs if my claim is successful?
A1	Success fees vary for each case but can be up to 25% of your compensation. Success fees are paid with your money and so you have to know that your compensation will be reduced by the success fee amount. The MTSP Legal panel will not charge a success fee when acting for you in a claim against an insurer.
Q2	You may be asked if you would like to take out an insurance policy to cover certain legal costs. If so, how much is the insurance policy going to cost?
A2	Most people choose to take out insurance to cover their legal costs in the event their claim is not completely successful. If you do take out insurance, you will be paying for this out of your compensation, so you need to know what it is going to cost you in advance and the level of cover it provides.

3. REHABILITATION

A big part of any claim is your recovery. A good lawyer will understand your rehabilitation needs and then be able to put in place services to help you and your family cope at a time of great need. Your lawyer should understand what the NHS can and should be providing, then be able to work in partnership with the NHS to get you any extra help that you or your family member needs, when it is needed.

If you require any additional treatment then your lawyer should be able to help you.

There is a Rehabilitation Code of Best Practice for lawyers to follow which is designed to ensure your recovery is improved by the claims process rather than slowed down by it.

3. REHABILITATION Continued...

ARE THEY THE RIGHT FIRM?

Q1	Do you work in accordance with the 2015 Rehabilitation Code of Best Practice?
A1	You would expect your lawyer to follow this code and it means they will be proactive in supporting your recovery. If they don't ask them why.
Q2	Will I have to pay for any extra treatment or assessments you may organise on my behalf?
A2	Your lawyer should aim to secure funding from the at fault party as soon as it is possible to ensure you get the agreed level of support.
Q3	How quickly can you start to provide me with rehabilitation support services?
A3	The sooner you choose a lawyer the sooner they can start to help you recover. The exact length of time it takes is always dependent upon the circumstances of your claim, however you would expect your lawyer to try and secure funds to meet the costs of your rehabilitation early on in your claim. The MTSP legal panel have committed to being very proactive in getting your rehabilitation started early wherever possible.

4. FINALLY

If having asked the above questions you have a number of firms or individuals you are happy with, then the final decision is simply who do you think you can work best with?

A claim may take a long time to complete and there could be difficult times ahead, so you need to know you can rely on your lawyer and you trust them to act in your best interests.



Checklist questions and answers to help you decide

Question

(place your answer in the space provided on the opposite page)

Has the person dealing with my claim got enough experience with cases like mine?

Can the firm advise me on other related matters?
e.g. housing, social care, employment

Will they charge a success fee if my claim is successful?

What will any insurance products cost me if I choose to take them out?

Do they understand my rehabilitation needs?

When will they try to get funding for my rehabilitation?

Will they work within the 2015 Rehabilitation Code of Best Practice?

Can I get along with the lawyer who will be managing my claim?

Major Trauma Signposting Partnership reviewed law firms:

 HIGGS &sons SOLICITORS	 hcc HORWICH COHEN COGLAN SOLICITORS	 Slater Gordon Lawyers
3 Waterfront Business Park, Brierley Hill DY5 1LX T: 01384 327116 MTSP@higgsandsons.co.uk www.higgsandsons.co.uk	One Victoria Square Birmingham B1 1BD T: 0800 634 5090 mtsp.cw@hccsolicitors.com www.hccsolicitors.com	4th Floor Cornerblock 2 Cornwall Street Birmingham, B3 2DL T: 0121 233 8322 MTSPCoventry@slatergordon.co.uk www.slatergordon.co.uk

Please note: You are under no obligation to appoint the legal firm providing free advice and you may choose to appoint any of the specialist firms working with the Major Trauma Signposting Partnership. Alternatively, you may wish to appoint a firm of your own choice. It is recommended that you speak with more than one firm before appointing one to act on your behalf.



Ask a member of staff and the MTSP Adviser can visit you on the ward, or you can contact them directly:



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www.MTSP-info.co.uk

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