

WHAT FORMS PART OF A PERSONAL INJURY CLAIM*?

We are often asked questions such as what is included in the value of a personal injury claim, what legal fees will I have to pay, can I include my medical expenses? We thought it would be useful to give some simple answers to these important questions.

1. General Damages

General damages is the legal term for compensation for your pain and suffering. The amount of money you are awarded for your compensation will depend on the contents of the medical report from your doctor. The value will be based on the type of injury you have suffered, how long the injury lasted, whether or not you have made a full recovery and the treatment you have received.

2. Special Damages

Special damages is the legal term for your out of pocket expenses. These will include doctors' consultation fees, fees for scans/xrays, pharmacy expenses, physiotherapy expenses, travel expenses, damage to a motor vehicle and any other expenses paid by you. In cases involving very serious injuries, the special damages claim may also include a claim for future out of pocket expenses, e.g. the future cost of medical treatment. It is important that you retain all bills/invoices/receipts and give them to your solicitor so that all expenses can be included in your claim.

3. Loss of earnings

If you have lost wages/earnings because of injuries suffered in an accident, this loss can also be included in your personal injuries claim. More serious personal injury claims with serious injuries can include a claim for future lost wages/lost earnings or loss of future employment opportunity. There are various expert reports which are needed to support this aspect of your personal injuries claim and we will advise you, if they are required.

4. Legal costs

Legal costs are not included in a claim which has been assessed by the Personal Injuries Assessment Board (PIAB). This means that you will be responsible for the discharge of your legal costs. When a case

proceeds to court, a lot of your legal costs will be recovered from the party at fault for your injury, if you are successful with your case. Again, the legal costs associated with investigating the case and dealing with the PIAB stage will not be recoverable from the party at fault for your injuries, even if you are successful with the case. Accordingly, it will be necessary for you to pay for this small part of your legal costs. Before any case is taken, we will discuss with you what the likely fees will be or how they will be calculated. We never charge percentage fees. This is illegal.

***Before acting or refraining from acting on anything in this guide, legal advice should be sought from a solicitor. In contentious cases, a solicitor may not charge fees or expenses as a portion or percentage of any award of settlement.**