

STEPS

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How to Choose a Solicitor



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The information shared in this document should not be used as legal advice and should only be used for reference. If you require support, please email enquiries@stepsrehabilitation.co.uk or contact a specialist law firm.



How to choose a solicitor

When you or a loved one experiences a serious and life-changing injury, it can be difficult to know where to turn for help. Dealing with the immediate and all-consuming aftermath is a priority which can leave little headspace or time to consider where you can go for the very best legal advice and representation.

However, instructing the right solicitor is one of the most important choices you will need to make, and one which can have a long-term impact on your future. A solicitor will not only support you through the legal process of bringing a claim for compensation, they are also one of your strongest allies when it comes to your care and rehabilitation.

This guide aims to make the process of instructing a solicitor simple and clear. It will provide you with essential information and practical advice on what to look for, the questions to ask, and how to ensure you are making the best choice for your specific needs.

Guide Collaborators

We have worked closely with a number of solicitors and used their expert knowledge and experience to produce this informative guide. Thank you to the following solicitors:



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Do I need a solicitor?

Yes. We strongly encourage all of our clients to seek legal advice from a specialist injury law solicitor to determine whether you can make a claim for compensation to help you manage your life post-accident or injury. Personal Injury and Clinical Negligence law is complex, which is why it's important to instruct an experienced specialist solicitor. They will offer you the best chance to secure funding for early rehabilitation input, as well as ensure your claim is properly investigated and presented to maximise your compensation payment.

Most solicitors offer a free initial meeting with no obligation beyond that meeting. If you talk to a solicitor who wants to charge you for an initial meeting, they are probably not the firm for you! The time you spend at this initial meeting will be time well spent. You need to make sure that you can get on with your solicitor, that you 'click', and have confidence in them. This is because you will have a working relationship with them for several years to come.

Don't be afraid to speak to several different solicitors ahead of instructing one, just to make sure you are selecting the right lawyer for you and your case.

How soon after my injury should I find a solicitor?

You should contact and take initial advice from a solicitor as soon as possible post-injury. There are several reasons why it is important to involve a solicitor at an early stage:

1. There are statutory time limits for bringing claims and the earlier a solicitor is instructed, the less likely your case is to fall foul of these. In England & Wales there is typically a period of 3 years from the date of the accident to commence court proceedings. This is known as the "Limitation Period" and if you haven't issued proceedings by this date, the claim will be "statute barred" and you will not be able to pursue your claim for compensation¹. For children under the age of 18, the 3 year time limit begins on their 18th birthday. Parents can bring the claim on their behalf whilst they are a minor, and all case settlements must have the approval of a judge.
2. Your solicitor may need to gather evidence about the incident that caused your accident and, the earlier they begin the process, the more likely it is that the evidence will be available. This could include:
 - Obtaining CCTV footage before it is deleted
 - Tracking down witnesses and taking statements from them while the incident is still fresh in their memory
 - Arranging for an expert to inspect vehicles or equipment that were involved in the incident before they are repaired or destroyed
3. The sooner a solicitor is instructed, the sooner they can make the insurer aware of your case. Your solicitor will then work with the insurer to ensure your ongoing needs such as rehabilitation, accommodation, care, transport, equipment etc. are paid for.

¹ It is important to note that in certain cases, this limitation period is shorter (for example claims arising from incidents on a plane/boat or a claim for criminal injuries) or may be linked to an illness which has developed over time and not from a specific date (such as an asbestos related disease).

Do I need to find a specialist solicitor for my type of injury?

It is important that you find a solicitor with the right level of experience and expertise to be able to deal with your claim. Specialist injury law solicitors have the expertise you need, as well as access to suitable expert witnesses and resources to advise and support you throughout the lifetime of your case.

Specialist injury solicitors are also used to dealing routinely with complex and/or high value cases, and work with the insurers on a day-to-day basis. Their aim is to progress the case for you with a view to getting you the best result.

How can I tell who is a specialist injury law solicitor?

There are a number of ways to identify whether a solicitor and/or law firm is right for you. Below we have separated them into three categories:

Spinal Cord Injury

If you have sustained a spinal cord injury you should check whether the law firm is a Trusted Legal Partner of the Spinal Injuries Association (SIA) and/or Back Up's legal panel. You may also want to check the website of Association of Personal Injury Lawyers (APIL) to see whether the individual lawyer is an accredited spinal cord injury specialist.

Brain Injury

If you have sustained a brain injury check whether the law firm is approved by the charity Headway, the brain injury association. You may also want to check the website of APIL (Association of Personal Injury Lawyers) to see whether the individual lawyer is an accredited brain injury specialist.

Amputation Injury

If you have sustained an amputation injury you should check if the law firm is on the Limbless Association panel.

For more information, we also recommend visiting websites of national and regional firms and reviewing the profiles of their solicitors. It is best to cross reference these profiles with the previously listed organisations to ensure you make a well-informed decision.

What will a solicitor help me with?

Personal Injury and Clinical Negligence claims where a client has suffered severe injury often take many years to conclude. It is a deeply stressful time for both individuals and families, which is why having a solicitor on your side who is used to working on these complex cases is crucial.

Specialist solicitors work to advocate for you throughout the lifetime of your claim, up to settlement and potentially beyond. In addition to advising you on the legal aspects of your case, they do a whole myriad of other things that you might not immediately think they can help with. These include:

Liasing with the defendant insurer to try and arrange funding for your ongoing needs, such as rehabilitation, care, accommodation, equipment and transport.

Supporting you in finding a case manager, a healthcare professional who can work with you and your family to:

- Make the discharge process from hospital to home as smooth as possible
- Coordinate ongoing rehabilitation
- Organise your care team (also known as a multidisciplinary or interdisciplinary team)
- Advise on and help source equipment and transport
- Welfare benefits and assessment to ensure you are in receipt of any benefits you are entitled to
- Employment law issues
- Debts and financial issues
- Helping you claim critical illness or permanent health insurance policies
- Helping you secure statutory funding for care and/or accomodation



Am I able to change solicitor and/or law firm?

You can only have one solicitor at a time however if you are unhappy with your original choice you can easily switch to a different one

Typically, people will instruct a law firm because they:

- used the firm for other work such as a minor injury claim or conveyancing.
- were recommended by a friend or family member.
- were appointed by a legal expenses insurer.
- were introduced to them at a hospital.

It is fairly common for people to realise that the law firm they initially instructed doesn't have sufficient experience or expertise for their case. If this has happened to you, don't worry! You are free to decide to instruct another solicitor to represent you. Simply contact another solicitor to discuss moving your case to them and they will be able to guide you through the process

All that is required for you to move solicitor is to sign a one page form which will be sent to the original firm, who will release a copy of your case to your new solicitor. The original solicitor will still get paid for any work they did.



I've had an accident abroad. Do I need to instruct a solicitor in that country and/ or one from home?

This depends on the circumstances of your case. For example, in cases against a tour operator or a UK-based company, English or Scottish law will apply and so will the jurisdiction of the region's respective Court. In other cases, the law of the country where the accident happened will apply.

If you wish to instruct a solicitor in the UK, we recommend instructing an individual who has experience of handling accident claims abroad to ensure the relevant procedural requirements are met, and compensation is maximised in line with the respective country's law.

What level of compensation can I expect to receive?

It is difficult for any solicitor to offer an accurate estimate of the likely compensation award at an early stage; the majority of people who have sustained a spinal cord injury, a severe brain injury or an amputation injury will likely receive an award of more than £1m.

Each personal injury claim is unique and the level of compensation – or 'damages' as it's often referred to – awarded depends on a number of factors, including:

- The nature and severity of your injuries;
- The care, treatment and therapies required, both in the short-term and for the rest of your life;
- The impact on your ability to work;
- Whether there is any need for suitable and/or adapted accommodation.

Your damages will be split into three parts:

General Damages

This is the award for the injury itself and is usually called "pain, suffering and loss of amenity". This is usually based on a set of guidelines used by the Courts founded on

awards given in previous cases with similar injuries. Broadly speaking, the more serious an injury and the longer you will live with the effects of that injury, the larger the award.

Special Damages for Past Losses

This is an award for any expenses that have been incurred as a result of your accident-related injuries, up to the date of settlement. Typically, expenses that fall into this category include loss of earnings, care costs, accommodation costs, therapies, medical treatment, specialist equipment, travel expenses, and holidays. These expenses are relatively easy to identify because, by definition, have already been incurred.

Special Damages for Future Losses

This is compensation to cover your losses in the future following settlement of your claim. This is trickier to calculate because no one knows what will happen in the future. However, your solicitor will work with leading experts to formulate a claim based on the experts' predictions. It includes, amongst other things, loss of earnings, loss of pension and ongoing equipment costs.

How long will my case take to settle?

A straightforward case involving less severe injuries may be resolved in a matter of months. However, cases involving more serious and life changing injuries are likely to take between 2-4 years to settle. This is a rough guide as the length of time until settlement depends on a number of factors including:

- The specific circumstances of the cases and the complexity of the liability position;
- How cooperative the Defendant is;
- The nature and extent of your injuries;
- If it is necessary to issue Court proceedings;
- If your case ultimately goes to Trial or is settled out of Court.

Another reason your case may take several years to settle is the length of time it takes the solicitor's experts to give a final prognosis about the injury, and how your needs will change throughout your lifetime. In most cases involving spinal cord injury, brain injury, and limb loss, experts would not feel comfortable giving the prognosis until around two years after your initial injury.

No matter how long your case takes to settle, the focus and priority will be doing what is best for you and doing everything right. This is why you do not have to wait until your case is settled to obtain compensation. Your solicitor will seek to persuade the Defendant insurer to make interim payments so that funds are available whilst the claim progresses.



Can a solicitor deal with my case urgently?

The early stages of a personal injury claim are often crucial, both in terms of investigating liability and securing funds for rehabilitation. You should ensure that a specialist firm is instructed who have the skills and resources to act as soon as possible. Any specialist solicitor will know how important it is to deal with cases urgently, particularly in the early stages when there may be a need to:

- Investigate the circumstances of the injury and assemble evidence;
- Secure interim funding from the defendant insurer to allow a seamless transition from an NHS hospital to a private rehabilitation setting;
- Get to know the claimant and their family so that the solicitor can understand their goals and priorities and take steps to help the claimant achieve them.

From the outset, your solicitor should provide or you should request a plan of action, with timescales where appropriate.

The level of legal costs incurred are likely to have implications for the sum you are ultimately due to pay from your damages, however due to the way the majority of personal injury claims are funded, this would not be due until the conclusion of your case.

How will the costs of investigating my case be paid?

Every specialist solicitor will offer to act on your behalf under what's called a Conditional Fee Agreement (CFA), commonly referred to as a 'no win, no fee' agreement. This means there is no financial risk to you in the event your claim is not successful. If a solicitor is asking you to pay upfront, it is recommended that you approach a different specialist firm who will offer a no win, no fee agreement.

As a condition of the CFA, you must either have Before-the-Event insurance which is often included within motor, home, or travel insurance as 'Legal Expenses Cover'. If you do not have this, the solicitor will support you in gaining an After-the-Event insurance policy.

Both of these will run alongside the CFA to fully protect you from being liable for all legal costs should the case be unsuccessful. Typically, the premiums of before the event insurance will be considerably less than after the event insurance.

In the event the case is not successful, either insurance policy will cover the costs of experts, barristers, court fees, and other legal parties. You will be responsible for paying the premium of this insurance.

What if a solicitor will not take on my case?

A solicitor is not obliged to take on your case. There may be a good reason for this, such as there is a conflict of interest, or they do not feel they have the appropriate expertise.

If this happens to you, try not to be discouraged. Given the way personal injury claims are funded, solicitors will undertake a risk assessment at the outset of a case to assess the prospects of success.

If your case is turned down, it may be worth approaching a second, or even a third firm, to make sure you are getting the correct response. It may be that another solicitor takes a different view and will take on your case.



Glossary

1. **Before-the-Event Insurance:** Insurance that provides cover for legal expenses before an accident, included in some motor, home, or travel policies.
2. **Case Manager:** A healthcare professional coordinating various aspects of an individual's rehabilitation and care.
3. **Catastrophic Injury:** Severe, life-altering injury requiring extensive medical treatment and rehabilitation.
4. **Claimant:** The person making a claim for compensation following an injury or accident.
5. **Conditional Fee Agreement (CFA):** A 'no win, no fee' agreement where solicitor's fees are only payable if the case is won.
6. **Defendant:** The party against whom a claim is made in a legal proceeding.
7. **General Damages:** Compensation for pain, suffering, and loss of amenity due to an injury, based on court guidelines.
8. **Interim Payments:** Partial payments made during a legal claim to cover immediate needs and expenses.
9. **Limitation Period:** Statutory time limit for initiating legal proceedings, typically three years in England and Wales.
10. **Multidisciplinary Team:** A group of healthcare professionals from different specialities managing an individual's care.
11. **Personal Injury Law:** A legal area ensuring compensation for individuals due to negligence or wrongdoing of another party.
12. **Special Damages:** Compensation for financial losses due to injury, covering both past expenses and future losses.
13. **Statute Barred:** A legal term indicating a claim cannot be pursued as the time limit for proceedings to take place, as set out within law, has expired.

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