

How the Accident Claims Compensation System Works - 11 steps



1. **Speak to your Solicitor**

Once we have received all the information we require initially, are satisfied that there is a case and you have agreed our terms of business and instructed us to do so, we can start a personal injury action on your behalf.

2. **Getting medical reports**

We will need to get a Medical Report from your GP or if appropriate, will send you to a specialist consultant for you to be examined and your medical condition assessed.

3. **Application to the Injuries Board**

Before issuing Court proceedings for compensation for injuries an Application must be submitted to the Injuries Board. We are experienced in this process. A copy of your Application is sent to the person you blame for the injury (the Respondent) and if they agree, an assessment of damages can be carried out by the Injuries Board without the necessity to proceed to Court. It is also without an admission of blame by the Defendant. Usually, the Insurer makes the decision whether or not to co-operate with the Board.

If the Respondent refuses to have a matter dealt with by the Injuries Board or if an award is deemed to be unsatisfactory by either party, the matter then proceeds to Court and legal proceedings are issued.

In order for you to be sure that you are making the best possible Application and getting the best outcome, it is important that you have good advice from expert personal injury solicitors with years of experience in this area of work. Neil J. Butler & Co. can help you with those decisions. Contact us now

4. **Issuing legal proceedings**

Once the Injuries Board process is finished and if no compensation has been agreed, we will, on your instructions, issue legal proceedings against the person/organisation who is deemed to be have being responsible for causing your injury (now called the Defendant). They may fight the claim or they may agree to settlement discussions. If they fight, then eventually the case will be decided in Court . However, in our experience, very few cases that are strong end up in Court.

5. Who Do I Sue?

If you are injured in a road traffic accident, you may have a possible action against your own driver (if you were a passenger) and or the driver of any other vehicle involved. If the accident occurred as a result of a defect in the car itself, an action may lie against the manufacturer of the car. In addition, injuries received in a road traffic accident are further protected in that if the involved in an un-insured driver, you may still have a right to recover compensation from an fund set up by the Insurance Companies under the direction of the Government and administered by the Motor Insurer's Bureau of Ireland. If you are injured at work, the claim may lie against your employer who has a duty to ensure the premises and work processes in which you are involved are safe.

If the accident occurred when you were on a particular property, you may have an action against the property owner. If it occurred in a public place, such as a public car park or street, you may have an action against the Local Authority.

As you can see from the above each case and set of circumstances must be examined on its own. At Neil J. Butler & Co., we have been handling accident claims for clients for a long number of years and in addition have access to specialist personal injury consultant barristers, leaders in their field, from whom we can seek more specific advice on more difficult claims.



6. What Can I Claim For?

You can claim in respect of your personal injury (the pain and suffering you incur as a result of the injury). In addition you can claim the material cost of damage to your car, perhaps an element of depreciation on that, some car hire, out of pocket expenses such as loss of wages, doctor's costs, physiotherapy expenses, damage to clothing, travel expenses or special equipment that you might need to purchase a result of your injury. In certain cases you can claim for expenses that other people have suffered as a result of needing to look after you.

Nulla nunc lectus
porttitor vitae pulvinar
magna. Sed et lacus
quis enim mattis
nonummy sodales.

“ Neil took a lot of the anxiety away - I left the fight with the insurer to him. I could trust him to do right for me - and he did !”

Bridget C. -Thurles. Aug 2015

7. Reports from experts

Depending on the facts of your claim and the pace of your own recovery from injury, we may seek additional reports from engineers and other medical/technical specialists to back up your case. This would involve you having to attend for examination from time to time.

8. Settle out of court

As the court date approaches, the defendants may make a financial offer before the court date. We will retain a leading barrister who will deal with the defendant's legal team on your behalf. You will then have the benefit of advice from both of us before making any decision. If both parties fail to agree at this stage, then the case will go to court.

9. Going to court

The likely Court date will be known a week or so in advance but there cannot be a guarantee that your case will be reached on the day expected .You will be required to testify in court and you will be asked questions by the defendant's legal team. Both sides may call on expert witnesses to

support their cases. Based on the legal arguments from both sides, a single judge will make a decision on the case either on the day or within a few weeks.

10. Win or lose

If you win you should receive a sum of money plus your costs (legal, medical, etc.). Payment should be made to you within 4-8 weeks through our office. If you lose (you can appeal of course), you will not only have to pay your own costs, but the costs of the defendant as well. In contentious business a solicitor may not calculate fees or other charges as a percentage or a proportion of any award or settlement.

11. How Long?

A personal injury claim will take time to be completed. Our advice would always be that it is important that a case should not be settled before your injuries have fully settled or at least have reached a stage where Doctors agree that there is nothing further to be done for you and there is a medical prognosis as to the future effects of any injury. It can take an average of 18 months for 2 years for a personal injury case to be settled either in or out of the Injuries Board process or Court. This is due to a combination of the bureaucracy within the legal system and the time it takes to gather all the information needed from Doctors , engineers and the like.

Complete our Free Enquiry Form, email neil@njbutler.ie or call on 0504-24173

DO IT SOON!