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PERSONAL INJURY CLAIMS FAQ'S

CRONIN & CO

SOLICITORS

WHAT IS A PERSONAL INJURY CLAIM?

Personal injury claim' refers to **the legal action taken** by a person after they have been involved in an accident or injured because of the actions/inactions or negligence of a third party.

HOW LONG DO I HAVE TO MAKE A CLAIM?

There are time limits that dictate how long a person has to make a personal injury claim following an accident. These time limits are explained in the statute of limitations.

'Generally, a person has two years less one day from the date of knowledge of their injury to bring a claim forward.'



WILL I HAVE TO GO TO COURT?

Every case is different and each case comes to resolution differently. In the **majority of personal injury cases, the person making the claim will not step foot into a courtroom.** It is possible that the person at fault will seek to settle outside of court with and your case will be settled in settlement meeting attended by you, your solicitor and barrister to negotiate your settlement.

Ultimately, **it is entirely up to you whether to accept the settlement offered.** If you do not accept then it will move to a court hearing where a judge will decide how much your settlement will be.



DOES A CLAIM AFFECT BENEFITS?

If you settle a personal injury claim and receive a lump sum pay out, **it may affect benefits** in the future. For example, if you are to be means tested in the future, it would consider your income and savings, among other aspects.

If you have a lump sum from a personal injury claim payout, this **may affect the results of your means test.**



HOW MUCH TO EXPECT FROM A PERSONAL INJURY CLAIM*?

This is not a simple question to answer. The settlement amount you can expect from your personal injury claim is heavily **dependent on a number of factors**, including:

- **Liability** – was the accident 100% the fault of the other party. If you had contributed to the accident cause in any way, it could reduce your claim.
- **Injuries** – the severity of your injuries, will be a prevailing factor, generally a more serious injury that may affect the quality of your life, involving lifelong medical costs, may yield a higher settlement amount.
- **Expenses** – what were your losses? Medical bills, future medical bills and past and future lost earnings will also play a part.

WHAT TYPE OF CLAIMS ARE ASSESSED BY THE INJURIES BOARD?

PIAB assesses the following types of claims:

- **Road traffic accidents (Motor Liability)**
– including accidents involving cars and other vehicles, bicycle accidents and accidents involving pedestrians, for example.
- **Workplace accidents (Employers Liability)** – including slips, trips and falls at work, manual handling injuries, repetitive strain injuries, injuries sustained from employer negligence, injuries sustained from lack of or inadequate safety measures or protective equipment and accidents in hazardous working environments, for example.
- **Accidents in public places (Public Liability)** – including slips, trips or falls and other accidents in public places such as, in supermarkets, shops, hotels, pubs and bars or on a footpath, for example.



IS IT NECESSARY FOR ME TO EMPLOY A SOLICITOR?

It is not strictly necessary for a claimant to employ a solicitor to act on their behalf. However, it is **strongly advisable that you seek legal representation**. It should be remembered that in most cases, an insurance company will have substantial legal resources at their disposal to represent the other party.

NO WIN NO FEE – WHAT DOES IT MEAN?

No win no fee – This is the legal term used to **describe how solicitors take on a case where they pay the costs of the litigation**. Solicitors in Ireland who operate on this basis pay for the medical reports, stamp duty, experts fees and all other legal costs associated with the personal injury case.

In the vast majority of cases, clients would not be in a position to fund the cost of litigation and thus it is quite a **common practice for specialised personal injury firms to operate on a “no win no fee” basis**.





If you have a query with regard to any of the above or in relation to any part of the claims process then we would be happy to discuss it with you. There is no charge for a consultation to discuss any potential claim.

Please feel free to email our team on **info@croninlaw.ie** with any questions or concerns you may still have about the claims process or call and speak to our Personal Injury team on:

01 895 8550

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