

understanding
accident compensation



GARD & CO
Solicitors

Initial assessment

Gard & Co Solicitors is one of Devon's leading independent claimant personal injury solicitors recovering millions of pounds in compensation for accident victims.

If you have suffered an injury in an accident or incident that was not your fault then you may be entitled to claim compensation. We offer a no obligation **free** initial meeting and case assessment. You will need to provide us with the details of your accident and your injuries. We may send you some questionnaires to complete and return to us. This will save time at the initial meeting and enable us to consider your claim before we meet. At our initial meeting we will advise you on:

- ◆ the likelihood of you winning your claim
- ◆ compensation you may be entitled to for your injury
- ◆ the financial losses you can claim
- ◆ how to fund your claim and the likely costs involved
- ◆ the claims procedure

Funding

The main methods of funding a personal injury case are:

- ◆ NO WIN NO FEE (Conditional Fee Agreement)
- ◆ legal expense insurance
- ◆ union membership
- ◆ pay privately (not recommended)

We explain all of these various funding options to you and determine which funding option is best for you. We have built our reputation by ensuring that our clients have access to justice with peace of mind knowing that they will not be out of pocket win or lose. We are proud to offer our client's our guarantee that they:

- ◆ pay nothing towards the running of their case; and
- ◆ keep 100% of the compensation paid to them by the defendant

You do not have to enter into punitive loan agreements or other funding arrangements that ultimately leave you out of pocket. Any client, who instructs us, can do so with complete peace of mind knowing that their legal costs are recovered from the defendant as well as the compensation we win for you.

Evidence gathering

When you make a claim for compensation it is your responsibility to prove your case. We assist you to gather evidence in order to make every effort to establish that the defendant is at fault for your injury. As part of this process we will take a statement from you and may also take statements from any witnesses. We also carry out investigations in order to establish what relevant documents exist to support your case. If a defendant admits liability then it may not be necessary to undertake any investigations to prove your case.

It is also necessary to obtain evidence to prove that you have suffered an injury and to prove you have suffered financial losses. We will arrange for you to meet with a medical expert who will produce a medical report confirming the accident, your injuries and possibly recommending treatment. Other documents must be retained to prove other losses such as payslips for loss of earnings or receipts for medication and medical treatment.

Rehabilitation

In every case we comply with the Rehabilitation Code. This means that every effort is made to ensure that your quality of life is restored or improved as soon as possible. We ensure that every injured person (mainly in those cases where liability is admitted) receives appropriate medical treatment to assist with rehabilitation. Your opponent will be asked to pay for the medical treatment.

The aim is to ensure that an injured person makes the best and quickest possible medical, social and psychological recovery. We will discuss this with you at the beginning of your case.

Compensation

Our commitment to you is to maximise your compensation, to expedite the claims process and to ensure that you keep every penny of the compensation awarded to you. The types of compensation you can claim are:

Compensation for your injuries (called General Damages)

The amount of compensation is relative to the severity of your injury. The level is determined by reference to previous claims for similar injuries and we refer to these cases as “precedents”. Every case is different and we have to look at a number of similar previous cases which will provide us with a range of figures likely to be appropriate to your own case. We give you full advice about the value of your injuries when the medical evidence in your case is complete.

Financial Losses (called Special Damages)

In addition, you are entitled to claim for all reasonable financial losses you suffer. Typical financial loss claims are: loss of earnings, loss of employment benefits, travel expenses, medical expenses, damaged clothing, care, pay for DIY and gardening, insurance excess, loss of holiday or enjoyment of a holiday and possibly a lump sum claimed for losing your job. We will calculate these losses for you and prepare a schedule of your losses for you to check and sign.

Negotiation

Most personal injury cases settle after negotiation takes place. If your opponent admits liability then we will enter into settlement negotiations with them once the evidence in your case is complete and your claim is capable of being valued. We will keep you informed of progress at all times.

Involving the Court

Court proceedings are to be considered as a last resort and are generally only necessary if liability for your injury is denied or your opponent refuses to make a reasonable offer to settle your case. The Court process must start within 3 years of the date of your injury as failure to do so means that your claim will not be able to continue (this is the time limit on claims set out in the Limitation Act).

Where Court proceedings are necessary we ensure that your case is handled efficiently with minimum disruption to you. We must comply with Court Orders and deadlines set by the Court for evidence and witness statements to be completed. Your case may settle at any time before a trial actually takes place. Very few cases actually reach trial.

How long will it take?

Each case is different and it is difficult to give an accurate time estimate for compensation claims. As a general guide you should expect your claim to last for at least 12 months. Delays may occur if you require extensive medical treatment as it is not advisable to settle a case before the medical treatment and evidence is completed.

In addition your opponent may deny liability. This may cause delays due to the need to gather witness statements and documentation in support of your claim.

It is important to appreciate that whilst we do everything we can to ensure your case progresses without delay there are cases which could take a few years to complete. It is necessary to take the time to ensure you receive proper medical treatment and proper compensation for your injuries and losses.

What you need to do

- ◆ be honest with us and keep us informed
- ◆ keep receipts and documents to support your claim
- ◆ keep a pain diary if you are in continuing pain
- ◆ attend all appointments we arrange for you (medical & court)
- ◆ ask us questions if you do not understand anything

What we will do for you

- ◆ guarantee that you do not have to pay anything
- ◆ guarantee that you receive 100% of compensation awarded to you
- ◆ act in your best interests at all times
- ◆ arrange rehabilitation treatment where possible
- ◆ keep you regularly informed of progress
- ◆ give you best advice about the value of your case and whether to accept an offer
- ◆ send you your compensation as soon as we receive it
- ◆ do everything we can to make the claims process stress free

Start a claim online

www.gardandco.com/personal-injury

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