



InForm

Personal injury advice and guidance from the personal injury team at Bennett Griffin

“Compassionate with our clients, tenacious with the opposition.”

Welcome to InForm

a new source of clear, helpful advice and guidance in personal injury law.

“Bennett Griffin has an ethos of success built upon success. As head of the personal injury department, the achievement I’m most proud of is building our first class personal injury team. Achieving success for our clients has led to our outstanding reputation. We are a client focused team, always caring and compassionate with our clients, but tenacious with the opposition. If you need our help, please do not hesitate to contact us.”

Toby Barrett

Don't be caught out by third party capture

‘Third party capture’ is the latest wheeze from the insurance industry to maximise its revenue, unfortunately at the expense of accident victims.

What does it mean? It’s the practice of insurance companies dealing direct with an injured party, usually with the promise of quick and easy compensation. It’s not a new phenomenon, but insurance companies are targeting resources and creating new departments with a remit to capture claims - before the injured party has had the opportunity to seek legal advice and representation.

Nick Hind, a solicitor in the personal injury team comments, “It’s a very worrying development and one that’s likely to become even more widespread with the implementation of the new claims process for lower value road traffic accident claims. The main priority of any insurance company is to deliver profitability to its shareholders. They don’t have any duty to an injured party to provide fair compensation. In my view, this is an obvious conflict of interest.”

Nick continues, “The offer of a few thousand pounds to settle a claim may be tempting in the days immediately following an accident. There have been recent reports of some insurance companies actually door stepping

accident victims and writing out cheques on the spot. However, I would advise anyone who finds themselves in this position to think twice. Once a claim is settled there’s no going back. In the days following an accident there’s simply no way of knowing how an injury will turn out. If you’ve settled your claim, but your symptoms persist and perhaps affect your job or require further treatment, that few thousand pounds is likely to be a big under settlement. Meanwhile the insurance company is laughing all the way to the bank.”

“Even if an injured party feels confident about dealing with an insurance company themselves, it’s unlikely that the insurance company will play fair. I have come across too many cases where an accident victim has tried to deal with their claim only to be told that they have no case or they have been offered a fraction of the value of the claim.”

The message is clear. If you’ve been involved in any kind of accident and have suffered an injury, take your time and when you feel ready, seek independent legal advice. Don’t succumb to what might initially appear to be a generous offer of help from the third party’s insurance company. Don’t become a ‘third party captive’.



Toby Barrett

From personal injury to puppies

“During my recent personal injury claim Toby worked continuously on our behalf to a very high level of care and attention. His secretary, Pearl, was fantastic. He was always there for us, no query too small, and he always returned our calls. He’s a brilliant solicitor and always went beyond the call of duty. Although we never thanked him personally we did name our new puppy after him, because something was positive in our lives again and it was all thanks to Toby’s hard work.”

Mr and Mrs B

Defendant - the party (individual, company or organisation) responsible for the accident and defending any claim.

Out with the old and in with... a new process for low value road traffic accidents

From April 2010 the victims of road traffic accidents will have to contend with a new process when claiming compensation for injuries where the claim has a value of £10,000 or less. The new process is designed to make the hundreds of thousands of minor injury claims made every year quicker and easier. Insurance companies will have very challenging time limits to admit or deny liability and to respond to offers to settle. If these time limits are breached any claim will revert to the old system.

Although the personal injury team at Bennett Griffin have misgivings about the new process, largely because it forces the victims of accidents to fit a unique and personal experience into a rigid system, some aspects are to be welcomed.

Toby Barrett comments, "The new process is heavily dependent on IT and inevitably there will be teething troubles and disagreements along the way. However it should mean that accident victims receive their compensation in a shorter time frame than before. Whilst the process has been simplified, accident victims would be wise not to attempt the claim process



by themselves because insurance companies will undoubtedly try and take advantage of their lack of understanding and awareness - something they are doing already. It's as important as ever for accident victims to seek independent legal advice and representation if they are to receive the compensation they are entitled to. It may also be the case that what appeared at the outset to be a minor injury becomes more serious or complex. In these circumstances it would no longer be appropriate for it to be dealt with through the simplified process. However, it takes legal expertise and experience to recognize this."

When a fall becomes a 'FOOSH'

'FOOSH' is medical shorthand for one of the most common accidents - a fall on an outstretched hand, following, for example, a trip on a defective pavement or a slip on a wet floor. It is instinctive for a hand to go out to break a fall. However, the transmission of force from the hand up through the arm can cause serious injury in itself - from finger dislocations and hand bone fractures to broken bones within the wrist; from a fractured forearm to a dislocated elbow; from a dislocated shoulder to a broken collarbone. Whatever the nature of the injury it invariably leads to weeks of pain and misery, time off work and a lot of disruption.

"I am writing to thank you unreservedly for the excellent work carried out by Bennett Griffin concerning my successful claim for compensation following the death of my father while he was living in a nursing home. Bennett Griffin dealt with my claim with sensitivity and with a dogged determination and efficiency, whilst keeping me fully informed at every stage of the process." **Mrs C**

Claimant - the victim of an accident caused by another party and the party bringing a legal claim.

Introducing the personal injury team at Bennett Griffin

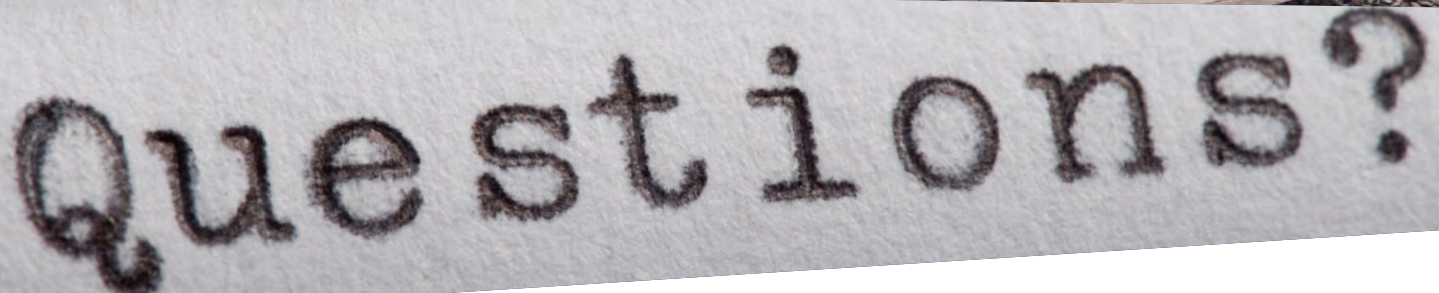
Toby Barrett is the head of the personal injury department at Bennett Griffin. Toby qualified as a solicitor in 1994 and specialises in handling high value and complex personal injury claims. Why?

"My clients deserve to be properly compensated, to be put back in their pre-accident position as far as money can achieve this."

David Hawkins joined the personal injury department at Bennett Griffin in 2004. He has 10 years' experience of personal injury law and has helped many people to gain both compensation and essential treatment for their injuries.

Nick Hind joined the personal injury department at Bennett Griffin in 2005. He qualified as a solicitor in 1999. Nick feels that he makes a positive difference to his clients' lives because of what he does to advance their rights.

Amy Kenward joined the personal injury department in November 2009 upon qualification as a solicitor. She previously completed one year's training in the department assisting Toby Barrett with high value claims.



1. How long will my claim take?

It is very difficult to say and all claims are different. It depends on many factors including, for example, whether the defendant admits fault; the seriousness of the injuries sustained; the evidence required to prove the claim, including medical evidence; and any medical treatment required.

2. Can I choose my solicitor?

Yes. You have the right to choose the solicitor you want to represent you in your claim. If you have insurance that might cover your legal costs involved in making a claim, for example under your motor or home insurance policy, your insurance company may try to refer you to one of their panel solicitors. This is likely to be a firm many miles away and the service you receive may be impersonal. Despite what your insurance company might tell you, you do have a choice. If you have had an accident we would suggest that you contact us in the first instance to discuss your options, even if you have been referred to a panel solicitor.

3. Will your costs be deducted from any award of damages that I receive?

No. The funding of your personal injury claim will be discussed fully at any initial meeting.

"My car insurance solicitors were instructed to take my case 'all over the phone'. Due to a conflict of interest I had to look for new solicitors and Bennett Griffin were recommended to me. From day one they were great. They explained everything. The personal attention and the fact they were so professional made me so relaxed and comfortable throughout the case. I had no worries at all. They did it all for me. They were outstanding."

Mrs G

Contributory negligence - an allegation by a defendant that the claimant's actions also caused or contributed to an accident, and therefore a partial defence to a claim.

Had an accident? Suffered an injury?

Before you do anything ...

David Hawkins explains what you should try to do to protect your interests and preserve evidence – “Obviously if you have just had an accident probably the last thing that is going to be on your mind amid all the pain and distress is making a personal injury claim and thinking about the evidence that might be needed. No one will blame you if can't think beyond getting to A&E, but if you can take some simple, common sense steps it will help with any claim you bring”.

- Road traffic accidents – by law you are required to exchange details – name, address and particulars of insurance. Try to make sure that you take note of the make and model of the vehicle and the registration. In all but the most minor of accidents, contact the police and ask them to attend the scene or at least inform them of the accident.
- Accidents at work – tell your employer about the accident and make sure the accident is recorded (there should be an accident book). All accidents should be notified to the Health & Safety Executive, especially if the accident results in time off work.
- Accidents in a public place (for example, a shop) – notify staff and make sure that the accident is properly recorded. If the

accident has resulted in serious injury, it might also be worth notifying the environmental health/health and safety department of the relevant local authority, which may initiate an investigation.

- Accidents on the public highway (for example, a trip on the pavement) - take a measurement and photographs of the defect. If possible, speak to someone who lives or works close to the trip about how long it has been there. Notify the relevant highway authority of the defect (after taking photographs and after seeking legal advice).
- If anyone was present and saw what happened ask if they might be prepared to be a witness and get a name and contact details. It is a difficult thing to ask, especially of a stranger, but it might prove invaluable later.
- Medical evidence of your injury is crucial, so even if the injury did not warrant attendance at a hospital, go and see your GP, if only to get the fact of the injury recorded.
- Keep receipts of any expenses, such as taxi fares, prescriptions etc.

Liability – fault or responsibility for an accident.

Avoiding the perils and pitfalls of pavement tripping claims

It's a common scenario – a trip on a broken paving slab or pothole, yet such accidents give rise to some of the most difficult and hard fought claims. A highways authority has a statutory duty to maintain pavements and roads which form part of the public highway. If you have been injured as a result of an accident on defective pavement or road you may be entitled to claim compensation.

However, statistics show that very few claims brought against the highways authority in the Worthing area, West Sussex County Council, are successful. In many cases, the highways authority will deny liability and try to evade its responsibility to pay compensation. You need a robust and experienced solicitor with an exceptionally good local knowledge on your side if you are going to be successful. Bennett Griffin has built a formidable reputation as the solicitors of choice when it comes to bringing personal injury claims against the local highways authority. We have successfully recovered compensation on behalf of many injured people. We are prepared to issue Court proceedings to promote our client's interests and have recently won a claim at trial.

“I am relieved that I did not bend to the pressure from my insurance company to proceed with its panel firm of solicitors and I would happily recommend Bennett Griffin to anyone unfortunate enough to need a personal injury specialist.” Mrs B

Please call our personal injury team for advice and assistance on 01903 229999
or visit our website at www.bennett-griffin.co.uk