

Frequently asked questions

Do I have a claim?

Many people think that they don't have a claim but in fact they do. Some people even get advised by other lawyers, friends, or investigators from an insurance company, that they don't have a claim. Whatever you do, don't listen to them! A second opinion arranged through the Accident Victims Association / LawFinders costs nothing. We have had clients who were advised they could get nothing and in fact ended up with hundreds of thousands of dollars. It is simple; call us so that we can arrange a second opinion.

Is it worth pursuing?

Absolutely! As pointed out above, a second opinion costs you nothing. Our lawyers will take the stress and hassle out of it all for you, and you could end up with tens or hundreds of thousands of dollars. A claim is particularly worth pursuing for some people who's injuries are not immediately apparent and resurface years later, causing them serious problems. Insurance companies are paid to provide just that...insurance! They are set up for your benefit, and you should make the most of it. Without being dishonest or trying to rip anybody off, you should get what you are entitled to.

How long will it take?

The lawyers on our panel pride themselves on pursuing claims fast. It was quite common in days gone by for people to have to wait for 5 to 7 years for a claim to be finalized. There are some delays that your lawyer cannot control. For example, your injuries have to stabilize first. That is the time that an injury takes to reach the point where a doctor can say with some certainty what is going to happen in the future. Some injuries completely resolve, some cause minor on-going problems, and some cause major on-going problems. Until an injury has stabilized, a lawyer cannot finalize your claim. That doesn't mean that a lawyer can't get things moving. We will make sure that they do. The lawyers we have chosen have been chosen because they work in a fast and efficient manner. Generally speaking however given that injuries have to stabilize, most claims take between 1 to 3 years to complete.

How much will it cost?

If you had an accident, our lawyers will work on a no-win-no-pay basis. Their legal fees will cost you nothing. If you can afford it, you may be asked to pay for disbursements; the cost of medical reports, court filing fees, and other expenses. If you cannot afford it, our lawyers will talk to you about that and make sure there is some way that your claim can be pursued. Some of our lawyers have a litigation lending facility. This is a form of bank loan whereby monies are borrowed to pay for those expenses. We have found over many years that such loans do not have a major impact on people's compensation, as the amount of interest on the loan in comparison to what our lawyers get is quite small. Whatever you do, don't be perturbed from pursuing your claim by

costs because we have never found a case where we were not able to find a way around that problem. The most important thing to remember is that it's **no-win-no-pay**.

I don't think I can afford to pay a lawyer. What should I do?

The majority of personal injury lawyers understand that most people could not afford the legal fees associated with bringing a personal injury claim to court. You will find many lawyers now taking cases like these on a 'No Win, No Fee' basis. You should ask this question of your lawyer.

What if I lose?

Good question. Have some confidence in us. At least one of our panel lawyers has never lost a case and has a number of record verdicts in the ACT. We chose the best lawyers based upon their track records. There is always a chance that you will lose. Generally however a lawyer will not take on a case if it will lose. Remember they are taking it on a no-win-no-fee basis, so they want to be sure they are going to be paid.

I don't want to go court. What should I do?

While some claims end up in court, the majority of cases settle out of court. Your lawyer can negotiate an out-of-court settlement for your claim for personal injuries. The claims system is set up now for some types of accidents so that an additional process like an informal hearing is encouraged instead of court.

What if I am scared of lawyers?

Don't be. We have chosen our panel lawyers as people who are not only the best experts in their field but also as people who will sit down with you and talk to you in plain English. They won't look down their noses at you and they won't be snobs. In fact, if they are we want to know and we will find a new lawyer for you. You will find our staff friend, and they are there to help you. Your lawyer should be the same, and one of the reasons a lawyer is on our panel is because they will be just that...friendly! Your lawyer should in fact be your friend, care about you, and genuinely want to help you.

How much compensation am I entitled to if I suffer a personal injury?

This will depend upon the severity of your injury and the effect the injuries will have on your life. Your lawyer will be best served to answer this question upon receipt of all the medical and supporting information of your injury.

What about the stress?

Our lawyers are there to take the stress away from you. That is their job. If you have an accident and you're not working, there will undoubtedly be some stress. Let us help you take the stress away and get you the compensation that you are entitled to.

Are medical bills included in a personal injury claim?

A claim for compensation may include a component for economic loss such as medical bills, rental car expenses, and wage loss. You might also be entitled to non-economic loss for such things as pain and suffering, humiliation, and distress. If you settle your personal injury claim it must include all the types of damages available to you or may lose your right to recover for those losses.

Can a health insurance company be repaid from a personal injury settlement?

Yes, it is quite common for health insurance policies to allow benefits paid out on medical bills to be repaid if the insured person gets a personal injury settlement. In fact, it is a legal requirement to repay any Medicare benefits paid to you for medical treatment related to the accident.

Can I ask my lawyer for a copy of the settlement check?

Yes, you have the right to see a copy of the settlement check. You also have the right to review a copy of the settlement breakdown before the check is deposited. You may ask your lawyer to show you a copy of the settlement check, as well as a copy of all checks written by him for monies paid out of settlement funds (which should total the full amount of the settlement).

Can I gain access to my child's settlement money?

A parent usually does not have access to a child's settlement funds. The reason for this is to protect children from parents who might use the money to benefit themselves, instead of the child. A court will generally place a child's settlement money with the Public Trustee until the child turns 18. A court will sometimes allow parents to make withdrawals from trust accounts if the funds are needed for the child's care and well being, and the court is satisfied the funds will be used to benefit the minor. You and your lawyer should discuss what expenses might be paid for with the settlement funds.

How long after winning a claim do I get my money?

It may take a couple of months for the settlement monies to be passed on to you after settlement. In more complex court related matters, this could be longer. This is because a cost assessment needs to be made, an agreement as to costs met, and repayments made to Medicare etc.

If I drive for my job, and have a car accident during my work is it a workers compensation claim or a road accident claim?

It may be both. If you have a car accident at work you may need to lodge a notice of claim with the correct third party insurer and an application for compensation with Workcover. However, as is the usual case, there will be no negligence alleged against your employer so a common law claim will proceed only against the compulsory third party insurer.

Is this service confidential?

Yes, we will keep all your personal details confidential and we will not release any of your details without your consent.

What if a person dies before bringing a personal injury lawsuit?

The deceased person's estate via the executor of the estate may be able to make a personal injuries claim and should seek legal advice immediately. Moreover, dependents and people having witnessed the accident may also be able to make a claim and should also seek legal advice immediately.

What if I am contacted by an insurance company?

If you are contacted by an insurance company and you have already retained legal representation you should not speak to them, advise them that you have solicitors, provide them with your solicitors details and advise your solicitor that you have been contacted directly by the insurance company.

Who decides whether to settle a case?

The ultimate decision will be up to you. The role of the solicitor/barrister is to ensure that you make a fully informed decision having regard to the circumstances of your matter.

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