

PERSONAL INJURY CLAIM

# HOW TO MAKE A GOOD IMPRESSION AT COURT

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ENGLISH LAW IN PLAIN ENGLISH



# PERSONAL INJURY

## HOW TO MAKE A GOOD IMPRESSION AT COURT



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## Introduction

Welcome! My name is Katie and I run LawCat. I've put together this leaflet to assist you with your own personal injury claim. Whether you're considering bringing a claim yourself, or already have a claim running with a solicitor then this leaflet will help you understand the initial steps.

By the end of this leaflet, you will understand what kind of injury will qualify as a personal injury and what you need to do to make a good impression at court.

## What is LawCat

LawCat offers explanations, laying out the legal process in a clear, and unambiguous way, with no legal jargon. LawCat is designed to help you understand the legal process so that you can create the solutions you need.

I first started LawCat in 2015, as a blog designed to answer the questions that people were raising to me in my role as a legal professional for a local firm. But when I noticed solicitor firms taking on less and less low value but valid claims, I began to see the concerns I had raised during my Master's degree, regarding legal funding, come to life.

Since the recent changes to legal funding solicitor firms are less able to take on low value but valid claims, leaving an entire section of the population without access to legal advice. Forcing them to bring claims themselves, without support or guidance. Free Legal Advice charities are available, but they have limited resources and are reliant on volunteers and government funding, which has recently been cut.

It was then I realised that LawCat would have to be more than a sporadic blog answering questions as and when they arose. LawCat would have to be a structured platform for people to find the information they needed to be able to make educated decisions about their claims.

LawCat currently offers explanations for Clinical Negligence, Personal Injury, Employment Law, Probate and Private Client matters.



At the date of writing this LawCat is offering online articles on various platforms as well as Personal Injury guides which walk you through bringing your claim and allow you to keep full control from start to finish. With clear, step by step guidance and an abundance of template forms and letters, LawCat's guides allow you to bring your claim your way.

## What is “personal injury”?

According to the Law Society over three million people are injured in negligent accidents each year. Many of those accidents take place on the highway, involving motor vehicles, bikes, and pedestrians.

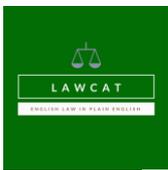
Personal injury is the name given to legal cases or claims brought against those who have acted negligently and caused you injury as a result.

This can include, but is not limited to:-

- Road traffic accidents
- Accidents at work, including industrial illnesses such as asbestosis, emphysema, pneumonia, vibration white finger, occupational deafness and stress.
- Tripping accidents
- Assault claims
- Accidents in the home or on holiday
- Defective product accidents

For the purpose of this leaflet we will be focusing on Road Traffic Accidents.

In order for your claim to be successful you will need to prove that the person who caused the accident, which in turn caused your injury, acted negligently. For an individual to have acted negligently in the eyes of the Court they must have **breached their Duty of Care** to you and that breach must have **caused you actual harm**.



## Will You Have to Attend Court?

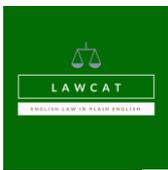
When you bring a claim for personal injury one of your main concerns might be whether or not your case will go all the way to trial. Going to trial can be a daunting thought, the idea of standing in front of a Judge and having the Defendant's pick your case apart can be very stressful.

If you are the Claimant, then it is your responsibility to prove your case. This could mean attending Court to give evidence. All cases have the possibility that they will end up in Court and you should be aware of this right at the start of your claim, that further down the line you could find yourself standing in the witness box in front of the Judge answering questions from the Defendant.

However, that being said, very few cases go to Court, approximately 80% - 95% of claims settle outside of court. This means you are far more likely to negotiate with the Defendant and reach an agreed sum than you are to go to Court and fight it out in front of a judge. I have been working, full-time in the legal field since 2010, I have worked on over hundred personal injuries, and clinical negligence cases and less than five of these cases have gone all the way to trial.

There are various views on going to Court, those of us who are naturally litigious may be of the opinion that the best way to resolve a claim and get the compensation that you are entitled to is to go to Court. Others may have the opinion that by avoiding Court you are doing the right thing, settling out of Court reduces the cost of the claim and the risk of losing and stress levels are noticeably lessened.

It is impossible to say in this book if going to Court or not is the right decision for you. Each case should be weighed on its own merits. But it should be said that going to Court does not guarantee you a larger sum of compensation should you win your case and settling outside of Court does not mean you have settled for less.



## You Should Still Prepare for Court

Despite the likelihood that your case will not reach a final hearing at the Court, you should always keep in mind that it might, and you should prepare your case accordingly.

This means always working to a high standard and following the [Pre-Action Protocols](#) which are effectively the Court's rules on how a claim should be brought. Keep in mind that every letter you write, every email you send, every telephone conversation you have with the Defendant may end up in front of a Judge and temper your words accordingly. If you are using a solicitor to bring your claim, then you can be slightly less reserved as anything said between you and your solicitor is subject to solicitor-client privilege and will only go in front of a judge under extremely rare circumstances.

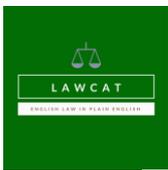
## Attending Court - Tips To improve Your Experience

Attending Court can be stressful and intimidating, even for those who do so regularly. It can be even more so for those attending for the first time with very little idea of what to expect. Not knowing where to go, or how to act can only add to the stress of having to present yourself before a Judge.

It can be difficult to know how to behave and act to reduce the stress of attending court and present yourself in the best possible light to the Judge.

## Attend Before Your Hearing

Firstly, attend Court before your Hearing date. The Court is a public building, and there is no reason for you not to visit it before your Hearing so that you can learn the layout and how the building operates. You may also be able to sit in on another Hearing if an appropriate one is available. Speak to the Court Ushers (Court Staff) and ask them about sitting in on a Hearing. If you explain to them why you want to do so, then they may be able to advise you what is available. This will give you the opportunity to familiarise yourself with what a Hearing is actually like.



## **Arrive Early on the Day of Your Hearing**

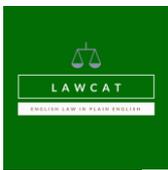
Do not aim to be on time for your Hearing aim to be early. This will allow for time to find the room your Hearing is being held in. You should also give yourself plenty of time as the Defendant may wish to speak to you regarding settlement before going in. It is not uncommon for cases to settle before going into a hearing. However, if the Defendant tries to settle your claim, you should keep in mind that they will be expecting you to be feeling stressed and nervous and some may try to use that to strong-arm you into accepting a lower offer. Keep your cool and don't settle for less than your claim is worth just because you're nervous about the Hearing.

## **Dress Appropriately**

You should always dress smartly, as you would for a job interview. Remember appearances count for a lot, and while in a perfect world you would be judged on your case alone, in reality how you present yourself and your attitude in Court will have an impact on your case. Dressing smartly shows respect to the Court and the process you are engaged in. It demonstrates to the Judge that you are taking this matter seriously and that you deserve their time and attention. Dressing smartly can mean different things to different people so for the avoidance of doubt do not go to Court in your jeans, leggings, t-shirts or crop tops. Wear a suit if you can, or if you do not have one and have no way of getting/borrowing one you should at wear a suit jacket at a minimum.

## **Address the Judge Accordingly**

If you are before a District Judge, they should be addressed as "Sir" or "Madam" as the case may be. If you are before a Recorder or a Circuit Judge you should address them as "Your Honour." In the unlikely event that you find yourself before a High Court Judge, they should be addressed as "My Lord" or "My Lady" as the case may be. However, that being said do not panic if you forget the correct way to address a Judge, provided that you are polite and respectful, the Judge will not take offense.



## **Speak Appropriately**

As above it is important to be polite during the process of speaking to the Judge and your opponent. This will be a highly emotional experience, but you must try to keep your cool. Try not to lose your temper or become overly emotional, take a moment to breathe if you need to the Judge will be understanding that this is not an easy ordeal. Water will be available, if you need to take a moment have a drink and try to relax as much as possible. During the Hearing, only one person should speak at any one time if you interrupt the Defendant or the Defendant interrupts you the Judge will act to keep order. You should not interrupt the Judge if you need to bring something to the Judge's attention while they are speaking then wait for them to finish before speaking.

## **Be Honest**

If you cannot answer any question from the Judge or Defendant, then you should say so. If possible make an effort to find out the answer during a break in the Hearing. However, not knowing the answer to a question is unlikely, this is your claim, and no one should know it better than you. The questions asked will be important and effect the Judge's decision so answer them with as much information as you can.

## **Conclusion**

You should now have an understanding of some of the steps you can take to best present yourself at Court despite the probability that you will not have to attend Court as most cases settle before trial. You should understand that preparation is key and attending Court before your hearing/trial is extremely helpful. You should also understand that presentation is important and that dressing and speaking well will help you come across the way you need to.

**Did this leaflet answer your question?**

**For more articles and information on how your claim should be run then pick up one of LawCats Personal Injury Guides!**