

PERSONAL INJURY CLAIM

JARGON BUSTER!

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FREE GLOSSARY OF LEGAL TERMINOLOGY



PERSONAL INJURY JARGON BUSTER!



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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 are considering bringing a claim yourself, or already have a claim running with a solicitor then this leaflet will help you understand the legal jargon involved in bringing a claim.

By the end of this leaflet, you will understand the most common legal terms that you will encounter when you bring a claim.

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.

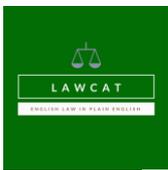
Personal injury is the name given to legal cases or claims brought against those who have acted negligently and caused you injury as a result.

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**.



Common Legal Terms

When bringing a claim, either yourself or through a legal professional, you will encounter some legal terminology as it is almost unavoidable. A basic understanding of the most common terms is extremely helpful and this guide outlines just that.

Advocacy

When a legal professional attends Court on your behalf and fights your claim they are advocating for you. Advocacy is the term used to describe this kind of work.

Barrister

A legal professional who is regulated by the Bar Standards Board. They tend to specialise in Court Room Representation, Complex Drafting and Expert opinions.

Basic Charges

When employing a solicitor via a No Win No Fee Agreement their legal costs are broken down into three categories Basic Charges, Disbursements and Success Fee. The Basic charges is the solicitors hourly rate for the work done.

Civil Law

The area of Law covering disputes between individuals and companies that are not considered criminal.

Claim

When you attempt to recover financial compensation from another party that has caused you injury through negligence.

Claimant

The person/party bringing a claim.

Conditional Fee Agreement

A contract where an individual employs a solicitor with the understanding that if the claim is unsuccessful the Solicitors Legal fees will not be paid.



Counsel

Another term for Barrister

Counter Claim

If when bringing a claim your opponent also claims against you they are counter claiming. For example: if you are involved in a car accident and you claim against your opponent and they claim against you they are counter claiming in response to your claim.

Damages

The legal term for compensation.

Disbursements

One of the categories of legal expenses, disbursements are any cash amount that your legal professional has had to pay out to advance your claim. Disbursements can include but are not limited to: paying for your medical records, Court Fees, and Expert Fees.

Evidence

Items or documents that prove or disprove legal points.

Fee Earner

A legal Professional, not always a qualified legal professional, who delivers legal services.

Hearing

A formal Court appearance where an issue of the case is discussed, investigated and hopefully resolved.

Interim Payment

A payment made to you from the Defendant while the case is ongoing. Usually these are made after an admittance of liability is received but prior to an official settlement is agreed.



Judge

A legal professional who presides over court proceedings. They will hear all the evidence and make a decision on which part has successfully proven their case.

Lawyer

A member of one of the following professions, entitled to practise as such:

- the profession of solicitor, barrister or advocate of the UK
- a profession whose members are authorised to carry on legal activities by an approved regulator other than the Solicitors Regulation Authority (SRA)
- an Establishment Directive profession other than a UK profession
- a legal professional which has been approved by the SRA
- any other regulated legal profession specified by the SRA

Legal Ombudsman

An independent body that resolves complaints regarding law firms and legal professionals.

Liability

When a party admits liability they are admitting they were at fault and caused an accident which resulted in injury. If liability is denied then the party is stating that the accident was not their fault.

Lien

This is your legal professionals right to keep hold of all documents, monies or other property held on your behalf until legal fees have been paid.

Litigation

The process of bringing a claim to Court.

Litigant

An individual involved in a lawsuit.

Litigant in person



An individual who is representing themselves in court proceedings.

Lose

Either when you have decided not to pursue your claim any more as you feel it would not be successful or the court has decreed that your claim is unsuccessful.

Offer

When either you or the Defendant discuss a settlement amount and make the other party aware that they would settle the claim for X amount. Either party can make an offer and there are various kinds of offer that can be made such as Calderbank Offers, Part 36 offers, and Without Prejudice Offers. All of these are offers to settle a claim, but all have different time limits for acceptance and different costs implications.

Qualified One-Way Cost Shifting

Prior to 2013 the losing party would always pay the Winning parties legal costs. However, that has changed and now if the Claimant is bringing a claim via a No Win No Fee Agreement then the Defendant only has to pay basic costs and reasonable disbursements. The success fee is paid for out of the Claimant's compensation (limited usually to 25%). However, if the Defendant wins Qualified One-Way Cost shifting means the Claimant will not be liable for the Defendant's legal fees.

Success Fee

The portion of the Claimant's legal fees that are paid for by the Claimant. Taken from the Claimant's compensation and limited to a maximum of 25%. Although if the success fee is less than 35% of the Claimant's compensation then the Legal Professional cannot take the maximum amount.

Trial

The final hearing at Court. This will only be reached if the Claimant and Defendant cannot reach an agreement prior to this point. Very few cases go all the way to trial, the majority settle.



Conclusion

You should now have an understanding of basic legal terms. This document can be kept and referred to at a later date as terms come up during proceedings.

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!