



Choosing your Solicitor | checklist

The questions below are intended to provide ‘food for thought’ before you make a final decision about representation; You should certainly talk to more than one solicitor before making your mind up – after all, you’ll be working with them for quite some time.

How long have you personally been dealing with brain injury cases?

Brain injury claims can be complex, a lawyer who has a number of years’ experience of handling these types of claims will have the knowledge to effectively deal with your claim and ensure you receive the correct level of compensation as well as access to the right rehabilitation at the right time to rebuild your life.

Will you be dealing with my case personally?

It’s normal for work to be delegated but you need to know that the rest of the team also have appropriate experience, and that the lead solicitor will genuinely take the lead and take time to review and report on the progress of your case.

Who else will I have contact with?

You are likely to have contact with a number of people within the law firm you choose to instruct, make sure you are familiar with who they may be and their role.

What is the largest case you have ever won?

Severe brain injury cases can involve settlements in excess of £1 million. This information will provide an indication as to whether or not the person you’re talking to really is an expert in the field.

Have you lost any cases?

There is never a guarantee that a bringing a claim will result in a successful settlement, and all solicitors will have lost some cases, but a large number of losses would be cause for concern.

Are you or your firm members of any professional brain injury organisations?

These might include Brain Injury Group; Association of Personal Injury Lawyers (APIL); Headway panel; The Law Society Personal Injury Panel. Membership suggests special interest, experience and expertise in the field.

How will you keep me up to speed on how things are progressing?

Complex cases often progress slowly as reports are commissioned and requested, assessments required etc. Your solicitor should maintain regular contact – whether by phone or email – and keep you informed as to how things are progressing.

What will you expect from me?

Your solicitor will require a lot of information from you, especially in the initial stages as they investigate your claim. It’s important that you answer their correspondence promptly and as accurately as possible.

How will you be paid for handling my case?

Your solicitor should explain the various options for funding your case, along with the potential risks.

Will you take a share of my damages?

Depending on the way your claim is funded, this may occur. Your solicitor should explain this to you before you officially instruct them to act on your behalf and they should provide you with a client care letter which sets out any amounts they may deduct from your damages.

How long do you think my case will last?

Claims for brain injury can take many years to conclude depending on your individual circumstances. You should instruct a solicitor who you feel happy to work with for a number of years.

Will I have to go to Court?

There is a chance with any claim for damages that you may need to go to Court. Many cases reach settlement before a Court hearing is necessary, but this is not always the case.

How will my rehabilitation treatment be paid for?

Rehabilitation is important, your solicitor should be familiar with the Rehabilitation Code and may be able to apply for an interim payment to assist with treatment.

Is there any financial help available whilst I can't work?

Your solicitor should have access to a welfare benefits adviser who will be able to guide you on what benefits you may be entitled to receive and how to apply for these.

Can you advise me on investing my damages?

Your solicitor will be able to refer you to an independent financial adviser regarding investing your damages and should provide you with information about personal injury trusts.

But the biggest questions of them all, do you like this solicitor?

You are likely to be dealing with your solicitor for many months, if not years – it's important that you feel comfortable dealing with them, confident in their abilities and will be happy to liaise with them for many months to come.

After every initial meeting, take a little while to think about these things:

1. How quickly did the lawyer respond to my initial enquiry?
2. Did he/she explain the process in plain English and without baffling me with legal jargon?
3. Was he/she able to answer my questions and give me confidence in their abilities?

Remember, if your solicitor does not meet your expectations, you can change representation, even when you have started the legal process. You do not have to put up with a lawyer who does not inspire confidence.

This note is for information only and does not constitute legal advice.

The Brain Injury Group is a national network of legal and other professionals supporting individuals and families affected by brain injury. www.braininjurygroup.co.uk