

**Who do I turn to  
following an injury?**

Getting your life back on track  
following an injury



**apil** 

**A guide to your rights to advice and  
compensation following injury or illness caused  
by someone else's negligence and how to find  
legal assistance**

Guidance from the Association of Personal Injury Lawyers

# Welcome to the Association of Personal Injury Lawyers (APIL)

This booklet explains the work APIL does and why using an APIL accredited lawyer will ensure you receive professional personal injury advice. It explains your legal rights and will help you understand the levels of service you can expect from an APIL accredited lawyer. APIL lawyers include solicitors, barristers and legal executives.

APIL was established in 1990, by a group of lawyers working on behalf of injured people and now has over 4,600 members. It is an independent, not-for-profit organisation providing accreditation for lawyers who specialise in personal injury law. This accreditation shows that an APIL accredited lawyer has achieved a certain standard of expertise and competence.

An APIL accredited lawyer will provide you with legal assistance if you have had a personal injury or contracted an illness or disease caused by someone else's negligence.

## Working for you

APIL fulfils an important role promoting and maintaining standards in personal injury legal services. It campaigns for better laws to help people who are injured or become ill as a result of someone else's negligence. APIL works closely with government departments, the Law Society, and also has links with consumer groups, such as Citizens' Advice Bureaux and employees' organisations.

## Your rights

If you or someone in your family has suffered injury or contracted an illness as a result of someone else's negligence, you may have the legal right to compensation for lost earnings, your pain and suffering, or other losses. APIL accredited lawyers can advise you how best to seek the most appropriate care and legal redress.

## Ways in which you may have been injured or become ill:

- a road accident
- an injury or illness contracted at work
- an injury or illness from a holiday or travelling abroad
- through negligent medical treatment
- injuries caused by a product
- tripping or slipping
- abuse or assault

## Who should you talk to?

Personal injury is a complex area of the law so it is important to use a specialist to ensure your compensation claim is handled properly.

You might be approached by unqualified non-specialists, who may only be interested in obtaining a percentage of your damages and not in providing you with the best or most appropriate legal assistance for your particular needs. Care should be taken, as these companies may not be able to give legal advice: often acting as middlemen, passing your case on to someone else to handle.

An APIL accredited lawyer is committed to acting in your best interests. He or she will explain how much compensation you may be entitled to and will always give you clear and honest advice with your welfare in mind. APIL accredited lawyers are specialists and receive ongoing training to make sure they are always up to date with the latest developments in personal injury law.



Senior Litigator – usually five or more years' experience, running their own personal injury caseload, and competent to lead and supervise the work of other PI lawyers.



Fellow – an APIL Senior Litigator, usually with over ten years' experience, with a high level of technical expertise in personal injury law, including trial procedures, and who is recognised by their peers as being in a position of professional and intellectual leadership.



Senior Fellow – an APIL Fellow who can demonstrate outstanding contributions and accomplishments in personal injury law and practice.



Brain injury and/or clinical negligence specialist – an APIL Senior Litigator or Fellow who has demonstrated further competence in these specialist fields.



## Do I have a claim?

If you think you may have a case for compensation following a personal injury or illness, you should contact an APIL accredited lawyer who will be able to give you honest and impartial advice.

## How much will it cost?

Your APIL accredited lawyer will usually charge you nothing for an initial consultation. At this meeting, you will find out whether you have a case for compensation and be told if there will be a cost to you should you choose to pursue that claim.

There are a number of different ways in which legal advice can be funded and your APIL accredited lawyer will advise on the most appropriate way for you. The law has recently changed and because of those changes you may now be asked to contribute in part to the cost of pursuing your claim.

## Conditional fee agreements

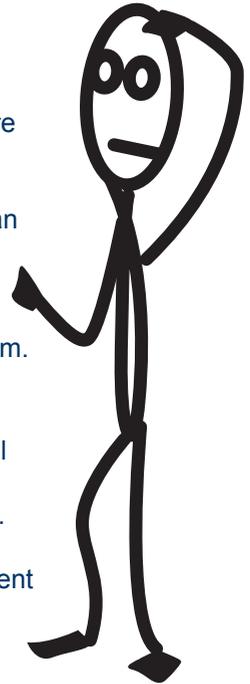
Previously referred to as “no win no fee” or CFA, a conditional fee agreement is a written agreement whereby legal fees and expenses only become payable in certain circumstances. Your APIL accredited lawyer will explain to you what those circumstances are as they will depend on the type of agreement entered into.

The most common type is where legal fees only become payable if the case is won. In those circumstances you will have to pay your lawyer’s fees and in addition there is usually a success fee payable on top. This success fee reflects the risk that the lawyer has incurred as a result of only being paid if the case is successful. You should in most cases be able to recover your lawyer’s fees from the other side; however from April 2013 you will not be able to claim back the success fee from the losing party. This will be taken from your damages if your case is successful.

You should always agree in advance with your lawyer what the percentage deduction from your damages will be before you proceed with your claim. The percentage agreed should not exceed 25 percent of your damages, excluding those calculated to pay for your future needs.

## Contingency fee agreement

Damages based agreements or contingency fee agreements are also a type of ‘no win no fee’ agreement. If your lawyer agrees to represent you under a contingency fee agreement, they will be able to deduct a percentage of any



compensation they recover on your behalf. The percentage you agree for them to deduct from your damages will contribute towards the costs they have incurred running your claim to a successful conclusion. In some circumstances your lawyer's costs may be able to be recovered in full or in part from the losing party. If you lose the case, you won't be charged a fee by your lawyer.

The contingency fee percentage must be agreed in advance. It must not be more than 25 percent of your damages excluding those calculated to pay for your future needs. You should also check whether the lawyer will deduct any expenses before or after they take their contingency fee as this can make a significant difference to the amount you finally receive.

### Insurance cover

Some people have the benefit of an insurance policy to cover them in the event they need to pursue a case for compensation. Your APIL accredited lawyer will check whether you already have insurance which covers your claim.

### Employee organisations

If you are a member of a union or other employee group, your APIL accredited lawyer will check whether they may be able to fund your case.

### Private funding

You may wish to pay for any legal costs yourself.

### Legal aid

Legal aid is not available for personal injury claims. The only exemption to this is exceptional public interest cases and clinical negligence claims involving severely disabled, infants. Your lawyer will be able to confirm if your claim or the claim on behalf of your child is eligible.



## Frequently asked questions

**Q. What is the difference between a law firm and a claims management company?**

A. A law firm is regulated by the Solicitors Regulation Authority, and the barristers they may instruct on your behalf are regulated by the Bar Standards Board. Claims management companies (CMCs) are regulated by the Claims Management Regulation Monitoring and Compliance Unit, and usually act as middlemen, not actually handling claims themselves.

To check whether the firm you are dealing with is a law firm, search the Law Society's 'find a solicitor' service here: <http://www.lawsociety.org.uk/choosingandusing/findasolicitor.law>

If the firm you are dealing with is not registered here, it may be a CMC. You should check the CMC regulator's website here: <https://www.claimsregulation.gov.uk/search.aspx>

**Q. What does accredited mean?**

A. The accreditation which APIL provides certifies that an APIL lawyer has achieved a certain standard of specialist expertise and competence.

**Q. Are claims management companies accredited in any way?**

A. There is no form of accreditation governing the practices of claims management companies at this time.

**Q. How much compensation can I expect to receive?**

A. The amount of compensation you will receive depends on the extent of your injury or illness and how this affects your ability to live a normal life. Your APIL accredited lawyer will be able to give you some idea before you decide whether to pursue a claim.

**Q. How much will it cost?**

**A.** The law has recently changed and there are several different ways in which you may be asked to fund your claim.

See page 4 for further details.

You should speak to your lawyer before your claim starts and ensure you know exactly how much you may be liable to pay towards your costs and have that confirmed in writing.

See our suggested questions, below.

**Q. What sort of questions should I ask about funding my claim?**

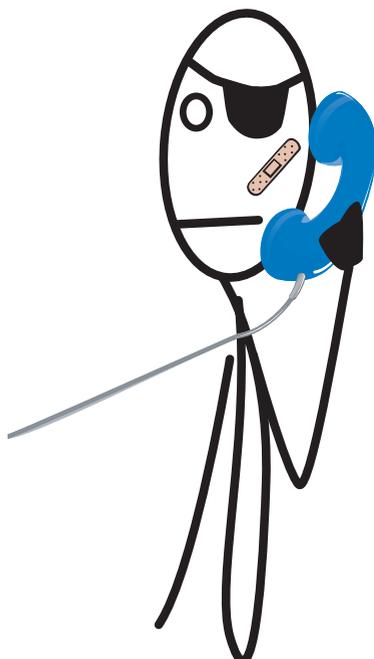
**A.** As there are several options now available, you should think about asking your accredited lawyer the following questions:

- what is the best way for me to fund my claim?
- will you confirm our agreed method of funding in writing?
- will the way in which you charge me change while you are dealing with my claim? If so, how much notice will I have of that change?
- I'd like an estimate of my likely total liability for costs – please let me know how much this is likely to be
- will there be any extra costs or expenses I will need to pay?

**Q. Does APIL have any financial interest in my claim?**

**A.** Absolutely not. APIL is only interested in ensuring that injured people have access to the best quality legal assistance in order to receive the best compensation and other remedies which will offer you the best chance of regaining your former quality of life.





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