

The Need For A Solicitor Post Accidents

There are several advantages of engaging a solicitor to process your personal injury case, rather than attempting to do so yourself, writes solicitor Martin Kerrigan.

If you have suffered an injury through the fault of another, you may be entitled to compensation. It is important to seek advice from a solicitor at an early stage for several reasons.

Under Section 8 of the Civil Liability and Courts Act 2004, a claimant or someone who is claiming they were injured, is obliged to notify the wrongful party (the person who caused the injuries) in writing before the expiration of two months from the date of the accident, or as soon as reasonably possible thereafter, that they intend to take a personal injury claim and the nature of the wrong alleged. Failure to send this notification can prove problematic later on in your case. The courts may, for example, make no order as to the payment of your costs. By engaging a solicitor at an early stage, you can ensure this situation does not arise. You can also ensure that insurance cover is provided. In injury claims that are not a consequence of a road traffic accident, the wrongful party's insurer might not provide cover on the basis that they were not notified in time. This means you then need to seek compensation directly from the defendant which can be difficult and often times without success.

Early notification to the wrongful party is of particular importance in situations where that wrongful party was driving without valid motor insurance. In that situation, you may be entitled to sue through the Motor Insurers Bureau of Ireland (MIBI). According to the MIBI agreements, there are certain requirements which must be met. This includes early and specific notification to both An Garda Síochána and the MIBI. A failure to do this can lead to you being prevented from continuing with an otherwise strong case.

In some personal injury cases, it may be necessary to act fast to ensure that the item which caused your injury is not altered or destroyed. Early engagement of a solicitor will ensure the wrongful party is put on notice to preserve the item for inspection. In this way, you will have the necessary evidence to prove your case before the courts. From the above examples, there are many technical slip ups one can make and it is best to engage the help of a qualified professional who is very familiar with personal injury law.

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