

LIVING WITH SCI

FACTSHEETS

sia spinal
injuries
association
FOR LIFE AFTER SPINAL CORD INJURY



**CHOOSING A SOLICITOR
(QUESTIONS TO ASK)**

Choosing a solicitor - questions to ask

If you feel that another person was at least partly at fault for your spinal cord injury, you should always seek legal advice from a specialist Solicitor. SIA can help you in this process by providing a directory of Solicitors who have knowledge and experience of spinal cord injury and have passed a number of strict criteria set by SIA in consultation with our Solicitors panel. You can purchase a copy of our directory in our online shop or download the app version from the Apple store or google play. Just visit www.spinal.co.uk for more details.

To assist you with making your decision, you should consider the points below:

Do you feel at ease with your solicitor?

You need to be able to communicate with your solicitor and feel that you can work with them. You should therefore ask whether the person you meet will be the person running your file.

You also need to be able to trust your solicitor and to feel confident that they know what they are doing and that they understand your difficulties.

Is your solicitor easily contactable?

Solicitors are individuals and each has their own unique approach to cases and clients. You should consider how easy it will be to get hold of your solicitor and if they will be able to speak with you out of hours if the need arises.

Questions you need to ask before deciding who should represent you:

Does your solicitor have experience of acting for clients with a spinal cord injury?

You must ensure that the solicitor you choose has the appropriate level of expertise. Ask the solicitor about their caseload. Do they regularly handle spinal cord injury cases which have a value in excess of £1 million?

Ask the solicitor about their knowledge of spinal cord injury professionals.

It is important that your solicitor has the key contacts necessary to obtain reports to help put your case together.

One way for your solicitor to keep up to date with medical and legal developments that relate specifically to spinal cord injury cases is to attend specialist training courses. You should ask your solicitor if they have done so.

How can your case be funded?

An initial consultation with a solicitor listed in our directory or on our App will be free. You should discuss the funding options carefully with the solicitor. Generally, Conditional Fee Agreements, often known as 'No Win, No Fee Agreements' should be available but there may be other ways to fund your claim. Consider each of the options carefully to ensure you understand what your financial commitment, if any, will be.

You should ask the solicitor if they can offer insurance to protect you from having to pay all or part of your opponent's costs, and your own expenses, should the case be lost.

You also need to know whether you will have to pay a contribution to your legal fees either at the outset or if you are awarded compensation. Solicitors are allowed to charge a 'success fee'. This success fee is a percentage of your lawyer's fees, paid from your damages at the conclusion of the case, providing your case has been successful. The success fee is capped and can be no more than 25% of part of your compensation payment. There is a complicated formula that solicitors must, by law, use when calculating success fees and you should understand and agree the success fee before you start the claim.

It will often depend on the complexity of your case but you should ask the solicitor if they are able to negotiate on the success fee.

If a solicitor asks for money on account, ask why it is necessary.

Is your solicitor able to obtain funding for your rehabilitation and immediate needs?

Enabling access to rehabilitation services is critical for you and your family. In a case where there is no dispute in respect of liability, your solicitor should ask for an interim payment to help fund your rehabilitation and immediate needs.

Part of this may involve your solicitor locating an appropriate Case Manager to co-ordinate your privately-funded care regime. SIA produces an annual Guide listing case management firms and individuals who are experienced in the rehabilitation needs of SCI people. It is available free of charge from [our online shop](#).

We have also compiled a list of questions, which you should ask the solicitor before deciding who should represent you:

1. Does the solicitor have experience of dealing with cases that involve spinal cord injury with a value in excess of £1 million?
2. Do they know spinal cord injury professionals who they can instruct to prepare reports on your case?
3. Have they attended a spinal cord injury training day and when was that?
4. Is your solicitor a member of one of the specialist personal injury panels and/or a member of the Association of Personal Injury Lawyers?
5. Ask your solicitor to explain the different ways of funding your claim.
6. Ask your solicitor whether you will have to contribute to your legal costs either at the outset or out of any compensation you may receive.
7. Ask whether an interim payment may be made available to you and the time frames for this.
8. If an interim payment can be made available, ask how quickly a rehabilitation package can be put in place to enable you access to a case manager and rehabilitation services.
9. If an interim payment is not possible, discuss with the solicitor if there are other options for rehabilitation.
10. If you encounter problems with your solicitor, do not be afraid to raise them. The solicitor may be unaware of your frustrations.
11. If you are unable to sort out the issues, or if you have lost faith in your solicitor, change solicitor. This is a fairly straightforward process and much easier than people think. Speak to the new Solicitor that you wish to instruct and they will arrange everything for you.

Disclaimer

This factsheet has been prepared by SIA and contains general advice only which we hope will be of use to you. Nothing in this factsheet should be construed as the giving of specific advice and it should not be relied on as a basis for any decision or action. SIA does not accept any liability arising from its use. We aim to ensure the information is as up-to-date and accurate as possible, but please be warned that certain areas are subject to change from time to time. Please note that the inclusion of named agencies, companies, products, services or publications in this factsheet does not constitute a recommendation or endorsement by SIA.

Revised October 2015

ABOUT SIA



The Spinal Injuries Association (SIA) is the leading national user-led charity for spinal cord injured (SCI) people. Being user led, we are well placed to understand the everyday needs of living with spinal cord injury and are here to meet those needs by providing key services to share information and experiences, and to campaign for change ensuring each person can lead a full and active life. We are here to support you from the moment your spinal cord injury happens, and for the rest of your life.

For more information contact us via the following:

Spinal Injuries Association
SIA House
2 Trueman Place
Oldbrook
Milton Keynes
MK6 2HH

T: 01908 604 191 (Mon – Fri 9am – 5pm)

T: 0800 980 0501 (Freephone Advice Line, Mon – Fri, 11am – 1pm/2pm – 4.30pm)

W: www.spinal.co.uk

E: sia@spinal.co.uk

Charity No: 1054097

Brought to you by:



