

Court proceedings: What happens next



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What does this mean?

We will issue your claim at Court by lodging a claim form setting out the case, the medical report and a summary of your financial losses. The details of the case are contained in a formal document called the Particulars of Claim. We will ask you to sign this document to confirm it is correct before we lodge it at Court.



What happens next?

Once the claim has been served on the Defendant, we will receive their Defence to your claim, usually within 28 days. The Court will then allocate your claim to a 'track' depending on its financial value or complexity.

There are three tracks:

- Small claims track – where the compensation for your injuries (pain and suffering) is likely to be £1,000 or less.
- Fast track – where your claim is likely to be worth in total up to £25,000 and the final hearing is likely to take less than one day.
- Multi track – where your claim is likely to exceed £25,000 or where there are complex issues to be considered which will occupy the court for more than one day.

The Court will then set a strict timetable for the steps needed to get the case ready for hearing, depending on the allocated track.



What we need from you?

Tight time limits are imposed by the Court. If a court order is made in your case requiring information from you, it is vital that you respond quickly. The Court can impose penalties if there is a delay.

There may be occasion during the case when the Court makes a costs order against you, perhaps through no fault of your own. We have to tell you about this under Court rules.

However, except in extreme circumstances this will not affect your compensation and you will not be asked to pay those costs.

Statement of truth

All legal documents that you sign include a 'statement of truth'.

This means that when you sign the document you agree that it is true and correct to the best of your knowledge. The Court will not hesitate to punish anyone who signs a document knowing that it is untrue. It is vital that you check every document that you sign to ensure that it is completely correct.

The Court will also take very seriously any attempt to exaggerate the claim and will impose penalties. If there is any change in your circumstances you must tell us immediately.



Documents

Under the Court rules we have to provide a list of all the documents that you have which are relevant to your claim. We will ask you to sign the list to confirm that it is complete.

Any letters, receipts, wage slips or forms that you receive from anyone other than us which could have a bearing on the case (even if you send them back) must be listed, so send them to us, or tell us that you have had them. Again, the Court can penalise you if this is not correct.

Please continue to send documents to us as and when they are received by you and we will update the list.

Expert evidence

Any expert used in your case, whether a doctor, engineer or other expert, has an overriding obligation to be truthful. The Courts now encourage joint experts and so in most cases there will be only one expert of each type. It will not normally be possible to obtain a second opinion. The expert is there to tell the Court about your case and will not lean towards either party.



The Hearing

Many cases will settle after Court proceedings are started and will not involve attending Court. If your case does proceed to a hearing, you will need to attend Court.

- Small Claims will be dealt with as soon as possible by the Court at an informal hearing.
- Fast track claims will normally be heard within 30 weeks of allocation. There will be no expert evidence and the case will last no longer than five hours.
- Multi track claims will be managed by the Court, who will ensure that the case is heard at Court as soon as it is ready.





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