

FACTSHEET

Personal Injury



Funding your personal injury claim

If you're considering making a personal injury claim, it's only natural to be concerned about how you're going to pay for the cost of your legal action.

Making a claim can feel daunting, but you shouldn't let worries about money stop you seeking legal advice.

In fact, depending upon your circumstances, there are several options available for funding your claim, including:

- + Conditional fee agreement (also known as a 'no win, no fee' arrangement)
- + Legal expenses insurance
- + Trade union funding
- + Private funding

To help you understand more about the options available to you, we've explored each of these in greater detail.

What is a conditional fee Agreement ('CFA')?

A Conditional Fee Agreement (CFA) – or 'no win, no fee' agreement – means that if you lose your claim, you won't have to pay our costs.

We can also arrange insurance that protects you against paying your opponent's costs.

If I win my case, what fees will I need to pay under a CFA?

If you win your case, your opponent will pay the bulk of your legal costs and expenses. Any costs which aren't recoverable from your opponent will be deducted from your final compensation payment.

You'll also need to pay a success fee to your solicitor. This fee reflects the risk a law firm takes in taking on your case and not being paid for their work if you lose.

The amount you'll pay will be a maximum of 25% of the damages you receive for:

1. Your pain, suffering and 'loss of amenity' (i.e. loss of ability to enjoy life)
2. Any past financial losses which can be exactly calculated (but not future losses of that kind)

If you win your case, you'll also need to pay an 'after the event' insurance premium, taken out to protect you against having to pay your case expenses and your opponent's legal fees.

What do I pay if I lose my case?

If your claim is unsuccessful, you won't have to pay anything to us or your opponent, provided we've arranged an insurance policy on your behalf.

The premium will not be payable if you lose.

What is legal expenses insurance?

This insurance is often taken out as an additional or benefit on an insurance policy, such as home or vehicle insurance.

Legal expenses insurance often covers personal injury claims. Usually it will provide indemnity cover to a certain limit for solicitor's fees and expenses, regardless of whether you win or lose your case.

How do I know if I have legal expenses insurance?

Send your policy documentation to us and we can look through it for you. Some policies set a time limit for claiming cover, so you should do this as soon as possible after your accident.

It's important to note that legal expenses insurers often have a preferred panel of solicitors. Therefore if you want to go down this particular funding route, you may not be able to instruct the firm of your choice.

However if we approach the insurer, we can often agree that we can act for you, so speak to us before agreeing anything with them.

Trade union funding

It's also possible that a union will cover some or all of the costs associated with your personal injury claim.

However trade unions often have a preferred panel of solicitors, so we may not be able to act for you unless we contact them.

Private funding

If your case doesn't initially appear strong enough for a 'no win, no fee' agreement, we can undertake a preliminary investigation for you on a private funding basis. We'll give you an estimate of our fees to do this.

If the results of this are positive, we may then be able to take on your case on a conditional fee arrangement basis.

Continued...

Funding your personal injury claim

Can I change my source of funding?

Yes. Sometimes it can take a while to get a clear answer from your legal expenses insurers.

So if you find out, after signing the conditional fee agreement, that you actually have the benefit of legal expenses insurance, we will change the terms of your conditional fee agreement to reflect this.

Further information

Our aim is to ensure that you get the compensation you need to lead the best life possible, regardless of the severity of your injury.

If you have any questions or concerns about funding your personal injury claim, call our specialist team on **0117 325 2929**.

www.barcankirby.co.uk

