

## CLINICAL NEGLIGENCE - YOUR JOURNEY

Clinical Negligence claims can take a considerable amount of time to investigate and complete, even if the issues seem relatively straightforward. No two cases are the same but we have set out below a basic timeline of a straightforward case to give you a guide. Of course we will fully advise you at each and every step of the case.

### GET PREPARED

- 1) Gather all evidence relating to the events including:
  - Complaints correspondence
  - Serious Untoward Incident reports
  - Any Inquest documentation
  - Death Certificate / Post Mortem
  - Any medical records that you have

- 2) Keep a note of all financial losses including receipts.

- 3) Keep an ongoing diary of events, your recovery, appointments and care provided by others throughout the course of the case.

### INITIAL APPOINTMENT

If we can assist we will arrange an initial appointment with you, if needed, at one of our offices.

### FUNDING

We usually offer "no win no fee" but this will be discussed with you in detail. Legal Aid is sometimes available.

### COLLATE MEDICAL RECORDS

The medical records need to be electronically paginated and collated and a detailed chronology prepared – 2-4 months depending on volume.

### MEDICAL RECORDS

It can take anywhere between 40 days and sometimes longer - 6 months.  
We need to review them and report back to you - 1-3 months depending on the volume.

### WITNESS STATEMENTS – ONGOING

Your provisional statement will be drafted following our meeting and updated as the case progresses. We will also consider obtaining independent witness evidence.

### PROVISIONAL SCHEDULE OF LOSS – ONGOING

We will begin to prepare a schedule of loss based on the financial evidence that you provide to us and update this throughout the course of your case.

### INSTRUCT MEDICAL EXPERT

It can take anywhere from 12 weeks to 12 months (sometimes longer) for us to receive the initial report.

### LETTER OF CLAIM

If the expert's report supports your claim, you will be sent a draft letter of claim for approval. This will set out full details of your case and the allegations. Once approved it will be sent to your opponent.

### LETTER OF RESPONSE

Technically the Defendant has 4 months from receipt of the Letter of Claim but often they ask for extensions of time.

### LIABILITY ADMITTED

Consider any further experts required to value the claim. Allow 4-6 months per expert. Update and finalise Schedule 3-6 months.

### LIABILITY DENIED

Send Letter of Response to expert for further comments 3 months. If unsupportive, discontinue claim.

If they remain supportive –  
either: Instruct Counsel  
AND / OR  
Issue Court Proceedings.

### COUNSEL?

If required - Instruct Counsel (Counsel / Barrister - a lawyer regulated by the Bar Standards Board, often specialising in court room representation, drafting pleadings and expert legal opinions).

If not required - Settlement negotiations - 3 months.

If unsuccessful - Issue Court Proceedings  
Once Proceedings Issued the case falls into the Court's Timetable and we will advise in full at that stage.

First steps? - If you'd like to make a claim after experiencing clinical negligence, contact us free today