IM LAWYERS



Information your lawyer will need to start your personal injury claim

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It can sometimes be overwhelming when you first engage a personal injury lawyer, just how much information they require. You might even be surprised at what types of information your lawyer needs to optimise the success of your claim. It's helpful to be prepared by knowing what sort of information your lawyer might need from you in the initial stages of a personal injury claim.

This information applies to most personal injury claims, including:

1. abuse claims;
2. motor vehicle accident claims;
3. common law workers' compensation claims; and

other public liability claims.

What is a personal injury claim?

Personal injury claims are claims for compensation as a result of injuries that, for most claims, the claimant says are caused by another person or entity. Examples of personal injury claims may include claims for injuries caused by a motor vehicle accident, medical negligence, or abuse.

While different types of personal injury claims require information in the initial stages, generally, the below information will be used to complete the claim form which is applicable to your type of claim (whether that be a road accident, workplace accident, medical

negligence etc).

For example, the claim form would be a ‘Notice of Accident Claim Form’ for a motor accident claim or a ‘PIPA Notice of Claim Form Part I and II’ for public liability and abuse claims.

Signing a compensation claim form and sending this to the applicable respondent is generally the first step of commencing a personal injury claim. This is why this information is all needed quite quickly once you have engaged a solicitor.

Administrative information required for a personal injury claim

The first information a solicitor will require from a client to assist with a personal injury claim is their personal contact and administrative information. This may include:

- contact information, including your address, phone number and email address;
- your date of birth;
- your Medicare number;
- your Centrelink number (if applicable).

This information generally needs to be provided in the claim form but will also be used by your lawyer to:

- ensure they can contact you with updates at the relevant times;
- gather information from other entities or parties to pursue your claim.

Information about the incident/accident which led to your injury

One of the main pieces of information required for your personal injury claim will be as much detail as possible about the incident or accident. This includes what you remember about how the incident occurred, including what happened before and after the incident.

Some factors that we may ask you about are:

what the weather was like at the time of the incident (e.g raining, sunny, bright, dark);

when the incident occurred (both date and time);

where the incident occurred (as specifically as possible);

whether you could draw a diagram of the location of the incident with features that may identify the location of the incident; and

details about how the incident occurred.

You will also need to provide as much information as possible about any other people who were involved in the incident, including any witnesses. The more information that can be provided about those people the better, including names, descriptions, and contact information. We may also need to know whether you know the other people involved before the incident.

For example, we may need information about:

witnesses to your incident/accident;

for motor vehicles accidents, the at-fault driver and other drivers involved in the accident;

for abuse matters, the perpetrator of the abuse and other people involved or who were aware of the abuse;

people who you reported the incident to (including police, employers or other people in the responsible organization); and

for workers' compensation matters, your supervisor, employer and any co-workers who witnessed the injury.

Medical history required to pursue your personal injury claim

To claim compensation for the injuries you sustained in an incident or accident, you will need to provide information about those injuries, including:

what injuries you sustained;

what treatment you have received and may be continuing to receive for the injuries;

whether the injuries have affected your ability to do your day-to-day tasks.

In some types of claims, your doctor will also need to fill in a medical certificate in a specific format to go along with the notice of claim form. This medical certificate is to confirm what injuries you sustained in the incident.

Outside of the incident-related injuries, you will also be required to provide, to your lawyer, information about other injuries, illnesses or medical conditions you have suffered from in the past.

This includes:

past injuries for which you have made a personal injury claim;

past workplace injuries;

past mental health conditions or interactions with mental health treatments;

past injuries for which you did not make a personal injury claim; and

all other past or current injuries, illnesses, or medical conditions which do not relate to the incident.

Remember, this is information you are providing to your lawyer, not the other party or any insurance company. Your lawyer will speak with you about what information you provide may need to be shared with any other parties.

You will also be required to provide information about what doctors or treatment practitioners you have seen to treat these past injuries, illnesses, or medical conditions. It is important this information is provided accurately to ensure that your lawyer and the insurer or respondent can properly understand the effect that the incident injuries have had on your life.

As part of the investigation process, your lawyers and/or the respondent will likely obtain copies of your medical records from your past and present medical providers to support your claim.

Employment history

In the initial stages of pursuing a personal injury claim, you will also need to provide information about your employment and in

some situations also, your previous employment history.

This may include:

- information about your role;
- education and qualifications you may hold;
- contact information for your employer and previous employers;
- your earnings;
- whether you were required to stop or change your work due to the incident injuries.

You will likely also be required to provide documents such as tax returns and pay slips to verify your employment information.

What impact has your injury had on your life?

In order to pursue your personal injury claim properly, your lawyer needs to understand the impact the injuries have had on your life. This will include things such as whether and how your injuries have impacted your ability to:

- work;
- perform your household chores; and
- engage with your hobbies and other activities.

Get help from a personal injury lawyer

If you would like to engage a lawyer to assist with your personal injury claim, please give us a call on 1800 001 339. There are various strict (and generally short) timeframes which apply to all personal injury claims, so it is important to ensure that you act quickly to preserve these timeframes and secure any compensation and entitlements you may have.

This article is of a general nature and should not be relied upon as legal advice. If you require further information, advice or assistance for your specific circumstances, please contact us.