

Access Legal from Shoosmiths announces uplift on all compensation awards next year

Submitted by: pr-sending-enterprises

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Access Legal from Shoosmiths has announced that a decision handed down at the Court of Appeal recently means that people awarded damages in court for all personal injury claims will get 10% more compensation from next year.

A case handled by Shoosmiths' private client arm Access Legal (<http://www.access-legal.co.uk>) (Simmons vs Castle) was successfully taken to the Court of Appeal in February of this year and has been used by the Court of Appeal judges to set guidelines on the level of general damages at 10% higher than at the present time.

Access Legal's client, Christopher Simmons, was riding his motorbike when the defendant carried out a U turn immediately in front of him, causing Mr Simmons to collide with the vehicle. He was knocked off his bike and thrown across the bonnet, suffering a traumatic rupture of the spleen and soft tissue injury to his knee. The personal injury solicitors (<http://www.access-legal.co.uk/services/personal-injury-solicitors-56.htm>) successfully won compensation amounting to more than £24,000.00 and if Mr Simmons should develop a long term disabling illness related to his injuries which causes significant ongoing loss of earnings, he can go back to the court for further compensation.

The proposed increase in damages is intended to ensure the reforms set out in the Legal Aid, Sentencing, and Punishment of Offenders Act 2012 is a package to compensate for the loss of conditional fee agreements and after the event insurance when the rules come into force in April 2013. These new rules are based on the recommendations of a 2009 report produced by Sir Rupert Jackson (who sits in the Court of Appeal as Lord Justice Jackson) which proposed abolishing the no-win-no-fee Conditional Fee Agreement (CFA) system where the claimant's lawyers recover a 'success fee' to compensate for those cases that are not successful and where they cannot recover their costs.

Instead, from next year, the Act means that it's the winning claimants who will have to pay the success fee (capped at 25% of the damages they are awarded). They will also no longer be able to recover premiums paid for After the Event insurance (taken out to cover having to pay the other side's costs in the event they lose) from the defendant. This can be seen as a positive step against the background of the new rules which penalise deserving and genuine claimants on costs. At least the 10% uplift partially ameliorates the significant negative impact of the abolition of the claimant's right to justice; however, claimants will still lose out.

Access Legal partner Rose Donoghue commented: "Although the 10% uplift on personal injury claims is a step in the right direction, we must not lose sight that the new rules may, because of the financial risks, deter those the individuals who have suffered serious injuries, from pursuing genuine claims."

The package of measures introduced by the government to reform civil litigation costs emphasises why it's now even more crucial that any solicitors appointed to represent a client in any personal injury claim is

experienced, qualified and professional. No matter how credible and convincing the case may be, those involved are now exposed to a greater element of financial risk, so a solicitor who can give an accurate and realistic assessment of the chance of success based entirely on the merits of the case to ensure that any the damages due are retained is more important than ever.

About Shoosmiths:

From assisting with buying a house (<http://www.access-legal.co.uk/services/conveyancing/buying-a-house-71.htm>) to making a will (<http://www.access-legal.co.uk/services/family-law-solicitors/making-a-will-104.htm>) or claiming compensation for an injury - Access Legal have it all covered. Whatever legal obstacles life throws in the way way, Access Legal from Shoosmiths can help tackle them.

Access Legal is a specialist in everything from selling a home to employment rights, motoring law to personal injury. It will protect the client's assets, uphold consumer rights and guide clients through a coroner's inquest.

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