

news&views

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Think bike!

We deal with many claims on behalf of injured motorcyclists and thought it would be helpful to briefly deal with some of the frequently raised issues and concerns. Here goes:

I have third party insurance - why won't my insurers help with my claim?

With third party insurance you are only covered for claims made against you, not for injuries to yourself or damage to your bike. Your insurers will deal with claims made by the other driver/rider but the only way you will recover damages is to make a claim through a specialist company such as comercrawley.

Why am I being held partly to blame for the accident?

Although the other driver may be primarily at fault, if you were riding in an unsafe way the insurers may seek to hold you partly responsible.

Can I have a replacement bike while mine is off the road?

As long as you can show you have a need for hire [to get to college or work etc] and you are not physically restricted from riding because of your injuries, then your broker will be able to organise a hire bike for you. But you must speak to us (or your broker) before hiring, as there can be problems in recovering these costs.

Can I claim for my damaged clothing and helmet?

The law requires you to prove every aspect of a claim by providing receipts for the purchase of the damaged items where possible and/or photographs of the damage to the items – do not dispose of them until the claim is finalised.

How will the accident affect my insurance premium?

If the other driver's insurers admit liability, your claim is treated as 'no fault' and the premium is not loaded. If you accept blame, then your premium will rise at renewal.

What if my bike is on finance?

You must tell the finance company about the accident if the bike is damaged. You will be required to use any payment you receive for the bike to pay off any outstanding finance.

I was 'filtering' when the accident happened - will this affect my claim?

It depends. The Highway Code recognises filtering, but the Courts still see it as a hazardous manoeuvre which carries a risk of accident. If an accident occurs while you are filtering, there will almost always be a deduction to reflect this - although each case is different.



I am under 18 – how does this affect the claims process?

We will take formal instructions through your 'litigation friend' who is usually a parent and who signs the paperwork on your behalf. We can't conclude a claim if you are still under 18 unless the insurers agree to a procedure whereby your parent signs a form accepting the compensation on your behalf, or the settlement is approved by a judge.

This article is a brief summary of much more detailed advice and information relating to motorcyclist claims – visit www.comercrawley.co.uk and click on 'Think bike!' or call us on 01379 644331.

Happy birthday to us!

On 1 February we celebrated 10 years of comercrawley – and much has happened in that decade of growth and progress.

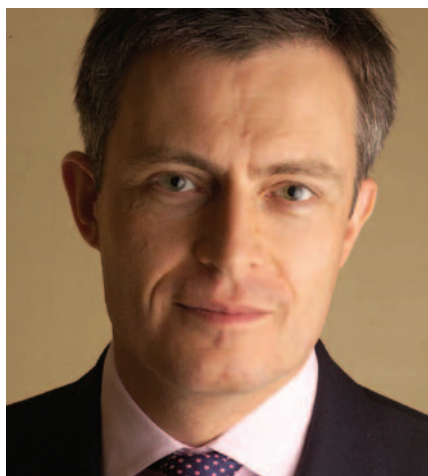
At the outset there were just two of us, whereas now the team has grown to 12 – which, of course, means we've increased the strength and depth of expertise we can offer our clients. However, the team remains a compact, tight knit unit, and as a company we are still small enough to deliver a highly personal service to all of our clients.

Ian Comer, senior director, says: "We're proud to have reached the 10-year milestone, but the really important thing for our clients is the fact that we have a decade more experience and expertise under our belt. Between us we now have more than 90 years' experience in dealing with personal injury cases."

Here's to the next 10 years!



The professionals



Our regular column in which we meet some of the people who help us deliver a top quality service to our clients – we call them ‘the professionals’.

Name and occupation:

I’m Steven Snowden, a barrister

specialising in personal injury claims, industrial disease cases and clinical negligence work. I act in cases ranging from County Court claims worth a few thousand pounds up to High Court cases worth several million pounds, sometimes appearing for claimants and sometimes for defendants.

What does your job involve?

Barristers work on a self-employed basis, instructed by solicitors for particular cases.

We usually represent parties in trials and other court hearings; we draft court documents (particulars of claim, defences, schedules setting out the damages claimed and counter schedules) and we give advice (either in writing or face to face) about the strengths and weaknesses of claims, their value and what steps are necessary to get them ready for court.

How long have you worked with comercrawley?

I have worked with most of the lawyers at comercrawley on a number of cases over the last five years or so, and have worked with Emma Crawley for more than 15 years!

Why do you like working with comercrawley?

All the lawyers at comercrawley are outstandingly experienced, able and practical people who take the time to get to know their clients well and understand the intricacies of their clients’ cases.

They prepare their cases in detail so as to be able to get the best possible results - either by a negotiated settlement or by going to court if necessary. Just as important, they are friendly and approachable and clients get a personal service from them.

case studies

Instead of our usual brief round up of recent cases, this time we look at a couple of interesting claims in a little more detail.

Putting the boot in

In August 2007 our client, ‘Mike’, was playing in a football match when one of the studs on his Adidas Predator Pulse snapped, causing him to rupture his left Achilles tendon. As a result of this serious injury Mike was in a cast and splint for 12 weeks, followed by an intensive course of physiotherapy treatment - but happily made a good recovery.

Mike contacted Adidas and they confirmed that the boots were faulty,

and offered £50 and a replacement pair of boots in full and final settlement. Mike contacted us and we instigated a full claim for compensation, which was dealt with by Adidas’ insurers, Zurich, who admitted liability but asked for proof that the injury was as a result of the faulty boot, which we obtained from other players.

We obtained a report from an independent medical expert and prepared a schedule detailing Mike’s financial losses (loss of earnings, medical expenses, gym fees, increased utility bills due to him being incapacitated at home etc). However, Zurich made a very low assessment of the claim and as we were unable to agree settlement court proceedings were commenced. This prompted them to deal with the matter on a reasonable basis and a favourable settlement was reached early on in court proceedings.

An unfortunate collision

In February 2007, a driver lost control of his car and collided with ‘Mr & Mrs Smith’s’ home, causing extensive damage. The damage was such that they had to move out for around nine months while reinstatement works were carried out.

Mr. & Mrs. Smith’s claim for repairs to their home was dealt with through their

home insurance policy – but there was no provision for compensation for the distress and inconvenience they experienced. They contacted us and we advised that they could pursue a claim against the driver’s insurers.

Mr Smith was trapped in the house for about an hour after the collision. He escaped physical injury but suffered quite severely from psychological effects including anxiety, lack of confidence, difficulties in sleeping and mood swings.

As a result of pursuing a personal injury claim, Mr. Smith received expert advice from a consultant psychiatrist who diagnosed that he was suffering from a depressive disorder and advised on a course of treatment. We arranged for the insurance company to pay for the treatment, following which Mr Smith was more or less back to normal – and we negotiated a very satisfactory settlement of his personal injury claim.

Mr. & Mrs. Smiths’ claim for compensation was initially rejected by the insurers who offered £100 as a ‘goodwill gesture’. The claim was eventually settled for a figure 50 times higher than this. It’s been a pleasure acting on their behalf - and very satisfying to achieve a positive outcome and help them put this unfortunate incident behind them.

comercrawley

the personal injury lawyers

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