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**Assessing potential new claims** \*clarke  
willmott

- \* Margarita Tyne
- \* Clinical Negligence Partner
- \* Clarke Willmott LLP

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**Assessing potential new claims** \*clarke  
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- \* New Client Call
- \* New Client meeting
- \* Client History
- \* Valuing claim – identifying relevant questions
- \* Other areas

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## The new client call

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- \* What is the purpose of the call?
- \* Put client at ease
- \* Extracting the basics

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## What do you want from a prospective client?

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- \* Rough outline
- \* What's happened to you?
- \* Less is more
- \* Previous Advice

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- \* Client's view
- \* Complaint?
- \* Limitation
- \* Who is the client?

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## What does the prospective client want from you?

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- \* Can you act for me?
- \* Will it cost me anything?
- \* How much will I get?
- \* How long will it take?

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## What value can you add?

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- \* The legal test
- \* Problem areas
- \* Be clear
- \* Possible value
- \* Limitation advice
- \* Funding

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## The new client meeting

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- \* Preparations
  - Outcome of complaint
  - Serious Untoward Incident report (SUI)
  - Root Cause Analysis report (RCA)
  - Medical records
  - Letters from clinicians
  - Notes prepared by Claimant

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## The new client meeting

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- \* Funding
  - LA
  - CFA
  - BTE Insurance
- \* Liability

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## The New Client Meeting – further information

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- \* Current condition for generals
- \* Age
- \* Employment status – pay details etc
- \* Care and assistance
- \* Expenses to date – keep receipts
- \* Private medical costs

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## The new client meeting – the process of a claim

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- \* Medical records
- \* Instructing experts
- \* How many experts?
- \* Involvement of Counsel
- \* Deny, defend, delay from NHS

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## Taking a client history

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- \* Good chronology
- \* Clear dates
- \* Focus on detail of medical care
- \* Quantum overview but detail can come later
- \* What does the client think happened?

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## Valuing the claim

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- \* Be clear about parameters
- \* Ensure client is clear much can turn on causation

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## Other areas

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- \* HRA claims
- \* Complaints
- \* Inquest
- \* Mental Capacity Act

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# Clinical Negligence: Law Practice and Procedure

25 & 26 January 2018

Anthony Collins Solicitors, Birmingham

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