

GENERAL TIMELINE IN A PERSONAL INJURY CLAIM

Part 1- PREPARATION BEFORE FILING OF PROCEED			
	STAGES	ACTIONS INVOLVED	TIMELINE
1	Meeting with the client	Where Client signs Cost Agreement/ Retainer and authorities to disclose information (Medical/ATO etc.)	Start
2	Solicitors carry out 1st stage of Forensic investigations (Damages)	At this stage we send authorities to doctors/physios/specialists requesting documents concerning both compensable injuries and any pre-existing health condition(s).	After 2-4 weeks
3	Solicitors carry out 1st stage of Forensic investigations (Liability)	We carry out research the potential responsible parties and request their position with respect to the accident as well as any evidence in support (CCTV footage, Witness statements, Accident reports etc.)	After 4-6 weeks
4	Solicitors establish a set diagnosis	We review all medical records obtained to determine preliminarily the diagnosis and the damages that are likely to be the object of the claim.	After 2 months
5	Obtain Statement from client addressing their position on liability and damages	We require a signed statement from the client addressing their recollection of the events surrounding the accident and `the impact that the accident has had on their life. <i>THIS STATEMENT IS NOT SERVED ON THE DEFENDANT.</i>	After 2 ½ months
6	Preparation of DRAFT Court Documents (Summons/Pleadings)	Based on the information obtained in steps 1-5, we draft the Court documents required to commence proceedings (Summons/Pleadings).	After 3 - 4 months
7	Brief Counsel to settle Pleadings and advise on the merit of the case	Where the case presents significant problems, we brief a Barrister/Counsel to assist us with early tactical decisions in the preparation of the claim, review of the latest decisions in similar matters and confirm viability of the claim and settle the draft Summons/Pleadings. Occasionally Counsel might request a conference with the Plaintiff.	After 5 months
8	Filing Proceedings in Court	We receive Counsel's advice and settled Pleadings. After obtaining our client's instructions we arrange for the Pleadings to be filed in the appropriate Court (District Court/ Supreme Court)	After 6 months

Part 2- AFTER THE PROCEEDINGS ARE COMMENCED IN COURT			
	STAGES	ACTIONS INVOLVED	TIMELINE from the time proceedings are filed
1	Attend Pre-Trial Conference	In which a timeline is set down to prepare the matter for hearing.	After 7 weeks
2	Answer request for further and better particulars	In which the defendant is provided with all reasonable clarifications with respect to the Plaintiff's Pleadings	After 2 months
3	Issue Subpoena(s) to Produce documents	In which we seek Court Orders to obtain the production of documentary evidence from the Defendant(s) or Third Parties	After 3 months
4	Review Defendant's Pleadings	The defendant's pleadings (Statement of Defence) contains the matters that the defendant's disputes in your claim. This document determines which issues need to be proved and what evidence is required to do so.	After 4 months
5	Arrange View/Inspection of the accident site	In which we send an expert to carry out tests and measurements to determine whether a particular situation represented a risk or hazard.	After 5 months
6	Obtain & serve Expert evidence (Liability & Medical)	In which we retain doctors and/or other experts to provide their written opinion (report) with respect to matters of a technical nature.	After 6 months
7	Review Defendant's expert evidence	In which we assess the strength of the Defendant's case and (where possible) obtain further evidence in reply.	After 7 months
9	Attend Status Conference	In which the Court decides whether the claim is ready to take a hearing date	After 9 months
10	Attend ISC/Mediation	In which we (together with the Client) we meet in conference with the solicitors of the Defendant(s) and explore whether the matter can be resolved by way of a settlement.	After 11 months
11	Conference with Barrister	Where a strategy for the hearing is made and the Barrister has a chance to speak with the Plaintiff and goes through the evidence in the case.	After About 11 ½ months
12	Issue an Offer of Compromise	In which we prepare a final offer to settle the claim.	After 12 months
13	Issue Subpoenas to Attend & Give Evidence	In which we seek Court orders that oblige people to attend Court and give evidence in the matter.	After 12 months
14	Attend Hearing	In which together with a Barrister and the Client we assist the Court to go through the evidence in the claim.	After 15-18 months

Part 3- AFTER THE CASE IS HEARD OR SETTLED				
AFTER THE HEARING			AFTER THE SETTLEMENT	
TIMELINE	STAGES	ACTIONS INVOLVED	STAGES	TIMELINE
After 2-6 months	Attend Handing down of Judgement	In which a Judge hands down his/her decision.	Provide the Defendant with Settlement documents	After 1 week
3 weeks after Judgment	Serve Party/Party bill on the Defendant	In which we send our tax invoice to the solicitors for the Defendants for them to pay their share of our costs.	Enter Judgment – In which we officialise the settlement by having the Court sealing a Judgment order in the case.	After 2 weeks
After 2 months since Judgment	Transfer Judgment Moneys to Client	This is generally done by cheque but can be also arrange by EFT	Transfer settlement money to client	After no less than 8 weeks from entering Judgment

DISCLAIMER

Please Note that the Timeline contained in these pages is only an indication as to the likely timeframe within which a case is brought to conclusion. It is meant to provide a general guideline as to the progress of a claim under normal circumstances. However, there are numerous events that might cause a delay and/or a temporary stop of a claim. These events may include but are not restricted to:

- Surgery (which causes a need to medically re-assess)
- The Plaintiff being unavailable to attend medical appointments;
- The need to join one or more defendants to the proceedings;
- An interlocutory matter (a procedural problem that needs to be addressed before the matter can proceed).

Whilst we are committed to progress the matter in a timely fashion we cannot guarantee that each of the above steps will be always carried out within the expected timeframe.