
Injuries board welcomes move to reduce lawyers' role in claims

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THE PERSONAL Injuries Assessment Board has welcomed what it says is a significant advance in its efforts to reduce the involvement of lawyers in the 30,000 personal injuries claims made annually.

Under a new consumer code issued by the Central Bank, people who contact insurance companies following the suffering of an injury now have to be informed they can deal with the board directly.

Insurance firms have to send out a leaflet to all potential claimants telling them all claims have to be made through the board, that claims can be made without the involvement of legal representatives and that any fees to be paid to a solicitor after appointing one generally come out of whatever damages may be secured.

The board's chief executive, Patricia Byron, said it was important people had this information, as she believed people were still not fully informed.

Dealing directly with the board, she said, involved a refundable fee of €45 while going through a professional such as a solicitor meant the

claimant had to pay professional fees out of whatever award arises. "We are not telling people what to do. We want to tell people that they have a choice," she said.

Employing a solicitor, she added, did not increase a claimant's chance of getting a higher reward. The board assessors making the decision on damages do not know whether a claimant is represented by a solicitor or not. "The procedure is the same whether a third party is involved or not."

However, director general of the Law Society Ken Murphy said people were likely to do better in compensation terms if they made their claims while using a solicitor.

He said up to 95 per cent of claims were made using a solicitor, and people were "well advised" to do so. The leaflets, he said, "are just a piece of further information. People know they are not obliged to use a solicitor, but they sensibly choose to use one."

Set up in 2004, the board has the express purpose of reducing the cost of personal injuries claims. Given that the main cost - outside of the awards themselves - are legal fees, it

has always had a difficult relationship with the legal profession.

In 2008 it lost a Supreme Court case where its practice of bypassing solicitors and writing directly to its clients was challenged by a client whose case was supported by the Law Society. The case was an appeal from a High Court case the board lost in 2005.

The new leaflet to be issued by insurance firms says a claimant who decides to appoint a solicitor or other professional should be aware any costs that arise from this are generally not recoverable.

The 2005 case was taken by Declan O'Brien, a meat factory worker, of Summer Road, Tullamore, Co Offaly, arising from his action for damages for injuries allegedly suffered in a workplace accident in November 2001.

In 2010 Taxing Master Charles Moran described as "revolting in the extreme" the legal fees claimed arising from the case. He granted only €393,472 of a €2.143 million legal bill submitted.