

THE CLAIMS PROCESS

This infographic looks at the claims process.
This process applies for most litigation cases, including professional negligence claims and commercial litigation.

You have your free 30 minute consultation with us to see if you have a claim.

We'll send a letter of claim to the defendant. This sets out what they did wrong and the value of your claim. You may need an expert report to back up the Letter of Claim.

Once 3 months is up, you'll get a formal letter from the defendant, or more likely their solicitors, where they admit or deny responsibility and give their reasons why.

If the defendant denies responsibility, we will need to analyse the reasons why. We may need a barrister to give their opinion and prepare the necessary paperwork for issuing the claim at court. We can help you arrange an insurance policy, called an ATE policy, to cover some of your legal costs. Read more in our Guide to Funding.

If your case doesn't settle at mediation, we'll issue proceedings. This starts the Court process. You'll pay a Court issue fee. How much will depend on the value of your claim.

The defendant must acknowledge the papers within 14 days. Then they have 28 days to file and serve their defence. The defence is a formal Court document that sets out their reasons for denying responsibility.

Both sides have to disclose any documents they have relating to the claim, whether they help their claim or not. This includes electronic documents. This is called disclosure. You will have to confirm that you've given all the relevant documents you have by signing a statement of truth.

Both sides will give each other final versions of their expert evidence. Depending on the case, the experts may be required to meet to discuss their reports and provide a joint report setting out areas of agreement and disagreement.

Trial begins and you will be represented by a barrister. The length of the trials depends on how complex the case is.

Following judgment, both sides can ask the court to decide on costs. The general rule is that the loser pays the winners costs.

We agree our terms with you and we start your claim.

The defendant has 21 days to say they've received the letter of claim and then they have 3 months to investigate your claim.

If, after the 3 months investigation period, the defendant admits responsibility, we will start negotiations to settle your claim.

Now that both sides understand the details of the claim, it's a good time to consider mediation. Mediation may settle your claim and save you future costs.

After the claim is issued, the Court paperwork must be sent to the defendant within 4 months.

The next step involves establishing how the claim will be timetabled by the court and what procedural steps are necessary and when they will take place. These steps will include the need for witnesses and expert witnesses. Both sides will give each other and the Court an estimate of their total costs.

Both sides will need to give their written witness statements to each other. We can help you draft these statements. Any witness that gives a statement, may need to attend the trial.

Next, if you are the claimant, you'll pay the trial fee and we may attend a pre-trial review for you.

The judge will make sure the case is ready for trial and decide if he needs oral evidence from any experts.

The trial judge may give some preliminary views on the case at this point.

On the final day of the trial, the judge will give their judgment or ask both sides to come back at a later date.

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SOLICITORS

Call us now on 0117 926 4121 or [make a free enquiry online](#).

For information about how long your claim may take, please see our [FAQ page](#).