

## Checklist for Personal Injuries

Limitation expiry / /

### Preliminary

- New Client Information Form (incl. full name, dob, address, e-mail, phone)
- Costs disclosure required by Division 3.3 *Legal Profession Act*
- Costs agreement in conformity with Division 3.3 *Legal Profession Act*
- CLAF funding required?

### Instructions

- Detailed Instructions (preferably signed and dated or confirmed in writing) 
  - Circumstances of injury
  - Consider potential defendants (is it common law?)
  - Nature of injury and any prior history
  - Medical treatment
  - Name and address of treating doctors, hospitals
  - Gratuitous care details
  - Employment, employment history
  - Loss of earnings (discuss consequence if under declaration of income)
  - ATO disclosure required? Yes  No
- Limitation Period [ ] years, Date of Expiry / /
- Limitation date entered in Limitations Diary
- Authority to Release Information form (including medical practitioners/hospital)
- Authority to release personal Medicare and Pharmaceutical Benefits Scheme claims information to a third party
- Medicare/HIC charge notice
- Compensation Estimate of Centrelink Charge /Preclusion Period form
- Witness statements, preferably signed and dated   
(NB potential hearsay exception *Evidence Act*)
- Confirm correct names of potential defendants, ASIC search

### Practice Direction 6/2009

- Disclosure/discovery documentation. 
  - Medical records, certificates
  - Taxation returns
  - Pay slips i.e. net weekly earnings/ annual income
  - Gratuitous services, out of pocket expenses

- Other relevant documents: taxation status, independent contractor status
- Seek medico-legal reports, including evaluation of permanent impairment
- Consider engagement of Counsel to settle pre-action letter, advise on liability, quantum, evidence
- Pre-action letter in accordance with PD 6/2009, offer of compromise, mediation

**Litigation**

- Writ/Statement of claim correctly names defendants
- Brief counsel: advice on liability, quantum, evidence
- File offer of compromise

**Settlement conference**

- Pre-settlement conference advice to client 
  - Medicare/HIC charge and Centrelink reimbursements (if any)
  - Centrelink preclusion periods
  - Professional legal fees and disbursements to date incl GST
  - “In hand” figure if settlement at defendant’s offer
- Position paper for settlement conference
- At settlement conference be in position to advise client, as accurately as possible, on “in hand” figure, after all costs and disbursements, Medicare/HIC charge, Centrelink reimbursement
- Advise of preclusion period, if any
- Re-assess offer/s of compromise after settlement conference

**Trial**

- Confirm counsel’s brief for trial
- Exchange medical, expert reports in accordance with orders, Rules
- Arrange witnesses, video in accordance with Rules 
  - Dr            by video    / /
  - Dr                            / /

Notes