

# Information Pack

for

Personal Injury

relating to

## Public Liability Accidents

Address:

Street: Level 4/57 The Esplanade, Maroochydore

Postal: PO Box 737, Maroochydore QLD 4558

Tel: 07 5443 1800

Email: [seniorassociate@mmlaw.com.au](mailto:seniorassociate@mmlaw.com.au)

Web: [mmlaw.com.au](http://mmlaw.com.au)

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## A welcome from the Partners

Hello,

Thank you for requesting this pack.

We have attempted to make the information as simple as possible, but this is important to you, and to us, so we must also be sure to give you as much information as possible without overloading you with legal gobbledegook.

Every part of the document is important so please read all the way through each section and take note of any questions you have to ask us when we meet.

You have our personal commitment to giving you the best advice and representation available. We will work with you so that you are clear about what your options are and what is available to you.

Please print this out so that you can make notes and jot down any questions you have. If you do not have a printer, please contact us and we will send a printed version to you. You will also find a checklist at the end of the pack which we hope will assist you to get as much value as possible out of the one on one time with us.

Kind regards

Malcolm McColm and Christine Matsinger

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## Can we help?

We understand that this may be a difficult time for you as a result of your injury and we are hopeful that we may be able to assist you in understanding the legal and other processes involved with your case.

What you have in your hands is a document designed to help you take the next step. There are many elements which need to be considered and we hope to simplify this for you.

## Self-Assessment checklist

It is important that you work through this next section in order to self-assess your situation. However, keep in mind that this is a general appraisal and it is with our help that we narrow down the particulars of your situation.

- You have sustained a physical and/or psychological injury
- The police attended the scene of the accident
- You were attended to by an ambulance
- You were transported to a hospital
- You have received medical treatment because of your injuries
- You have lost time from work because of your injuries
- You have lodged a claim for compensation with the public liability insurer
- The insurer has rejected your claim
- The insurer is investigating liability issues
- The insurer has offered to pay for your rehabilitation
- The insurer has offered you compensation for your injuries
- You want to sue for common law damages for your injury.

If you have identified at least 3 of the above being applicable to you, then please go through the rest of the pack. If you believe your circumstances are different, please call us so we can provide some guidance or additional information to assess your unique circumstances.

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## What is contained in this document?

This document contains:

- Questions we may ask;
- Time frames that you need to be aware of;
- Fees and charges;
- Who we are;
- Legal representation – what this means;
- Where to now, what steps to take;
- Checklists and notes;
- 30 minute free consultation voucher.

We look forward to helping you through this process and welcome your questions.

## Questions that might be asked of you

Questions to consider prior to meeting with us are following. However, please do not spend a lot of time addressing these issues if you feel it is presently too burdensome. We will chat with you about these issues at the meeting. If you do not have an answer, we may be able to take steps on your behalf to determine the answer.

The next few pages contain some of the questions that you may need to consider. We have separated out the questions into groups leaving you some space for you to make notes as you go. In addition, at the end of this document is a checklist and more space for you to jot down any questions that come to mind.

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## Questions: Injuries and treatment

1. What injury have you sustained?
2. What medical or other treatment have you received and by whom?
3. Have you suffered from any injuries or illnesses before the incident (other than minor matters)?
4. Have you made a previous injury claim?

**Your note:**

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## Questions: Economic loss

1. Were you employed at the time of your injury?
2. If so, have you been unable to work for any period of time because of your injury?
3. What were your usual weekly hours of work and what was your net weekly income?
4. Have you been able to return to work and if so, have your roles and/or earnings changed because of your injury?
5. What were your future work intentions immediately prior to your injury?
6. Describe your work history for the 3 years prior to your injury.

### Your notes:

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## Questions: Expenses you have paid

1. Have you made any outlays in relation to your injury such as expenses for medication, medical treatment, physiotherapy, home help or travel?
2. Have you retained receipts?

**Your notes:**

## Questions: Voluntary care and assistance

1. Have you been provided assistance in respect of your personal care, household duties and/or travel?
2. If so, by whom, for what care, for what period of time and approximately how many hours a week?

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## Questions: Liability – Public Liability

1. When did the incident occur?
2. Where were you when the incident occurred?
3. How did the incident occur?
4. Had you consumed any alcohol or drugs in the 12 hours before the incident?
5. Who caused the incident and why?
6. Were there any witnesses to the incident?
7. Were there other people involved in the incident?

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## “No win No fee”

We believe injured people are entitled to seek civil justice regardless of their ability to afford legal representation. Accordingly, McColm Matsinger Lawyers will offer a “no win no fee” arrangement to their injured clients. Overall, this means that you will be charged a fee upon the successful completion of your claim; that is when you are paid a settlement sum or awarded damages from a Court. You will not be required to pay any fees before that time. Put simply, if you don’t receive a settlement sum or an award for damages, we will not charge any professional fees. This is subject to our termination clause in the Client Agreement, which we are happy to discuss with you.

What does “fee” actually mean? It means our professional fees for the work that we carry out for you. Our hourly rates vary depending on the classification of the solicitor and other qualified staff who spend time on progressing your matter.

We are happy to discuss the terms of the “no win no fee” arrangement in further detail and the manner in which the final fee is calculated. Those terms will be fully particularized in the Client Agreement.

## Time frames

Please note that there are strict time limits which apply in respect of claiming compensation and suing for common law damages. A Notice of Claim form must be lodged with the relevant insurer either within nine months from the date of accident or within one month after instructing a lawyer – whichever is sooner. Proceedings for common law damages must be commenced in Court within 3 years from the date of the incident (unless your claim settles before then). These time limits may be varied in limited circumstances.

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## Legal considerations

Please allow us to address a couple of legal points that we are required to do by law in order to ensure the way in which we conduct enquires is handled in an appropriate manner.

## What is legal representation and do I need it?

The nature of your situation may determine whether a lawyer is the best person to help you. We have offered a 30 minute no obligation consultation which will help assess if we are the right people for you and what alternatives may be available. Again, we believe it is important that you understand your legal rights and obligations to the law and hope we can help you navigate this path.

All enquiries are confidential and we are obligated by law to operate in a way which protects the information that you provide us.

## PIPA compliance

We would welcome the opportunity to discuss with you the full details of our services, experience, vision, and our commitment to fight for justice for injured people but are restricted in doing so pursuant to the *Personal Injuries Proceedings Act 2002*. If you would like more details, please do not hesitate to raise any questions at our first face to face meeting.

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## Who we are

### Firm

McColm Matsinger Lawyers are a local Sunshine Coast law firm who opened the doors in 1999.

The partners of the firm (Malcolm McColm and Christine Matsinger) both have in-depth business and legal experience, and local knowledge. Having worked together for many years as Partners before establishing McColm Matsinger Lawyers, they agreed on the foundations of good client service and strong legal knowledge.

Today, the result is their leading Sunshine Coast law firm, where a team of lawyers work under the McColm Matsinger Lawyers banner, enforcing the firm's strong principles and philosophies to guarantee clients premium levels of service.



The Team

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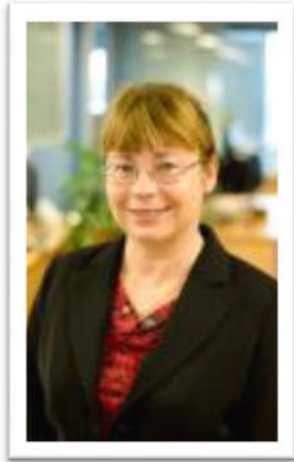
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## Personal Injury Solicitor



Kerry McCarthy (Senior Associate) graduated from university in 1994, obtaining an honours degree in the Bachelor of Laws. She was admitted as a solicitor of the Supreme Court of Queensland in 1997; and later admitted to the Supreme Court of New South Wales and the High Court of Australia. Additionally, Kerry holds a Master of Laws degree.

As an experienced solicitor, Kerry understands the necessity to provide personal care for her clients. Kerry has a strong knowledge in her area of practice, operates with a high level of attention to detail and helps clients navigate through the complex legal system. In addition, Kerry has also previously practised as a registered nurse, primarily in intensive care. Together McColm Matsinger Lawyers and Kerry's approach to handling client enquiries and helping you with your matter is of primary importance.

*"It is the privilege of being given the opportunity to make a positive difference to clients' lives which drives my determination to see justice afforded to those who have been wronged".*

### **EXPERIENCE:**

Admitted as a solicitor in 1997.

### **QUALIFICATIONS:**

Post Nominals: LLB (Hons), LLM

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## What to do now



Call our office on 5443 1800 to make an appointment with Kerry at a time that is suitable to you.



We will send you a Client Contact Details form to complete either via email or post.



In addition, please consider the questions enclosed in this document as these are a good starting point for our first meeting.

## Voucher

We would like to extend to you a no obligation free consultation. During this meeting we will simply assess your situation and help you make some decisions. This consultation is valid for 30 minutes and we would highly recommend that you come with any documents and relevant information. The law is complex and we will attempt to obtain what we need in order to carry out a proper assessment for you.

This offer is valid for any personal injury enquiry, and for the initial consultation only. Please refer to our [No win No Fee](#) section which will explain any expenses that may relate to your matter.

The voucher is located on the last page of this document. Please bring it and your checklist information to the meeting.

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## Checklist

### What to bring to the “face to face” meeting

The following list is not an exhaustive list and you are welcome to bring other items that you believe are important. However, these are a few key items that we will need at our first meeting:

- Photo identification  
(we are required by law to make sure you are who you say you are)
  
- Answers to as many questions as possible from this document
  
- Any doctors, police or work place reports that you have
  
- Any photos or evidence that you have

Please call our office before coming to the meeting if you need clarification of anything.

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## Disclaimer

MMLaw provides the information in this document as a general guide only and does not warrant it as formal legal advice in relation to a specific case.

The information and other materials contained in this document are provided as a guide only. It should not be relied upon as legal advice. Legal advice should be obtained before applying any information contained in this document to your particular circumstances. Whilst every effort is taken to ensure the accuracy of the information contained in this document, McColm Matsinger Lawyers does not accept any liability for errors or omissions it may contain.

The communication of information from this document shall not be taken to create a Lawyer and Client relationship with you.

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## Voucher for 30 minute free consultation

(Valued at \$217.00 including GST)

We are pleased to be able to offer you a consultation for 30 minutes relating to your personal injury enquiry.

Please contact our office to make an appointment with our senior associate.

Appointment date: \_\_\_\_\_

Appointment time: \_\_\_\_\_

Valid only for 2014

Not redeemable for cash

Only available for Personal Injury enquiries by appointment

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