

Morgan McManus Website Accident Claims Service

A lot of Solicitors advertise the fact that they undertake Accident Claims services in respect of Personal Injury victims. You only need to look in the *Yellow Pages* and *Golden Pages* to see solicitors claiming to have expertise in this area of the law.

Likewise, turn on your local radio and you will hear advertisements telling you to give certain solicitors a phone call in relation to your accident. Very few solicitors however demonstrate the level of their knowledge in this area.

This is where the website provided by Morgan McManus solicitors – www.morganmcmanus.com – is so refreshing. Morgan McManus, headed by solicitors Brian Morgan and Fergal McManus, practise in the Republic of Ireland and Northern Ireland. One of the services provided by them is their litigation service and, more particularly, the service of advising victims who have been involved in accidents; whether it is a road traffic accident, a factory accident, a medical (clinical) negligence claim, a farm accident, slip & fall or related accidents. In the *Litigation & Injury* section of their website there is a very informative *Compensation Claims Guide*, which can also be downloaded in Adobe version. This explains to the uninitiated what they need to know about the Claims process; that is, how to make a Claim for compensation for property damage or personal injury. This is however only the start of the very helpful information which is provided.

The Statute of Limitations

For instance, some readers will be surprised to find out that a Claim for Personal Injury must be made in the Republic of Ireland within 2 years of the accident date. Morgan McManus state that this was a change in the law in the

Republic of Ireland enacted by the *Civil Liability and Courts Act 2004*; where previously the Claimant (victim) had a period of 3 years within which to initiate a Claim. This is a time bar brought in originally under the *Statute of Limitations* which states that if a Claim is not initiated within the 2 year limitation period then it is *statute-barred* and the Claimant can therefore no longer proceed with a claim after the expiry of the 2 year limitation period. Ironically, the limitation period in Northern Ireland for the issue of Proceedings is still 3 years. No doubt a lot of people from Northern Ireland who have been involved in accidents in the Republic of Ireland could be caught out by this difference in the law and this is where the Morgan McManus website can be a definite advantage to the accident victim in alerting them to critical dates.



To complicate matters more, the 2 year limitation period can be extended, but only where a Claim has been filed with *Injuriesboard.ie* (previously known as the *Personal Injuries Assessment Board*) within the 2 year limitation period. Again the website has a very informative page titled *Statute of Limitations* which explains the necessity to make a *valid* Claim in the first instance to *Injuriesboard.ie* and the necessity to obtain, what is known as, an *Authorization* from *Injuriesboard.ie* before you are entitled to commence a formal Civil Claim before the Courts in Ireland. For further information [click here](#) .

Injuriesboard.ie

Did you know that there are at least 13 reasons why you should instruct a solicitor first before commencing your *Injuriesboard.ie* Claim? Again this is all explained by Morgan McManus in the section of their website titled – *Why instruct a Solicitor?* – [click here](#) - where the website details some very important issues which should be considered by you before you commence a Claim before *Injuriesboard.ie*. For instance, did you know that *Injuriesboard.ie* will not advise you of the critical time limits which apply under the *Civil Liability and Courts Act 2004*? How therefore would an accident victim from Northern Ireland know about the 2 year limitation period unless they first instructed a solicitor? An examination of the *Injuriesboard.ie* website does state that the “normal timeframe” within which you must commence a Claim is 2 years but it does not explain that if you go beyond that date you are actually statute-barred from making a Claim. While 2 years may appear a long time it is not a long time for a victim who has been in a serious accident, sustaining catastrophic injuries and who may not be in a position to even consider making a Civil Claim for 2 years after the accident.

The writer was very concerned to read that if you submit an incorrect Claim to *Injuriesboard.ie* and withdraw it on the assumption that you can resubmit a fresh one you could run into a major problem due to the fact that you cannot submit a fresh Claim subsequently. In fact, if you do this, you will be prevented from issuing a Civil Claim as the inability to get an *Authorization* from *Injuriesboard.ie* prevents a Claimant issuing subsequently a Civil Claim before the Courts. Morgan McManus explain :

*Under the PIAB Act a **Claimant** may withdraw an application made by him or*

*her at any time before an Assessment is made in respect of the relevant claim concerned and, where a **Claimant** does so, the Act recites that “the Board shall cause no step or no further step under this Part in relation to the claim to be taken”. However the Act also recites that if such an application is so withdrawn the **Claimant** may not, in relation to the relevant claim concerned, either make a fresh Application or bring proceedings. A **Claimant** should therefore not be under the illusion that he can submit a claim without the necessity of legal advice and only consider getting legal advice if the *InjuriesBoard.ie* Claim subsequently turns out to be difficult. He will not be able to withdraw his badly drafted Claim and get his newly instructed Solicitor to submit a fresh Claim. It is extremely important therefore that a Solicitor is instructed in the first instance to submit your *InjuriesBoard.ie* Application.*



Cross-Border issues

As well as being able to advise the accident victim on the Claims process in Northern Ireland, Morgan McManus also advise on Cross-Border claims and give Case Studies of such claims. One such Case Study is repeated below :

*Car owner's wife, who was driving, and children were involved in a car accident in Northern Ireland (where the other driver was from the Republic of Ireland). Neither driver accepted responsibility and in the circumstances it was necessary to contest the case in Northern Ireland where we had the benefit of the Police evidence for the Court Hearing. We issued proceedings in respect of the car damage claim only (in the husband's name) in Northern Ireland, won our client's claim in that **jurisdiction** and, in turn, issued personal injury claims on behalf of the wife and children in the*

Republic of Ireland Courts (where the Compensation level was greater).

These are further issues which would not in the normal course be considered by an accident victim before they might otherwise stumble head long into a Claim before *Injuriesboard.ie* .



Do`s and Don`t`s at Road Traffic Accident Scenes

Yet another very helpful section, which cautions the road traffic accident victim on matters of which they should be aware at the scene of the traffic accident. For instance, always take photographs of the accident scene to record brake marks, position of vehicles, damage to vehicles etc. Always report the accident immediately to the Police – even in situations where the other driver tells you that there is no necessity to do so : Morgan McManus state you may subsequently require the Police officer as a witness in Court at a later date should the other driver`s Insurance company decide to contest liability for the accident (claim that their insured was not to blame). For further information [click here](#) .

Defending Personal Injury Claims

An examination of the website confirms that Morgan McManus advise, not only Claimants, but also people against whom claims are made. There is a very informative section titled *Managing the Defence of Personal Injury Claims*, which must be of great benefit, for example, to a

business which has been notified of a Claim. [click here for more](#) .

For instance, it advises relevant matters which should be considered under the *Civil Liability and Courts Act 2004*. For example, did you know that if a business can prove that the Claimant has made a fraudulent or exaggerated claim the Court may dismiss the Claim, even in circumstances where the business was clearly responsible for the accident? Morgan McManus explain that this is where it is critical that accurate information is gathered and recorded immediately after the accident. For further information [click here](#) .

Worth a visit

Whether you are making a Claim or have been notified of a Compensation Claim against you the Morgan McManus website www.morganmcmamus.com is well worth a visit. For those of you who are into social media it will be noted that Morgan McManus have a BLOG, [click here](#)

where they keep their visitors informed of ongoing legal developments on each side of the Border and recently they have also commenced an *Online Newsletter*. For further information [click here](#)

You can register to receive this Newsletter on an ongoing basis, ensuring that you will not miss out on changes in the law in the future. It is noted that there are also *Facebook* and *Twitter* updates.

Conclusion

Morgan McManus have demonstrated that, not only do they undertake this service but also, they are well versed in the delivery of this service and fully up-to-date in the knowledge of law required to ensure adequate protection for their clients in a legal world which gets more complicated every day.