Legal and Financial Support for Families following a Sudden Death

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THE ROLE OF THE SOLICITOR
Expectations of today?

+ Meet other agencies / professionals
+ Find out about different approaches
+ Expand knowledge
+ Look at what further support is available
+ Are we doing it right?
+ Signposting
+ Practical tips
+ How to be with bereaved people & how to help
+ Current practices
AIMS OF PRESENTATION

- Explore what bereaved families are facing
- Provide outline of what can be done for them
- Look at what lawyers actually do & the redress the law can provide
- Comment on current landscape and recent developments & impact on families
Unexpected deaths

- Deaths certified by a coroner
- Infant deaths by selected causes
Sudden Deaths in GB

+ Road Collisions
+ Accidents at work
+ Miscellaneous accidents (theme parks, drownings, fires)
+ Suicides
+ Terrorist attacks
+ Homicides
+ Infant mortality
Sudden Deaths in GB

- Road Collisions (1775 reported deaths in 2014, rise of 4%)
- Accidents at work (142 worker deaths in 2014/15 – 9% lower)
- Miscellaneous accidents (theme parks, drownings, fires)
- Suicides (6122 suicides in 2014 - highest men age 45 – 49)
- Terrorist attacks (32,727 people killed by terrorists worldwide in 2014 – 12.3% rest of world)
- Homicides – 518 deaths in 2014 / 15
- Infant mortality (cot deaths / children under 1 year) – 0.04% of all babies
The Ripple Effect
The Ripple Effect

- Parent
- Child
- Sibling
- Friend
- Grandparent
- Wider family
Immediate issues for families following the death of a parent or child

+ Emotional
+ Financial
+ Practical
+ Legal
All families are different
21st Century Families

- Who is who?
- Who gets and needs support?
- Who can legally make decisions?
When do lawyers get involved?

- At any stage
- To deal with specific issues (Probate, interim payments)
- Inquest representation
- Civil Claim
Families want justice
Incident 1

- Serious road collision involving 13 year old boy
- In collision with car overtaking the school bus he’s just got off
- Witnessed by mum, brother & step dad as well as friends and neighbours
- Step father attempted resuscitation at scene
- Died of injuries at scene
Incident 2

- Married female aged 40 driving along dual carriageway with daughters aged 3 and 5.
- Farm vehicle towing a trailer pulls out across her path to turn right leaving her nowhere to go and she collides with the side of the trailer.
- Mum dies of her injuries at the scene.
What are the immediate concerns?

Discuss!
Incident 1

- Emotional
- Financial
- Practical
- Legal
Incident 2

+ Emotional
+ Financial
+ Practical
+ Legal
**Stress**

- Worries about money, other family, child care, elderly relatives
- Physical symptoms (may cause major health problems)
- Fight, flight or freeze
- Emotional effects – memory, concentration, anxiety, depression, despair
Media

Some thoughts….

- Judgemental
- Sensational
- Untrustworthy
- Unhelpful
- Trial by Media
- Intrusive
Social Media

+ Twitter
+ Facebook
+ Instagram
+ Many others!
THE CIVIL SYSTEM

+ Different courts & burdens of proof
+ Insurance compensates in most cases
+ 3 year time limit unless under a disability / child
Is someone to blame?

- Individual(s)
- Company
- Local Authority
- MIB
- CICA
CIVIL CLAIM OR CICA?

THE CIVIL COURTS
+ “the object is to place the injured party as nearly as possible in the same financial position as he or she would have been in but for the [incident]”

THE CICA
+ “it is not the function of a Scheme funded by the taxpayer to make good each and every potential loss which a victim might conceivably suffer ”
Support for families

+ Specialist advice and information about legal process
+ Interim payments
+ Support through criminal / inquest process
+ Appropriate signposting to agencies
+ Rehabilitation
+ Continuity following the exit of the FLO
+ Security & options for the future
FATAL CLAIMS – WHO CAN BRING A CLAIM

+ Spouse / Civil partner?
+ Cohabitee of more than 2 years?
+ Children?
+ Parents?
+ Grandchildren?
WHAT CAN BE AWARDED?

In Fatal cases

+ Bereavement Damages - £12980.00
+ Dependency Claim for financial losses suffered by dependents of deceased
+ Claim for funeral expenses of paid by dependants
+ Loss of income into household
+ Cost of care
+ Pain, suffering and loss of amenity of the deceased (general damages for the period they survived)
Relevant Factors

+ Life expectancy of deceased and surviving partner / spouse
+ Intelligence of children and family background likely to affect period of dependency i.e. longer if remain in education
+ Strength of relationship /marriage – beware medical notes!
+ Current economic climate – longevity of employment of deceased / length of job search period and likelihood of prospects of employment if unemployed at time of death
CURRENT DEVELOPMENTS AND IMPACT ON FAMILIES
DO YOU NEED A SOLICITOR?
THE JACKSON REFORMS

- 1st April 2013
- New funding regime for court proceedings
- No win no fee still exists but in different form
- Better ratio between costs and damages
IMPACT

+ Many cases now not brought but important to individual litigant – justice?

+ Expansion of fixed costs but not small claims limit… yet!

+ Recent court fee hike – even harder to keep costs proportionate

+ In PI and Fatal claims, costs paid at the end of a case – firms carrying disbursements including court fees

+ Many firms going out of business or being “acquired” – less choice for claimants but promotes specialism across the profession so claimants should benefit
IMPACT

+ Management of cases and use of experts dictated by the courts

+ Claimants have to shop around as lawyers offering different deals re success fees and insurance policies

+ Is it an improvement or just a horrible mess?
TO END ON A POSITIVE NOTE....

+ Be aware of potential issues facing families
+ Don’t make decisions for them
+ Find out what specialist organisations, charities and lawyers can help
+ Do signpost at the earliest opportunity
+ Families and individuals will be looked after
+ A lot can still be achieved through the civil route
THANK YOU FOR YOUR ATTENTION! ANY QUESTIONS?
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