

LITIGATION SUPPORT AND EXPERT WITNESS SERVICES

Our specialist and experienced team are able to assist litigators in both personal injury and clinical negligence cases to claim the full and proper costs of a professional Deputy.

The costs incurred in relation to acting as a professional Deputy can be significant, particularly if such services are likely to be required for an individual's lifetime. This means that such costs can significantly increase the value of a claim. It is easy for them to be underestimated. This could mean that the level of care and support which could otherwise be put in place for a client may need to be reduced to meet these additional costs. Of course every effort should be made to avoid this.

The Court readily accepts that the services of a professional Deputy are extremely important especially where there is likely to be an award for significant damages. It is important these services are established as soon as possible to ensure the affairs of the individual who lacks capacity are properly managed.

As soon as the issue of mental capacity is raised as being a real issue then litigators will need to ensure their clients receive appropriate advice on the role of a Deputy and in particular whether it is advisable that a professional as opposed to a lay Deputy is appointed. Of course a Deputy will invariably need to be appointed to manage an interim payment where the Claimant lacks capacity.

Our team is used to working closely with litigators whilst the claim is ongoing to ensure that the care team are maintaining the necessary records to assist the litigator in their role. They can provide a detailed breakdown of how any interim payment is applied to ensure that any Schedule of Loss prepared in the claim accurately reflects the needs of that individual in terms of their care and support.

We can also provide detailed statements and reports which estimate the likely level of costs arising from the appointment of a professional Deputy for that individual. These can vary greatly from case to case so a detailed analysis of the evidence the litigator has obtained for their client is necessary to provide a full and proper assessment. This will hopefully assist the litigator in recovering the correct level of professional Deputy costs and thereby ensuring the compensation is not eroded post settlement to meet those expenses at the cost of the care and support which also needs to be funded.

Our experienced team is also used to working closely with independent financial advisors to ensure every effort is made to minimise the impact any reduction for contributory negligence may otherwise have on the care package needed for that client.

The services we can offer include:

- Acting as a professional Deputy,
- In our role as professional Deputy ensuring any additional paperwork required for the litigation process in connection with the clients care and support is properly maintained,
- Providing expert witness statements for claimant lawyers assessing the likely costs of a professional Deputy in a particular case,
- Providing expert witness statements for Defendant lawyers commenting on the fairness of a claim for professional Deputy costs being made by a Claimant,
- Preparing informal assessments on Court of Protection and professional Deputy costs for either party where formal statements aren't required,
- Acting as a single or joint expert, and
- Attending Court to provide evidence.



CONTACT US – 0800 044 8488