**A screenshot of a cell phone

Description automatically generated**

# 

# 

# 

# 

# 

# 

# 

# Medical Negligence

## Claimant Guide

## The 6 Step Guide for Medical Negligence Claimants

\*Thisguideline isn’t intended to be treated aslegal advice. Professional legal advice can only be provided toyou on a one-to-one basis by a solicitor with expertise in medical negligence litigation who has been provided with all the relevant facts applicable to your individual case.

### When can you bring a Medical Negligence claim?

The sole purpose of bringing a medical negligence claim is to secure monetary compensation for the pain, suffering and financial loss which you have endured as a result of receiving substandard medical care.

Claimants may want to bring a claim for other more psychological reasons such as wanting closure after a difficult episode of their life or a truthful admittance from a doctor who caused them pain and/or loss.

### How can treatment from a medical professional be negligent?

A medical professional such as doctors, nurses, consultants, surgeons, plastic surgeons and physiotherapists can be negligent by misdiagnosing a patient, carrying out a surgical error, through a failure to act or notice a medical need or substandard medical care that causes injury.

There may be other grounds for a negligence claim, but you should speak with Catherine and her team to talk through your own situation.

### How do I know if I have a medical negligence case?

If you think you’ve been a victim of negligence from a hospital professional, you should speak to a solicitor immediately. Firstly, look after any medical treatment you will need to take care of but next, it is important to speak with a Medical Negligence law firm who has special expertise in the area such as McGuigan Solicitors.

Your solicitor will then go through all the details of the incident and can inform you as to whether or not they think you have potential grounds for a claim.

### How much will it cost to bring a claim?

This is a big concern for potential claimants, and rightfully so. Every situation is different, and you will need to speak with your solicitor to get the exact details of what a claim will mean for you but here are some guidelines to go into that discussion with. You need to ask for the cost around:

* The initial consultation (\*McGuigan Solicitors offer this free of charge)
* The medical reports
* The investigative process
* The case itself

You should speak about each of the following upfront with your solicitor so you will have a full idea on the cost involved. Make sure to ask whether the solicitor is willing to work on a no-win-no-fee basis and whether there will be a fee if you are unsuccessful.

### How long does the claim process take?

Medical negligence claims usually play out over several years. The first step is to get an expert report detailing that the standard of care you received was substandard. The initial investigative process gathering all medical records can take up to 12 months. From then, you can issue court proceedings and hope for a positive result.

Acceptance of liability will differ on a case by case basis and depend on how strong a case the defendant’s legal team has. This process like we said can be drawn out over several years depending on the details of your particular circumstance.

### What compensation could I get for a claim?

The areas your compensation will be broken down into are the following:

**i) General damages** are intended to represent compensation for the pain, suffering, inconvenience and loss of the joy of living which the injury has already caused and will continue to cause to a victim of medical negligence for the remainder of their life. The amount of general damages to which a person is entitled will be peculiar to their specific circumstances.

**ii) Special damages** comprise those items which are objectively quantifiable, and which require to be paid to put someone back in the same financial position as if they had never been injured in the first place. The most common categories of special damages that are recoverable are loss of earnings (both past and future) and the cost of medical treatment necessitated by the injury suffered.

We’ve compiled these steps having helped a lot of claimants over the years. If you have anything we have not covered in the above guide then please reach out and send an email to Catherine and her team at [info@mcguigansolcitors.com](mailto:info@mcguigansolcitors.com) or **call (0)49 952 9986**(Cavan office) **or (0)1 441 1457** (Dublin office).

