

In certain circumstances, where a family member dies as a result of a wrongful act of another, an action can be taken against this wrongdoer.

This is called a “Fatal Injury Action” and it most commonly comes about because of medical negligence, accidents in the workplace or road traffic accidents.

BRINGING A CASE

Only certain people are allowed to bring a case when there has been a fatal injury.

These persons, allowed to bring such a case, are called “statutory dependants” and are in essence the immediate family of the deceased.

Divorced spouses and cohabiting partners are included in the definition of “statutory dependants”.

Only one case may be taken for each fatality and all statutory dependants must be named in that single case.

INVESTIGATING DEATHS

An inquest is held in the case of all unnatural deaths.

You should be represented by your solicitor at the inquest as important information about the cause of death may become available from any key witness present.

The inquest is presided over by a Coroner (not a Judge) and there may be a Jury also.

The findings at the inquest may have a significant impact on the potential success of a civil claim.

There may be other types of Inquiries following a fatality also, for example the Health and Safety Authority may hold an inquiry or the Medical Council about fitness to practice.

We as advocate solicitors provide representation at these inquests. Legal representation at an early stage is recommended to ensure full information is collected.

Often, Clients do pursue a civil case after an inquest, as a result of the facts and findings that arise.

This may be against an insurer, a public or corporate body which it appears are responsible for causing the death.

Whilst no allegations concerning liability can be made at an inquest, crucial information can be obtained which can be very useful in a subsequent claim for compensation.

COMPENSATION

There are three types of compensation for a fatal injury claim and all are considered when the total amount of compensation is decided upon.

The first category is for out of pocket expenses resulting from the death, the second is for emotional distress (this is capped at an upper limit) and the third category is compensation for the loss of income and associated benefits caused by the loss of the deceased.

FOR MORE INFORMATION

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