

INQUESTS

WHEN IS AN INQUEST HELD?

When a death occurs that is unexpected, unnatural, violent or unexplained - the coroner is notified. He or she may decide to ask for a post mortem and may hold an inquest.

An inquest would not normally be held if a post-mortem examination of the body could explain the cause of death. In some deaths inquests are legally required.

WHERE DOES AN INQUEST TAKE PLACE?

This inquest usually takes place in the local courthouse or sometimes, in a hotel room. Many families that have to attend inquests are startled at the 'courtroom-type' scenario, with witnesses, lawyers, juries in some cases and verdicts.

DOES SOMEONE NEED A SOLICITOR FOR AN INQUEST?

We regularly attend and advocate on behalf of bereaved families at coroner's inquests.

We are regularly instructed to represent bereaved families at Inquests following the death of a loved one arising from medical accidents in hospitals, accidents at work, road traffic accidents and unexpected deaths in a hospital. Most of the time that we would be involved in an inquest would be if there was a Civil action in the pipeline or pending.

There is no legal requirement for anyone to have such representation but if the deceased's family has concerns e.g. over the care received while in hospital or how the accident happened, we endeavour to explore these issues to the best of our abilities within the constraints of the Inquest process. Whilst no allegations concerning liability can be made, crucial information can be obtained nonetheless.

WHAT DOES AN INQUEST DO?

An inquest is an official, public inquiry, conducted by the coroner and, in some cases, in front of a jury. The purpose of an inquest is to find out who died – when, where, how and in what circumstances.

In advance of the Inquest, the Coroner will receive depositions from the relevant people involved, post mortem reports and medical records, if relevant. The Coroner may call medical or expert witnesses.

Many Clients find it hard to understand that the inquest is a fact-finding exercise – which means it is not to establish blame but rather to establish the circumstances surrounding the death.

At the conclusion of an Inquest, a verdict will be returned by the Coroner in relation to how, when and where the death occurred. The type of verdicts which can be returned include open verdict, misadventure, natural causes, accidental death or in some cases, unlawful killing.

HOW DOES SOMEONE BECOME A CORONER?

You must be at least 30 years old to enter the Coroner service and must be a registered medical practitioner or practising solicitor or barrister for five years. While in the service, the core professions of those involved are those of medicine and law. All Coroners work on a part-time basis.

WHEN WOULD A JURY BE REQUIRED FOR AN INQUEST?

A Jury would be empanelled at the inquest in certain circumstances which are laid down by law. These include where death was due to homicide, or occurred in prison, or resulted from an accident at work, or as a result of a road traffic accident.

A jury is also necessary if a death occurred in circumstances, the continuance or possible recurrence of which might be prejudicial to the health or safety of the public or any section of the public.

SOMETIMES YOU HEAR THAT AN INQUEST HAS RESULTED IN RECOMMENDATIONS BEING MADE- CAN YOU EXPLAIN THIS?

In many cases the inquest will result in recommendations being made to avoid the reoccurrence of similar deaths. An example of such recommendations was seen in the case of Savita Halappanavar. The full inquest on the death of Savita Halappanavar opened on 8 April 2013 and concluded on 17 April, with the jury returning a unanimous verdict of medical misadventure. The jury also endorsed nine recommendations for fundamental change. Two of the recommendations included:

- that protocols on the management of sepsis along with 'proper training and guidelines for all medical and nursing personnel' should be instituted;
- that a protocol for sepsis be written for each individual hospital by its microbiology department and be applied nationally

DO PEOPLE PURSUE CIVIL ACTIONS AFTER INQUESTS?

Often, Clients do pursue a civil case after an inquest, and 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.

WHO PAYS FOR YOU TO ATTEND AN INQUEST?

Many Client's are concerned about the cost of engaging legal representation for an inquest and a recent High Court decision has been helpful by finding that in circumstances where the death has been shown to be due to the wrongful act of another, it may be possible in the majority of cases to recover the cost of legal representation at an Inquest in the subsequent civil case.

FOR MORE INFORMATION

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