



[www.injuryselfhelpkit.org](http://www.injuryselfhelpkit.org)

A New Approach to Traditional Self Help Kits

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# Background

- Pattern of claimants with small personal injuries claims being turned away by “no win, no fee” firms and left to self-represent.
- Why?
  - Not financially viable
  - Small or No Economic Loss
- Who was getting turned away?
  - Elderly and retired
  - Long term unemployed/casual workers
  - Disability Pensioners
- Targeted Project
  - Specific area of law
  - Specific client user



# Legislative Framework

- *Personal Injuries Proceedings Act 2003* (Qld)
  - Introduced pre-court procedures
- *Civil Liability Act 2002* (Qld)
  - Introduction of capped damages (Injury Scale Values)

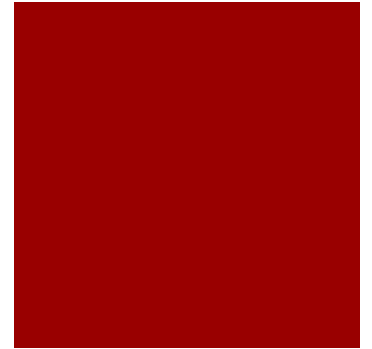
Additionally....

- *Legal Profession Act 2007* (Qld)
  - 50% rule on speculative personal injury matters



# Issues with self-representation

- Vulnerabilities in the target client group
- Complex legal procedures
- Power imbalance



# Stages of Development



Need



Hard Copy Self Help Kit



Website



Personal Injury  
Self Help Kit



Supported by



# Hard Copy Self Help Kit

- Staple resource of many CLC's
- Common Issues
  - Legislation change/ Is it current?
  - Where are all the old ones?
  - Cost – Printing/ Distribution
  - Telling, not showing
- Project Specific Issues
  - Legislation and schedule changes every 1<sup>st</sup> July
  - Complexity of calculations



# Project Considerations

- Funding budget
- Accessibility to target users
  - Platform choice (OS/Android/Web)
- Functionality
  - User specific vs overall
- Evaluation
  - Quantitative and Qualitative



# Funding

- Legal Aid Queensland CLE Collaboration Fund
- Collaborative Partners – QAILS, QPILCH
- Budget - \$11K
- 6 months development time
- Additional costs not covered by LAQCF funding
  - Project Management
  - Video Editing (for extra features)
  - Maintenance Costs
    - Legislation updates
    - Webhosting
    - Video hosting





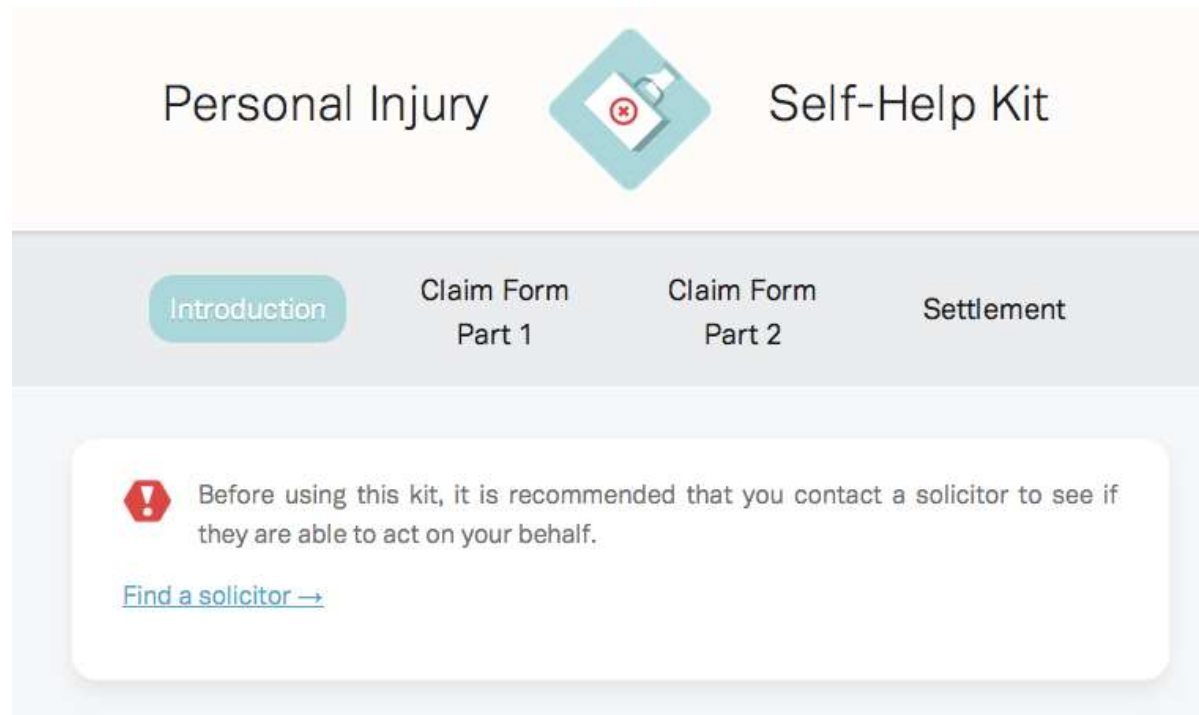
# Accessibility

- Purpose - To get as many people in the target group to use it
- Influences choice of development platforms
  - Native apps or web-based?
- Project specific factors
  - Target audience
  - Presumption of internet access
  - Unsure of smartphone/tablet access?
  - Budget tight



# Functionality

- Simplify the process - number of site pages mirrored the number of stages in the pre-court process



# User-specific Timelines



Personal Injury  Self-Help Kit

Introduction **Claim Form Part 1** Claim Form Part 2 Settlement

## Start Your Injury Claim

### The Part 1 Notice



The Part 1 Notice initiates your personal injuries claim against one or more Respondent. To begin, you can download the form from the Queensland Department of Justice Website and print to complete the form by hand.

[Download the complete Claim Form](#)

 You may need [Adobe Reader](#) to view the Notice. If you have difficulties downloading this form or do not have a printer, your community legal service can provide you with a copy.

Please enter the date you were injured

7 May, 2014

## Timeline

7 May, 2014

Your Injury



Whilst you have 9 months to complete and serve the Part 1 notice, it is recommended you do so as soon as possible.

By 7 February, 2015  
Complete the Part 1 Notice  
and send to Respondent.



If sending via Registered Post, it may take up to a week to be delivered.

Book yourself relevant medico-legal appointments for 12 months post-incident.

Within one month of  
serving the Part 1  
Notice.



The Respondent must  
supply you with a  
[compliance response](#).

The steps you take next are  
dependent on the response  
you receive.

# Page by Page Walkthrough

Pg 5

[Section B]

*The Incident*

7. GENERAL DETAILS  
Date of incident: \_\_\_\_\_ (insert day/month/year)  
Time of incident:  am  pm  
Place where the incident occurred (street and town or suburb): \_\_\_\_\_  
Weather conditions at the time of the incident: \_\_\_\_\_

8. DRAW A DIAGRAM OF THE INCIDENT, INCLUDING DETAILS OF LOCATION SUCH AS STREET NAMES (ATTACH ON A SEPARATE PIECE OF PAPER)

9. GIVE A BRIEF DESCRIPTION OF THE INCIDENT

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

10. DID AN EMERGENCY RESPONSE ENTITY OR AN INVESTIGATIVE ENTITY COME TO THE SCENE OF THE INCIDENT? (EG. POLICE, FIRE AUTHORITY, AMBULANCE)

No (If no, tick and go to (11))  Yes

Did the injured person need an ambulance?  
 No  Yes Officer's Name: \_\_\_\_\_  
Station: \_\_\_\_\_  
Contact Details (if known): \_\_\_\_\_  
Reference No. (if known): \_\_\_\_\_

Did the fire authority attend?  
 No  Yes Officer's Name: \_\_\_\_\_  
Station: \_\_\_\_\_  
Contact Details (if known): \_\_\_\_\_  
Reference No. (if known): \_\_\_\_\_

9

In Section B, you will need to accurately describe the events that led to the injury. If you have them, refer to any photos, notes or police reports from the incident.

- ✓ Be clear in your wording and as accurate as possible,
- ✓ List the date and time of the incident,
- ✓ Describe the **incident** but not the **injury**.

# Questions and Reminders



Did you receive a response to the Part 1 Notice?

Yes

No

Enter the date you received the response

3 August, 2014



**3 October, 2014**

You must complete, sign and serve the Part 2 Notice by this date.

# Legal Advice Warnings



The Compulsory Conference is a meeting where you get to meet the respondent (or their insurer or representatives) and attempt to negotiate a settlement of the claim.

Either party can call for the conference to be held at a particular time and place convenient to both parties. (The conference can be held after 6 months has passed since the respondent was given a complying Part 1 Notice) It is important that you carefully prepare a Schedule of Damages to outline what you are entitled to and the amount you are claiming in compensation. This is usually at the high end to allow for some bargaining room. A quantum assessment has figures at both the high end and low end to give you a clear picture of the best case and worse case scenario for your claim. A quantum assessment is prepared before you enter the compulsory conference and is for your use only, it is not given to the other party.




It is strongly recommended you get legal advice from your community legal service before attending a compulsory conference.

# Damages Calculator



### Calculating Your Damages




CIVIL LIABILITY REGULATION  
PDF  
845KB

To begin the settlement process, you will need to identify the item number of your injury by looking it up in the Regulations.

[Download the Civil Liability Regulation, 2003](#)

As you view the contents of the Regulations, click on the type of injury which best describes your injury. This will navigate you directly to information specific to your injury. Match the injury description to your injury and note the ISV number range in the right hand column of the page.

[Confused? Get help -->](#)

Date of Injury	ISV Value
7 May, 2014	4 

General Damages

**\$5,440.00**





# Calculator Help



## Calculator Help

It is important to get your calculations right so you can make an accurate assessment of your damages claim. Where it is relevant to your case, you can click on the drop down arrows to get more information about how to calculate for each section. Then, add your total into the damages calculator.

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Determining an Accurate ISV ▼

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Calculating Multiple Injuries ▼

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Calculating Expenses ▼

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Calculating Refunds ▼

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Calculating Economic Loss ▼

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# Other claimable items



**Expenses & Refunds**

For each of these sections, add up your refunds, expenses and calculated loss of income. Enter the total figure for each section. These amounts will affect your payment.  
[More information →](#)

<b>Total Expenses</b>	<b>Total Refunds</b>
\$2,400.00	\$45.00

**Economic Losses**

\$500.00

**Your Total Calculation**

**\$8,295.00**

# Video Content



## Liability Discussions ▲



[Having trouble with the video? View it on Vimeo →](#)

At the beginning of a conference, you start by confirming verbally that this is a compulsory conference under the Personal Injuries Proceedings Act. You should then state that everything said at the conference is "without prejudice" and cannot be brought up or later relied on later or in Court.

All documents are required to be submitted to either party seven (7) days prior to the conference. In practice, Certificates of Readiness are often exchanged on the day.

Discussions as to liability say why the injuries are the respondent's fault and why the respondent will be found liable for the injuries. Medico-legal and other evidence should be used to support these claims.



### Related Document

[Certificate of Readiness \(PDF, 27kb\) →](#)

# Templates



CERTIFICATE OF READINESS

*Personal Injury Proceedings Act 2002*

BETWEEN: ..... (Claimant)

AND: ..... (Respondent)

I, ..... of ..... in the State of Queensland  
hereby certify that:-

- (a) I am the Claimant;
- (b) This matter is set down for compulsory conference pursuant to section 36 of the *Personal Injury Proceedings Act 2002* ("the Act");
- (c) This is a Certificate pursuant to section 37(2) of the Act;
- (d) I am in all respects ready for a compulsory conference;
- (e) All investigative material required for trial has been obtained;
- (f) Medical and other expert reports have been obtained from all persons who may be called as witnesses at the trial;
- (g) I have fully complied with my obligations to provide disclosure.

Dated this      day of                      20....

.....  
The Claimant

# Built in Evaluation Tools



- Quantitative
  - Google Analytics
- Qualitative
  - Mail Chimp – requesting feedback and star rating

That's it!

[Please leave feedback about this Self-Help Kit!](#)

- Project specific Issues
  - Resolution of claims takes time – up to 18 months
  - Confidentiality of settlement amounts

# Example Feedback Form



Thanks for using the Personal Injury Self Help Kit. We'd really like to know what you thought about it so we can continue to help others.

\* indicates required

**Name**

**How did you find this kit?**

Very helpful \*

Helpful

Neutral

Unhelpful

I don't have a relevant claim

**Do you have any comments or suggestions?**

**Email Address**

**Can we contact you about your use of the Kit?**

Yes \*

No

[Subscribe to list](#)

# Testimonials



- *“I have accessed your self help kit for completion of the Notice of Claim and I would just like to thank you so very much for the work you have done to assist people like myself, a layman, who are trying to complete appropriate documentation.”*
- *“The injury occurred a year ago and we were told that it was too small for legal firms to provide their services on a no upfront fee basis. However your kit enabled us to still pursue a positive outcome...”*
- *“I find your electronic version of the Kit very informative and helpful”*

# Remaining issues?

- Independent Medical Legal Reports
  - Cost
  - Need
- Representation at Compulsory Conferences
- Development of more sophisticated calculators = more funding





# Acknowledgements

- Website Design and Development by



- Supported by

