

HOW WILL THE CLAIM UNFOLD?

The diagram below illustrates the typical progress of a claim, but there is a good deal of variation from case to case:



FORMAL LEGAL PROCEEDINGS
Claim Form Issued at Court
(additionally mediation or formal negotiations may be appropriate at any of above stages)



FORMAL LEGAL PROCEEDINGS

(Claim Form issued at Court)

PARTICULARS OF CLAIM

(formalises the Letter of Claim)

TYPICALLY NINE -
TWELVE MONTHS

DEFENCE

(formalises the Letter of Response)

EXCHANGE OF WITNESS STATEMENTS

The parties not know what the witnesses of fact would say on oath

TYPICALLY
THREE MONTHS

EXCHANGE OF EXPERT EVIDENCE

The parties now know what the independent medical experts would say on oath

SCHEDULE

(of financial losses and expenses
associated with the injury)

TYPICALLY SIX -
NINE MONTHS

COUNTERSCHEDULE

(may challenge fact/extent of
financial loss)

TRIAL

Usually avoided if proper information is available
from the factual and expert witnesses

The NHS Litigation Authority is grateful to Weightmans, a member of its panel of legal firms, for the draft on which this document is based.

Anyone involved in litigation which might be the subject of an indemnity under any of our Schemes should feel free to contact the Authority for additional information by correspondence, telephone or e-mail:

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Alternatively the employing trust can be contacted for guidance, advice or counselling.