

The Ultimate Guide To Making A Claim For Legal Compensation

*Everything you need to know to make a personal
injury or medical negligence claim*

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Introduction



A MEDICAL NEGLIGENCE &
PERSONAL INJURY LAW FIRM



If you have been injured in a public place, at work, the road, or abroad as a result of someone else's negligence, or if you suffer from an injury or disease which you have developed as a result of the poor treatment or misdiagnosis by medical or dental professionals, you may be entitled to claim compensation.

Over the course of this eBook, we will:

- Define personal injury and demonstrate how to make a claim.
- Explain how to proceed after an accident at work, on the road or in a public place.
- Provide personal injury compensation estimates.
- Define medical negligence and demonstrate how to make a claim.
- Explain how to proceed after a cancer misdiagnosis, childbirth injury, cosmetic surgery injury or GP clinical negligence.

With information in this eBook, we hope to empower you with all the knowledge you need to pursue your case.





Personal Injury _____



A MEDICAL NEGLIGENCE &
PERSONAL INJURY LAW FIRM

How To Make A Personal Injury Claim?

If you have suffered an injury or illness caused by another person's negligence, you may be entitled to make a personal injury claim. An injury like this can be detrimental to your quality of life or could even affect your ability to make a living.

Often, these accidents happen when we least expect. It could happen at work, abroad, at a public place, or on the road.

Most claims do not begin in court. By law, claims start with the Injuries Board, though there are some exceptions. Generally, when you apply to the Injuries Board, you do so with the help of a solicitor.

Sweeney Solicitors ensure this process runs as smoothly as possible. We will manage the entire process for—everything from gathering the necessary information to advising you on Injuries Board compensation suggestion.

How to help your solicitor with your personal injury claim

To determine if you are entitled to make a personal injury claim, you must deliver all the facts surrounding your accident. Every one. Even the ones that may not seem necessary.

Clearly explain to us how the accident happened, what were you doing when it occurred, who was involved, and anyone who witnessed it.



Here is a list of information you should bring with you when starting a personal injury claim with your solicitor:

- A detailed description of the accident and how it happened.
- Pictures of the scene of the accident to show how it happened.
- Specific time and date of the accident.
- Was there any CCTV in operation where your accident occurred? Your solicitor can request the owner of the CCTV to send over the recordings.
- Witness details – were any witnesses present at your accident?
- Medical reports – if you have copies of them to hand, if not your solicitor can request these from your doctor.
- Details of loss of earnings – how much wages have you lost as a result of the accident?
- Details of medical history – did you have any medical conditions before the accident occurred?
- Claims history details – have you made any personal injury claims in the past? Details of the party at fault for your accident. – it is vital that you have the correct party identified when making a claim.
- A list of any expenses you incur as a result of the accident (for example, medical costs, travel costs, home care costs or any other costs involved).

As the injured party in a personal injury claim, you may be entitled to claim for any losses caused by your accident or injury. In legal terms, the losses an injured party incurs are called 'damages'. Our team of personal injury solicitors are best placed to help you calculate your damages. These damages generally fall into two categories.

Special Damages and General Damages:

- **Special Damages:** These are monetary losses incurred by the injured party as a result of the accident. Including, loss of earnings, loss of future earnings, household expenses, medical care and future medical care.
- **General Damages:** These are non-monetary losses, such as physical pain and suffering or mental/physiological pain and suffering.

Loss of Amenity is another legal term that will affect the calculation of damages. This term refers to the effect the injury has had on your quality of life or to your inability to carry out tasks you were previously able. It illustrates the non-financial impact that a personal injury has on a person's work, family and social life.

The same injury can affect individuals differently. So the amount of compensation you could receive will be personal to you and your experience.

Our personal injury solicitors are specialists in valuing claims and are determined to get you the compensation you deserve.

The ‘Statute of Limitations’ is the formal term for the legal time limit in which you can make a personal injury claim. Usually, this is two years minus one day after the date of knowledge of the injury.

The date of knowledge is often the date the accident occurred. However, sometimes, a person may not realise their injury until some time after an accident. In such cases, this is the date of knowledge.

As children are minors, they are not allowed to make a personal injury claim. Instead, they have a 2-year time limit to claim once they reach 18 years of age. However, a personal injury claim can be made by a parent or legal guardian on behalf of the child immediately following the accident.

Alternatively, a parent or legal guardian can bring the claim forward on behalf of the child shortly after the accident. This option is typically more desirable because it is easier to uncover reliable evidence to strengthen the child’s case if they filed as soon as possible.

Keep in mind that once you make an application to the Injuries Board, they pause the 2-year time limit while they assess the claim.



1. Talk with a solicitor

Starting the Injuries Board process is relatively straightforward; you need to provide your solicitor with:

- Details of the accident
- Evidence and details of the injury (photographs)
- Information on any previous injuries/medical conditions/accidents/claims
- Expenses incurred as a result of the accident (medical bills, etc.)
- CCTV footage, where applicable (Often, your solicitor can acquire this for you)
- Description of the person at fault



2. Request your medical reports

It is crucial to prove your injuries by obtaining a medical report from the practitioner who treated you following the accident. Often, your solicitor can request medical reports from your doctor. Similarly, in cases of psychological injury, your solicitor can request reports from the psychologist that treated you.



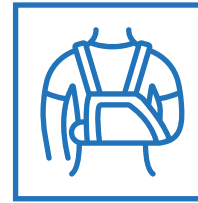
3. Making the Injuries Board application

Having gathered the necessary information for your personal injury claim, your solicitor will submit an Injuries Board application form on your behalf. Once submitted, the Personal Injuries Assessment Board will acknowledge receipt of this and notify the person at fault of your claim. They will also issue a copy of the application form and medical report to the person at fault. Once submitted, they pause the 2-year time limit clock while they assess your personal injury claim.



4. Injury Claim Assessment

The Injuries Board will refer to the 'Book of Quantum' when evaluating your case. The Book of Quantum is a record of personal injury cases, specific injuries and for how much they settled. They use this to determine how much compensation you would be entitled.



5. Consideration of Injuries Board Offer

Following their assessment of your personal injury claim, the Injuries Board will return to your solicitor with the suggested compensation amount. This amount would then be paid to you by the party at fault. You will then need to consider whether to agree to this or not. Your solicitor will provide their best advice to you, but ultimately, you will decide to accept the Injuries Board's suggestion or not.

Time limit to accept or reject the award

Once the Injuries Board delivers their verdict, there are 28 days for you to either accept or reject the suggested award. Failing to respond within these 28 days will automatically reject the decision. The person whom you claimed against has only 21 days to accept the verdict of the Injuries Board.

The two most common outcomes from this stage:

Both you and the party at fault accept the Injuries Board suggested settlement amount with the party at fault legally obliged to pay this amount to you.

Either you or the party at fault does not accept the suggested settlement amount. Rejecting this would result in court proceedings against the person at fault for your accident/injury.



6a. What happens if you accept the Injuries Board's decision

If you and the person you claimed against accept the verdict of the Injuries Board, then an order is issued for the person at fault to pay the settlement amount. This settles the case, meaning you will not be able to return at a later date seeking further compensation.



6b. What happens if the Injuries Board's decision is rejected

If you or the person you claimed against rejects the settlement suggestion by the Injuries Board, the case will move to legal proceedings where a judge will decide the outcome. Now you will work closely with your solicitor, and they will issue legal proceedings to move the case along.



7. Settling a personal injury claim outside of court

Most personal injury cases settle outside of court. Before heading into a courtroom, your solicitor will likely arrange settlement meetings. At these meetings, your solicitor will communicate with the other side on your behalf.

Your solicitor will be in constant contact with you during this

time and keep you updated on settlement offers.

If your solicitor finds an acceptable offer during these meetings, then your case is settled. However, sometimes, these settlement meetings do not result in a satisfactory settlement amount. When this happens, you will attend the scheduled court hearing where a Judge will make the final decision on your case.



What To Do After An Accident At Work?

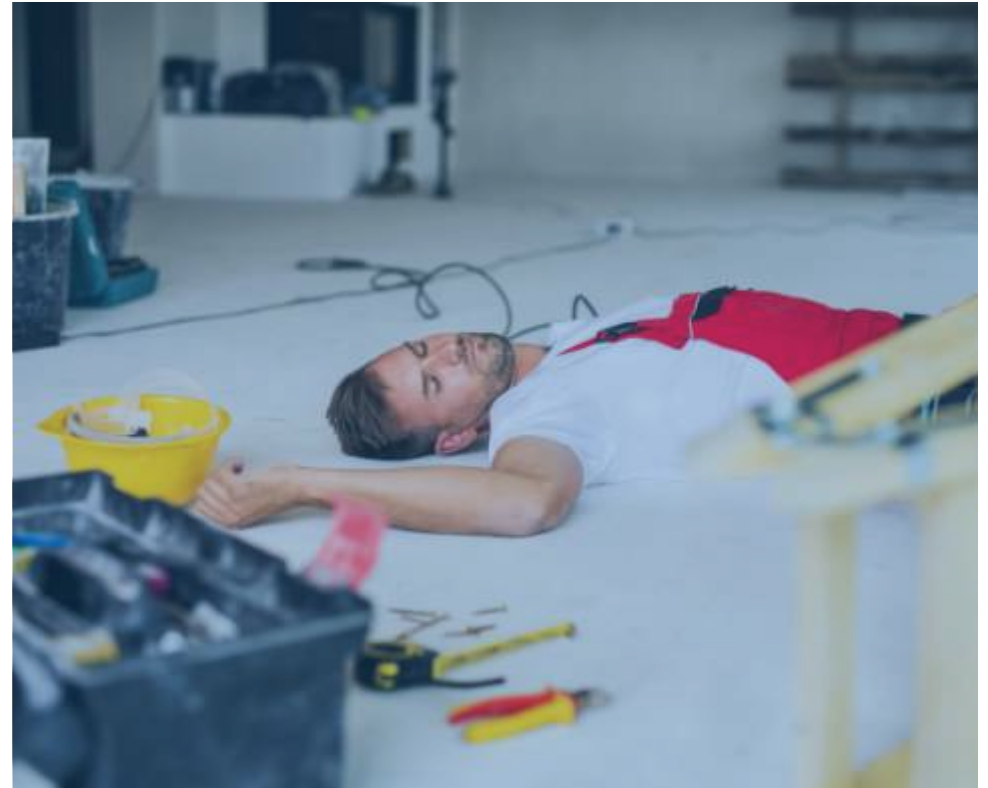
Work-related injuries or workplace accidents are defined as an incident in the course of work that leads to physical or mental trauma. Workplace accidents can have severe effects on a person's mental, physical and financial state.

If you have suffered an injury as an employee, you may be entitled to pursue personal injury legal action. Provided you can prove that the accident occurred as a result of an unsafe working environment. The type of work that an employee is hired to do and the industry they work in may have an impact on what kind of injury an employee sustains.

Accidents at work can happen in a variety of locations – an office, a building site, or even a farm. Virtually any premises that an employee is legally required to be during their working day.

Before making an employment-related claim, your priority should be to seek immediate medical attention. This is essential even for minor incidents. A minor injury could develop into a more significant health issue if not adequately assessed.

Once you have had a medical assessment, there are several steps you will follow:



1. Report the accident to your superior

Before pursuing a work-related claim, you must notify your employer of the accident. They need to be aware of the injuries you suffered and the cause of the accident. It is advisable to get confirmation from your employer that you reported the accident, whether it is written or electronic.

2. Seek legal advice from a personal injury solicitor

Once you have reported the accident, then it is time to seek advice from a personal injury specialist solicitor. They will talk you through the next steps as to what is involved when making work-related claims.

If you do decide to take a personal injury claim, you are not obliged to tell your employer personally. Your solicitor can write to your employer and notify them of the claim.

If you cannot return to work after suffering an injury at work, you may be able to recoup financial and non-financial losses incurred as a result. These losses are called damages:

General Damages

Non-financial damages such as pain and suffering or physical and emotional damage following an accident at work.

Special Damages

Out of pocket expenses incurred as a result of the accident at work. For example, loss of earnings, medical bills, travel costs relating to the injury at work.

Please note that accident at work claims must be passed through the Injuries Board for assessment before proceeding to settlement or court.

The Safety, Health and Welfare at Work Act 2005 ensures every employer in Ireland has clear obligations to ensure the health and welfare at work of both full-time employees and agency staff. It does not matter if the workplace is a small shop or a large construction site. The employee is also expected to act responsibly and avoid intentionally putting themselves at risk of an injury. Both parties need to make an effort to avoid work hazards.

Avoiding workplace accidents

Depending on the employee's role, they can check below to determine whether the employer had complied with the Safety, Health and Welfare at Work Act 2005 and provide the safest workplace possible.

An employer must:

- Maintain a safe workplace, machinery and equipment.
- Use appropriate measures to prevent risks that may come from the use of any article or substance and prevent risks from exposure to physical agents, noise and vibration.
- Prevent any improper conduct or behaviour likely to put the safety, health and welfare of employees at risk.
- Ensure that employees are always up to date with all health and safety measures needed for their role. An example of this would be manual handling courses.

- Provide protective clothing and equipment to employees (at no cost to employees).
- Appoint a competent person as the organisation's Safety Officer.
- Carry out a risk assessment for the workplace, which should identify potential hazards that could lead to a workplace accident.
- In conclusion, employers have a legal duty to ensure safe operations are in place to protect their employees.

Where an accident at work occurs, an employer must report the accident to the Health and Safety Authority. Employers are legally obliged to report the accident if the worker cannot perform their duties for three consecutive days. Furthermore, it is worth noting that in this three-day count, the day of the accident is excluded.

Will my job security be affected?

Employees often worry they will lose their job if they bring a claim forward against their employer. This is not the case as job security legislation protects employees against dismissal if a claim is brought forward after a workplace accident.

Most prudent employers have employer liability insurance in place. The insurance will take an active role in the claim and often remove the personal element out of the process.

What To Do After An Accident In A Public Place?

Public place injuries claims (also called slips, trips and falls or public liability claims) can occur in almost any environment, anywhere from falling on a slippery floor in a supermarket to tripping on a broken footpath. These types of incidents can result in serious personal injury and in public places there is a duty of care on the persons responsible for the particular area. If their negligence in maintaining the area is the cause of your slip, trip or fall, you may be entitled to claim compensation.

Pursuing a claim for a slip, trip and fall in a public place and being successful in the claim will strongly depend on the circumstances of the accident. You need to be able to prove that the property owner (public or private property) was negligent. Every property owner, including councils who maintain our streets and parks, are required to ensure that their properties are kept clean and safe. For example, footpath accidents are easily avoided as long as the pavement is well maintained and poured correctly.

In most cases, the property owner should have public liability insurance to deal with compensating a person for slip, trip or fall that was their fault; this is especially true for owners of commercial properties.



Common public place accidents

- Footpath slips, trips or falls.
- Supermarket slips, trips or falls.
- Hotel injury claim for a slip, trip or fall.
- Slip, trip or fall in a bar or pub.
- Slip trip or fall at work or in the office.
- Personal injuries on private property.
- Slip, trip or fall at a restaurant
- Lift accidents

Common reasons for public liability claims

- Uneven or broken pavements and footpaths leading to personal injury.
- Wet or slippery supermarket or shop floors, due to spillage or cleaning. Where no warning or 'cleaning in progress' sign is displayed.
- Tripping on obstacles on the floor, such as cables from electrical units, or boxes left on a floor.
- Trip and fall on stairs due to bad lighting or due to the absence of handrails for balance.
- Injured on somebody else's private property due to hazardous conditions.

If you suffered a slip, trip or fall in a public place you be entitled to personal injury compensation. These are called damages:

General Damages

Non-financial damages such as pain and suffering and/or physical and emotional injuries following a slip, trip or fall in a

public place

Special Damages

Out of pocket expenses incurred as a result of the accident. For example, loss of earnings (if you were out of work), medical bills, and added travel costs as a result of the accident, travel to and from the hospital.

Material Damages

Material damage refers to damage caused to your personal property.

1. Report the accident

Firstly, you must report your slip, trip or fall to the owner of the premises. Once reported, you should ensure that the incident is recorded on their side. Check that they take details of the accident and how it happened. It is advisable to request a copy of any incident reports you complete. Furthermore, it is required to be signed as proof that you reported the accident. This is important for when you make your claim.

If you were injured in a shop/supermarket/restaurant, for example, you might also report the accident to the Health and Safety Authority (HSA). This may lead to an investigation of the property by the HSA. This would further prove that the owner

of the premises was negligent as the owner failed to provide a safe and hazardous free environment for the public.

Make sure that you record the time, date and any other conditional information at the time of the accident.

2. Document the accident

It is important for you to keep a very detailed record of the accident. This will help you recall the incident when you speak to a specialist personal injury solicitor. When documenting an accident, you should:

- Request details and contact information of any persons that may have witnessed the accident.
- Take pictures of the accident scene. In addition to any prevailing factors that caused the accident and also take photos of any physically visible injuries.
- Keep any receipts for any additional expenses that arose from the accident
- Request copies of any medical records/examinations that a doctor may have carried out. This will be the record of the extent of your injuries. If you tend to your

injuries yourself without any medical attention, then you will find yourself with a lack of evidence to prove that you suffered a personal injury.

3. Contact a specialist slip, trip and fall solicitor

Finally, you should contact a personal injury specialist solicitor. One with experience with slips, trips, and falls claims, to discuss your case and how best to proceed. This will ensure that you make the right moves at the right time. A personal injury claim will have to be first put through the Injuries Board; this is something that is best done with the help of a solicitor.

It is important to note that some factors will prohibit you from making a claim. A person cannot claim a slip, trip or fall in cases where:

- Somebody injured themselves while trespassing on a property at the time of the accident.
- A person ignored any health and safety measures in place. For example, if there was an obstacle blocking a faulty staircase, and a person processed to climb the stairs any injured themselves.
- A person who behaved recklessly and was the cause of the accident.
- The condition that caused the accident was not there for a long enough period for the property owner or employees on the property to notice and rectify the issue.

What To Do After A Road Accident?

Road traffic accident claims are the most common of all personal injury claims presented to solicitors and the Injuries Board. A road traffic accident can be a traumatic experience regardless of the seriousness of the crash or whether you suffered any personal injuries.

If you have been involved in a crash that was not your fault, you may be entitled to make a personal injury claim along with any damage sustained to your vehicle.

Common road accidents

- Car accidents.
- Cyclist accidents.
- Motorcycle accidents.
- Taxi passenger accidents
- Rear-end collisions.
- Pedestrian accidents.
- Public transport accidents.
- Fatal road traffic accidents.
- Claims against uninsured Drivers and unidentified vehicles



Firstly, you need to check if you, any passengers and anybody else involved in the accident needs medical attention and to call an ambulance to ensure that medical care is received as soon as possible.

It is essential that if you have suffered a personal injury that you book an appointment with your doctor as soon as possible after the accident, even if you are involved in a minor road traffic accident. Unfortunately, seemingly minor injuries can develop into a more severe threat to your health if left untreated.

After seeking medical attention, these are the steps you should follow:

1. Call the Gardaí

Regardless of the severity of the road traffic accident, you should call the Gardaí to report the accident immediately. It is essential that they take details of the accident and to take your statement about the crash.

2. Gather the relevant information

- Details of the people involved: name, address, contact information, vehicle registration number and vehicle insurance information. You could also offer your information to the others involved in the accident.
- Name and contact details of any emergency service workers at the scene, paramedic/ Gardaí.
- Take a picture of the scene, from different angles; this will help your solicitor understand how the accident happened.
- Time and date of the accident.
- Weather conditions at the time.

3. Witnesses

Acquire details of any witnesses of the accident. They may be helpful when it comes to claiming after the accident.

4. Speak to a solicitor

Following a road traffic accident, you should contact a solicitor as soon as possible if you are thinking of moving forward with a personal injury claim or road traffic accident claim. If proceeding with a claim, the first step will be submitting your claim to the Injuries Board. Our road traffic accident specialist solicitors can help you in preparing your application to the Injuries Board and ensure that you follow the process in the correct format.

It is important to remember to keep copies of any expenses that you have incurred as a result of the accident and also to retain copies of medical reports or Garda reports, where possible.



How Much Is My Personal Injury Claim Worth?

Often, the most pressing question of people who are exploring their personal injury legal options is how much compensation they could be entitled. However, this is not a straightforward question because many factors are considered when deciding upon a compensation amount.

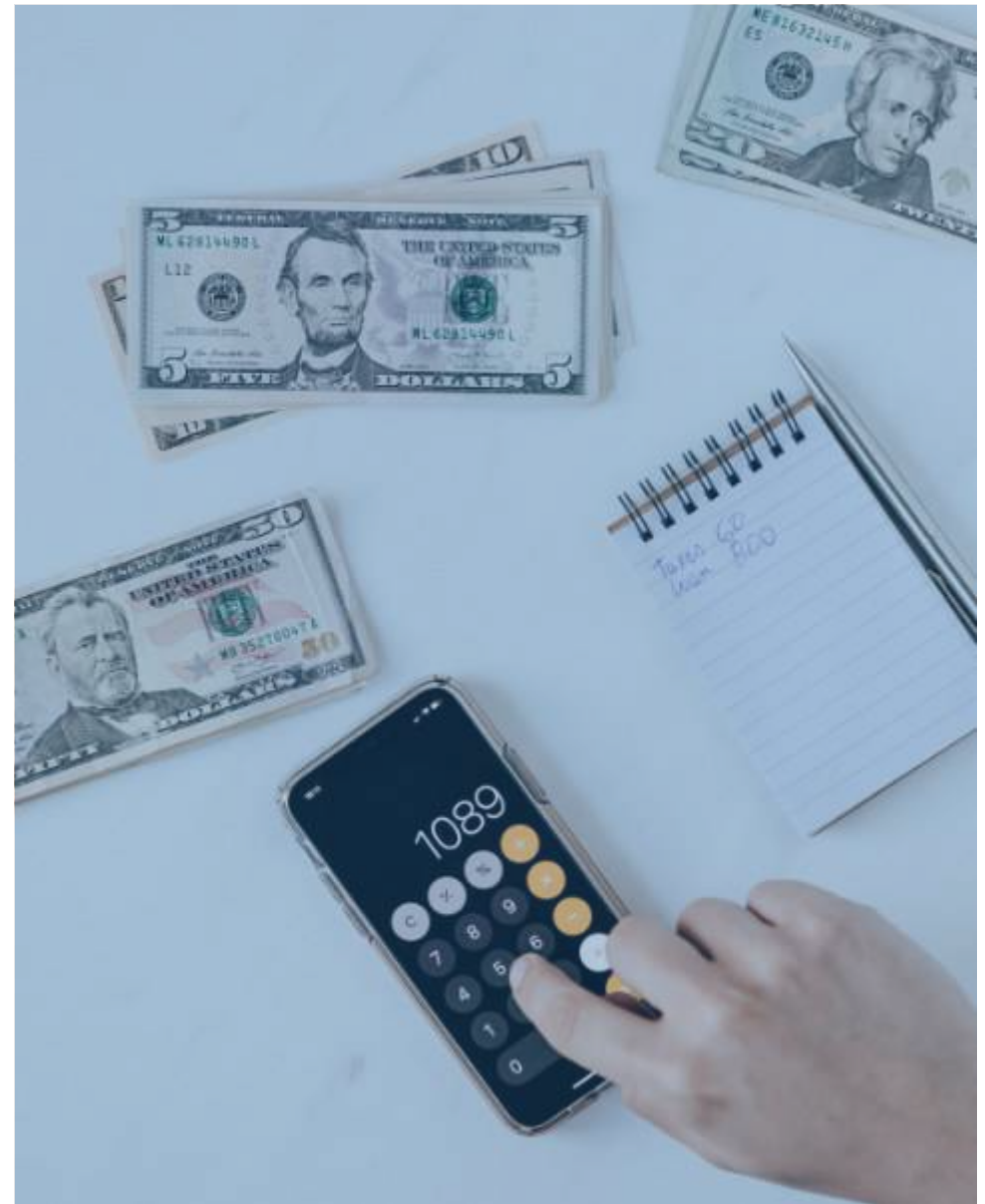
So, when attempting to calculate an estimate of the value of your claim the Injuries Board Book of Quantum is consulted.

What is the Book of Quantum?

The Injuries Board's Book of Quantum provides personal injury specialists like Sweeney Solicitors general guidelines as to the kind of amounts that could be awarded for personal injury claims.

Published initially in 2004 and updated in 2016, the book was compiled following an examination of sample cases of over 51,000 closed personal injury cases.

It provides a guide in respect of specified types of injuries, depending on their severity and the length of time they take to heal. There is legislation requiring the Injuries Board to have regard for the Book of Quantum when accessing claim v



Compensation claims take into account certain aspects of a personal injury along with any after-effects the injury has/will have on personal quality of life and ability to earn money. A compensation claim amounts are decided with the following aspects in mind:

- Medical bills as a result of the injury.
- Cost of future medical care.
- Pain/suffering and loss of quality of life/enjoyment of life.
- Past loss of earnings.
- Loss of future income caused by the injury.

What if I have multiple injuries?

If you have suffered multiple injuries simply adding together the different values are unlikely to give you an accurate estimate of the compensation. When assessing your injury, the Injuries Board is likely to assess the most severe injury first before adjusting the value to incorporate your other injuries to conclude at the final amount of compensation awarded to you.

Personal injury compensation estimates

The compensation estimates contained below are not intended to provide you with specific estimates on how much compensation may be awarded. If you decide to go ahead with your personal injury case, the Injuries Board will assess your case and provide a compensation figure based on the severity of your injury, the length of and outcome of your recovery.

The Book of Quantum and the figures you will see below will vary depending on the severity of a person's injury and will generally categorise injuries into the following ranges:

1. Minor

The person usually fully/substantially recovers from an injury.

2. Moderate

Moderate injuries where a person has substantially recovered from an injury but ongoing symptoms persist following recovery which interferes with a person's quality of life and/or interferes with them carrying out their day to day activities. Generally, the person will reach full recovery from these types of injuries.



3. Moderately Severe

The injury has resulted in long-term/permanent incapacity or physical limitations that impact the part of the body that was injured.

4. Severe and Permanent Conditions

The injury has caused major disruption to the person's quality of life, ability to carry out their daily tasks and other areas of their life resulting in long-term serious pain and/or continuous medical attention.



Head injuries

Concussion

- Minor Concussion with no loss of consciousness – up to €21,800
- Moderate Concussion with less than 24 hours' loss of consciousness – €19,000 – €35,200
- Severe Concussion with more than 24 hours' loss of consciousness – €41,600 – €74,000

Skull Fracture/Minor Head Injuries with no loss of consciousness

- Minor – €34,700 – €60,200
- Moderate – €54,200 – €91,800
- Severe and Permanent – €73,400 – €105,000

Skull Fracture/Severe Head Injuries with loss of consciousness

- Minor – €52,800 – €124,000
- Moderate – €68,200 – €128,000

- Severe and permanent (excluding brain damage) – €87,400 – €144,000

Eye Injuries (Injuries affecting sight)

- Minor Eye Injuries – up to €9,800
- Reduced loss of sight in one eye – €22,500 – €45,500
- Total loss of sight in one eye – up to €138,000

Cheek Fractures

- Minor – €21,200 – €42,200
- Moderate – €37,700 – €47,300
- Severe and Permanent – €47,500 – €55,600

Nose Fractures

- Minor – €18,000 – 22,100
- Moderate – €22,100 – €32,200
- Moderately Severe – €32,400 – €46,600
- Severe and permanent – €44,500 – €63,900

Jaw Injuries (Soft Tissue)

- Minor – €11,000 – €20,800
- Moderate – €19,500 – €27,600

- Severe and permanent- €25,900 – €52,700

Jaw Injury – Dislocation

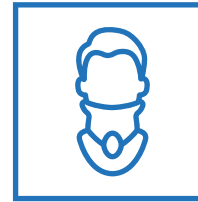
- Minor – €21,200 – €35,400
- Moderate – €36,100 – €63,300
- Severe and permanent – €52,700 – €68,600

Jaw Injury – Fracture

- Minor- €21,200 – €47,100
- Moderate – €35,900 – €74,900
- Severe and permanent – €52,700 – €80,200

Damage to Teeth

- Loss of milk tooth – €4,400 – €7,000
- Broken tooth – €7,500 – €10,300
- Loss of one tooth – €10,300 – €12,700



Neck Injuries

Whiplash/Soft Tissue Injuries

- Minor – substantially recovered – up to €15,700
- Minor – expected full recovery – up to €19,400
- Moderate – €20,400 – €30,200
- Moderately Severe €34,400 – €52,200
- Severe and Permanent – €44,600 – €77,900





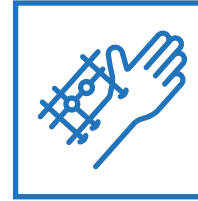
Back Injuries and Spinal Fractures

Back Injury – Soft Tissue

- Minor – substantially recovered – up to €14,800
- Minor – expected full recovery – up to €18,400
- Moderate – €21,400 – €34,400
- Moderately Severe €32,100 – €55,700
- Severe and Permanent – €52,300 – €92,000

Vertebrae Injuries

- Minor – €32,500 – €63,300
- Moderate- €54,900 – €92,700
- Severe and Permanent – €76,000 – €139,000



Upper Limb Injuries

Arm/Hand/Finger Amputation

- Index Finger – partial up to €55,800
- Index Finger – total up to €61,200
- Middle Finger – partial up to €51,100
- Middle Finger – total up to €57,200
- Ring Finger – partial up to €43,300
- Ring Finger – total up to €57,200
- Little Finger – partial up to €41,600
- Little Finger – total up to €46,400
- Thumb – partial up to €44,200
- Thumb – total up to €80,500

Shoulder/Upper Arm Soft Tissue Injuries

- Minor – up to €33,500
- Moderate – €22,000 – €60,900
- Severe and Permanent – €34,700 – €67,700

Shoulder/Upper Arm Dislocation

- Minor – €17,500 – €43,200
- Moderate – €33,000 – €70,600
- Severe and Permanent – €48,400 – €76,700

Humerus Fracture

- Minor – up to €36,800
- Moderate – €34,700 – €64,500
- Severe and Permanent – €50,100 – €83,900

Clavicle Fracture (Collar Bone)

- €22,100 – €44,000

Crushed Arm or Hand

- Minor – €14,400 – €33,300
- Moderate – €32,000 – €48,400
- Moderately Severe – €43,800 – €69,100
- Severe and Permanent – €64,200 – €87,700

Elbow/Forearm Soft Tissue Injuries

- Minor – up to €9,200
- Moderate – €8,000 – €29,500
- Moderately Severe – €22,000 – €59,600
- Severe and Permanent – €39,900 – €63,900

Elbow/Forearm Dislocation

- Minor – €21,200 – €40,700
- Moderate – €37,400 – €70,800
- Severe and Permanent – €55,400 – €75,300

Elbow/Forearm Fracture (Radius and Ulna Bones)

- Minor – €22,100 – €38,300
- Moderate – €37,700 – €40,000
- Moderately Severe – €39,200 – €81,700
- Severe and Permanent – €57,200 – €83,700

Wrist Injuries – Soft Tissue

- Minor – up to €27,800
- Moderate – €21,900 – €32,900
- Severe and Permanent – €41,200 – €67,500

Wrist Injuries – Dislocation

- Minor – €19,800 – €43,500
- Moderate- €35,000 – €75,500
- Severe and Permanent – €54,400 – €77,600

Wrist Fractures

- Minor – €19,300 – €36,800
- Moderate- €35,000 – €45,000
- Moderately Severe – €54,200 – €70,100
- Severe and Permanent – €68,400 – €78,000

Hand Injuries – Soft Tissue

- Minor – up to €21,700
- Moderate- €21,900 – €43,700
- Severe and Permanent – €41,200 – €67,500

Hand Injuries – Fractures

- Minor – €14,600 – €32,200
- Moderate- €30,300 – €64,800
- Severe and Permanent – €49,600 – €67,700

Thumb Injuries – Soft Tissue

- Minor – up to €21,200
- Moderate- €24,100 – €48,700
- Severe and Permanent – €35,600 – €57,300

Thumb Injuries – Dislocation

- Minor – €14,400 – €26,100
- Moderate- €28,900 – €50,600
- Severe and Permanent – €41,400 – €59,000

Thumb Injuries – Fracture

- Minor – up to €30,300
- Moderate- €29,600 – €46,900
- Moderately Severe – €38,600 – €54,900
- Severe and Permanent – €43,700 – €62,700

Finger Injuries – Soft Tissue

- Minor – up to €19,100
- Moderate- €17,300 – €40,700
- Severe and Permanent – €29,300 – €51,900

Finger Injuries – Dislocation

- Minor – €12,800 – €22,400
- Moderate – €28,900 – €50,600
- Severe and Permanent – €41,400 – €59,000

Finger Injuries – Fracture

- Minor – up to €16,600
- Moderate – €19,500 – €44,900
- Moderately Severe – €32,800 – €46,200
- Severe and Permanent – €31,500 – €56,400



Upper Limb Disorders

Tenosynovitis (inflammation of the tendon sheaths)

- Minor – €22,000 – €29,400
- Moderate – €25,900 – €34,400
- Moderately Severe – €38,700 – €66,500
- Severe and Permanent – €58,000 – €68,600

De Quervain's Tenosynovitis (Inflammation of the tendon of the thumb)

- Minor – €17,500 – €18,300
- Moderate – €27,800 – €32,800
- Moderately Severe – €33,100 – €36,100
- Severe and Permanent – €43,600 – €47,900



Radial/Cubital Tunnel Syndrome

- Minor – €22,400 – €32,300
- Moderate – €29,400 – €40,900
- Moderately Severe – €42,400 – €73,300
- Severe and Permanent – €61,800 – €76,600

Carpal Tunnel Syndrome

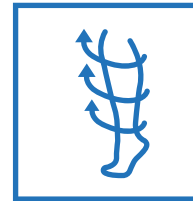
- Minor – €22,100 – €32,000
- Moderate – €28,300 – €39,700
- Moderately Severe – €41,100 – €71,700
- Severe and Permanent – €60,300 – €74,100

Epicondylitis (Tennis/Golfers Elbow)

- Minor – €18,400 – €19,100
- Moderate – €31,800 – €34,700
- Moderately Severe – €35,600 – €37,800
- Severe and Permanent – €47,700 – €51,400

Arm/Hand Dermatitis

- Minor – up to €14,000
- Moderate – €14,000 – €19,800
- Severe and Permanent – €32,800 – €53,700



Lower Limb Injuries

Hip/Pelvis Injury – Soft Tissue

- Minor – up to €29,600
- Moderate – €13,400 – €60,600
- Severe and Permanent – €60,600 – €70,000

Hip/Pelvis Injury – Dislocation

- Minor – €27,100 – €45,800
- Moderate – €45,000 – €70,400
- Moderately Severe – €46,300 – €86,700
- Severe and Permanent – €59,800 – €94,500

Pelvic Fracture

- Minor – €27,700 – €54,300
- Moderate- €47,100 – €58,400
- Moderately Severe – €68,500 – €86,500
- Severe and Permanent – €79,300 – €94,800

Upper Leg Fracture (Femur)

- Minor – €27,700 – €59,100
- Moderate- €47,000 – €84,700
- Moderately Severe – €60,600 – €97,700
- Severe and Permanent – €83,100 – €102,000

Knee Injuries – Soft Tissue

- Minor – up to €14,800
- Moderate- €16,900 – €23,400
- Moderately Severe – €24,000 – €75,600
- Severe and Permanent – €65,700 – 81,600

Knee Injury – Dislocation

- Minor – €22,100 – €50,400
- Moderate- €39,200 – €87,300
- Severe and Permanent – €55,200 – €93,400

Knee Injuries – Fractures (Patella)

- Minor – €20,600 – €47,200
- Moderate- €37,000 – €77,200
- Severe and Permanent – €52,800 – €89,100

Lower Leg Fractures (Tibia and/or Fibia)

- Minor – up to €49,400
- Moderate- €40,500 – €70,400
- Moderately Severe – €68,800 – €91,900
- Severe and Permanent – €77,700 – €96,800

Ankle Injuries – Soft Tissue excluding Achilles Tendon

- Minor – up to €23,100
- Moderate- €23,000 – €56,600
- Severe and Permanent – €38,900 – €62,300

Ankle Injuries – Achilles Tendon Injury

- Minor – up to €12,600
- Moderate- €14,600 – €25,700
- Moderately Severe- €35,900 – €42,200
- Severe and Permanent – €41,200 – €51,500

Ankle Injuries – Dislocation

- Minor – €22,100 – €49,300
- Moderate- €41,100 – €77,100
- Severe and Permanent – €56,800 – €82,800

Ankle Injuries – Fractures (distal Tibia, distal Fibula and Talus)

- Minor – up to €54,700
- Moderate- €39,100 – €87,600
- Moderately Severe- €79,900 – €89,300
- Severe and Permanent – €80,500 – €93,300

Foot Injuries – Soft Tissue

- Minor – up to €20,000
- Moderate- €19,900 – €38,400
- Severe and Permanent – €36,400 – €54,400

Foot Injuries – Dislocations

- Minor – €16,300 – €43,700
- Moderate- €31,900 – €71,500
- Severe and Permanent – €47,700 – €77,500

Foot Injuries – Fractures

- Minor – €18,000 – €34,900
- Moderate- €34,000 – €61,200
- Moderately Severe – €49,800 – €83,100
- Severe and Permanent – €65,200 – €92,900

Foot Injuries – Crush

- Minor – €12,800 – €40,900
- Moderate- €14,500 – €73,900
- Severe and Permanent – €26,600 – €78,300

Loss of Toes

- Toe (other than big toe) – up to €48,200
- Big Toe – up to €70,600

Toe Injuries – Big Toe

- Minor – €11,000 – €18,800
- Moderate- €15,500 – €42,400
- Severe and Permanent – €27,500 – €46,800

Toe Injuries – Big Toe Fracture

- Minor – €12,600 – €21,500
- Moderate- €20,900 – €36,300
- Severe and Permanent – €28,000 – €41,200

Toe Injuries – Other Toe(s)

- Minor – €10,900 – €18,300
- Moderate- €13,000 – €30,700
- Severe and Permanent – €25,100 – 32,600

Toe Injuries – Other Toe(s) Fracture

- Minor – €10,900 – €20,300
- Moderate- €13,000 – €32,800
- Severe and Permanent – €25,100 – €33,700



Body and Internal Organs

Rib(s) / Chest Bone Fracture

- Minor – €13,700 – €45,900
- Moderate- €29,600 – €63,400
- Severe and Permanent – €49,500 – €80,000

Heart

- Heart Contusion – €18,500 – €22,100

Lung Injuries

- Contusion – €15,900 – €21,900
- Laceration – €16,000 – €31,700

Lung Injuries – Punctured/Collapsed Lung

- Minor – €14,600 – €17,900
- Moderate – €19,900 – €42,100
- Severe and Permanent – €52,600 – €82,700

Kidney Injuries

- Kidney Contusion or Haematoma – €13,400 – €28,000
- Lung Laceration – €21,300 – €35,500

Bowels and Digestive System

- Minor – €21,300 – €45,900
- Moderate – €56,800 – €73,000
- Severe and Permanent – €61,900 – €93,900

Bladder

- Bladder Contusion – €14,200 – €28,500
- Where the ongoing loss of function is expected – €24,600 – €86,000
- Any injury to the Ureter – €21,400 – €44,500

Spleen claims

- Haematoma/Laceration – €21,300 – €44,700
- Total Loss/Severe Loss of Function or Removal – up to €73,100

Hernia claims

- Minor – up to €25,700
- Moderate – €31,400 – €46,000
- Severe and Permanent – €46,700 – €60,300

Food poisoning claims

- Minor to moderate – up to €14,500
- Severe and Permanent – €23,700 – €40,300

** The information and compensation estimates provided above are taken from the Injuries Board Book of Quantum, 2016.*



**Medical
Negli-**



A MEDICAL NEGLIGENCE &
PERSONAL INJURY LAW FIRM

What is Medical Negligence?

If you suffer from an injury or disease which you have developed as a result of the poor treatment or misdiagnosis by medical or dental professionals, you may be entitled to claim compensation.

This is referred to as medical negligence, though sometimes it is called medical malpractice or clinical negligence. It occurs when substandard care is given to a patient, either by action or failure to act, that either worsens their current condition or causes additional injury to them.

Usually, these injuries are avoidable because the medical practitioner should have adhered to the standard of medical practice and duty of care expected of their profession. However, in most cases, medical professionals are dedicated, diligent and practice in a safe manner.

- Dental injury claims
- Cancer misdiagnosis claims
- Birth injury claims
- Cosmetic surgery claims
- GP claims

Below are some of the most common medical negligence claims. Each would normally be completely avoidable had the medical practitioner adhered to their duty of care.



Misdiagnosis

When you go see a medical practitioner, their goal is to uncover what is troubling you. This diagnosis will determine your course of treatment and your road to recovery. However, medical practitioners can get this wrong. This misdiagnosis can worsen your condition and often, with misdiagnosis cases, the treatment given to them is not addressing the issue.

The most common cases include:

- Failure to recognise symptoms of an illness
- Cancer misdiagnosis
- Misdiagnosis of testicular torsion
- Misdiagnosis of fractures and breaks

Delayed Diagnosis

Delayed diagnosis can be established if you can demonstrate that another medical professional would have diagnosed the patient quicker than the original medical practi-

tioner. Delayed diagnosis can worsen a possibly avoidable condition.

Surgical Error

Surgical errors are among the most devastating medical mistakes you can suffer. Errors in surgery can happen before, during and after the surgery occurred. A surgical error medical negligence claim not only has to show that you suffered an injury as a result of your surgeon's or hospital's negligence, it also has to be proven that the mistakes were avoidable at the time.

Some of the most common surgical error claims have involved:

- Misdiagnosis of a patient's condition
- Retained surgical instruments
- Surgery without consent
- Failure to monitor a patient's vitals during surgery
- Poor aftercare
- Anaesthesia errors
- Errors in cosmetic surgery
- Unnecessary surgery
- Wrong site surgery

- Failure to interpret x-rays, scans or MRIs correctly
- Damage to internal organs, nerves, unintentional lacerations

Medication administration errors

When prescribing medication doctors need to take into account whether it will have an effect when combined with other forms of medication. In cases where a doctor fails to take this into account and you suffer an injury, they may be held liable.

Wrong prescription

If your doctor prescribes the wrong medication which leads to an injury or illness, they may be held liable. This can also happen when a pharmacist gives you the incorrect prescription, despite the doctor prescribing the correct dosage and medication. In these cases, the pharmacist may be held liable for any injuries.

Medical allergy claims

Medical practitioners have a duty to check the medical history of their patients. This is to ensure they do not have an allergic reaction to the prescribed medicine. If a medical professional fails to check history and the patient has a severe

allergic reaction, they could be held liable.

What medical practitioners can be held liable?

Here is a list of medical practitioners that have been attributed to medical negligence claims previously:

- GPs
- Doctors
- Nurses
- Lab Technicians
- Medical consultants
- Surgeons
- Anaesthesiologists
- Cardiologists
- Acupuncturists
- Chiropractors
- Osteopaths
- Pharmacists
- Plastic surgeons
- Physiotherapists
- Opticians
- Dentists

How To Make A Medical Negligence Claim?

Medical negligence claims are different to personal injury claims. While personal injury claims must first be assessed by the Injuries Board, medical negligence claims are brought straight to court hearing.

If you are the subject of medical malpractice, you can take the following steps to proceed with your medical negligence claim:

1. Speak to a Medical Negligence Solicitor

Medical negligence is a very complex topic in Irish Law. To make a medical negligence claim, it is often advised to seek out a medical negligence solicitor to assist you with the claim process. You can have confidence our Sweeney Solicitors' medical negligence specialists will take care of your case while you focus on recovery.

2. Medical Records

When making a medical negligence claim it is important to gather all the information surrounding your case, particularly any relevant medical records that prove medical negligence has occurred. Your solicitor will likely be able to request access to your medical records.



Your solicitor will draft in an independent medical expert will review your case. They will help confirm whether you have been subject to substandard medical care and medical negligence. Your injuries and illness will also be assessed to determine if they were avoidable.

3. Letter of Claim

Your solicitor will then draft a letter of claim and send it to the relevant people involved. A letter of claim outlines the nature of your medical negligence and invites the medical practitioners at fault to settle your claim.

The next steps involved will heavily depend on the nature of your claim and the response to your claims letter.

This will determine whether your claim is brought to a court hearing or settled outside of court. Your solicitor will be in a position to advise on the best course of action once medical negligence is confirmed and a letter of claim is sent to the relevant parties.

The settlement outcome of a medical negligence claim will depend on particular factors. For example, whether you have a history of similar medical issues, the long-term effects of your injury, the type of injury or illness sustained. These are referred to as two types of damages:

General medical negligence damages

Non-financial damages include; pain and suffering, physical and emotional damage, loss of quality of life, and loss of opportunity.

Special medical negligence damages

These refer to out of pocket expenses incurred as a result of the malpractice. These can include:

- Loss of earnings and future earnings.
- Current and future medical bills.
- Care fees.
- Costs of adapting a home.
- Physiotherapy fees.
- Payments for medical equipment.
- Expenses for ongoing medication needed.

What's the time limit to make a medical negligence claim?

Medical negligence is a complicated part of Irish law and there is no definitive answer as to how long your claim will take. However, how long you have to make a medical negligence claim is defined.

The '**Statute of Limitations**' is the formal term for the legal time limit in which you can make a medical negligence claim. This is usually **two years minus one day after the date of knowledge of the injury.**

The date of knowledge is often the date the accident occurred. However, sometimes, a person may not realise their injury until some time after an accident. In such cases, this is the date of knowledge.

Children are not allowed to make a medical negligence claim because they are classed as minors. Instead, their two-year time limit begins on the 18th birthday.

However, a parent or legal guardian can make a medical negligence claim on behalf of a minor following the medical malpractice. This option is typically more desirable because it is easier to uncover reliable evidence to strengthen the child's case if they filed as soon as possible.



What To Do After A Cancer Misdiagnosis?

Cancer misdiagnosis claims for compensation in Ireland are on the increase even though each year, more cases of cancer are diagnosed. Detecting cancer when it is in the early stages of development usually means that treatment methods are far more effective. However, despite advances in modern technology and medical imaging tests, the misdiagnosis of cancer is also more common.

Failure to diagnose cancer early on or even at all can result in reduced effectiveness of the usually prescribed treatments. This misdiagnosis can mean:

- Unnecessary pain, suffering and injuries
- Prolonging of the illness.
- Reduced chances of recovery



If this is the case, you might be entitled to pursue a claim for medical negligence or malpractice. Cancer medical negligence claims have been associated with several different types of cancer, such as:

- Bladder
- Breast
- Colon and Rectal
- Endometrial
- Kidney
- Leukaemia
- Liver
- Lung
- Lymphoma
- Pancreatic
- Skin
- Stomach
- Thyroid
- Uterine

What Causes A Cancer Misdiagnosis?

A cancer misdiagnosis can happen from several different reasons, including:

- The incompetence of a medical practitioner who fails to recognise the signs of cancer or misinterprets cancer as a different illness.
- False-positive or false-negative results from a faulty cancer screening.
- MRI or CT scans fail to identify cancerous lesions if the lesions are too small to detect.
- Laboratory errors

Compensation For Cancer Misdiagnosis Claims

Medical negligence claims for misdiagnosis of cancer compensation can be grouped into the following categories:

False cancer diagnosis

An incorrect diagnosis of cancer can cause severe distress. The medical practitioner can prescribe a non-cancer patient with unnecessary cancer treatment. Alternatively, a doctor can misdiagnose cancer for a different illness. As a result, the patient does not receive the necessary, or they miss their win-

dow of opportunity for cancer treatment.

Failure to diagnose cancer

In this case, a medical practitioner fails to recognise the signs of cancer and completely fails to diagnose the patient's cancer. This failure can lead to fatalities as the patient may not be diagnosed until the symptoms reach their peak when it may be too late to treat cancer.

Delayed diagnosis of cancer

Late cancer diagnosis claims of cancer occur when medical professionals fail to detect the patient's cancer at the early

stages. When a diagnosis of cancer is delayed, so is the treatment. This delay can lead to future complications or an untimely death.

How to Make a Cancer Misdiagnosis Claim

Making a claim for cancer misdiagnosis compensation claim must be brought through the courts. However, your claim can be settled outside of court. This happens if the medical practice accepts responsibility for the misdiagnosis and they offer an adequate cancer misdiagnosis settlement.

Cancer misdiagnosis compensation amounts will vary depending on the cancer misdiagnosis case.

The first step in assessing whether you have a cancer medical negligence claim is to contact a medical negligence solicitor. To establish whether there is a case, they will need:

- All your medical records, including those from before the misdiagnosis, will need to be obtained before making a cancer compensation claim.
- A medical examination and subsequent report with an expert in the field is required to prove your misdiagnosis and that the medical practice you were treated by fell short of acceptable standards.



What To Do After A Childbirth Injury?

In the vast majority of cases, childbirth is a natural physiological event that does not pose a risk to the health of a mother or baby. However, assisted births have become more common either by way of caesarean section, forceps delivery or other medical interventions. In a significant number of cases, the outcomes of such births are not positive and occasionally result in injuries to the baby or the mother.

These childbirth injuries can be caused by pregnancy mismanagement, delivery, or aftercare. Sometimes, the injuries are not discovered immediately at birth instead the injuries become clear months or years after birth.

If during labour you are subject to medical negligence which results in you or your baby sustaining injuries, you may be entitled to claim compensation.

What Are The Causes Of Childbirth Injury?

Not all births go to plan. Doctors do have to deal with the difficult delivery of babies throughout their careers.

However, a problematic delivery is something an experienced doctor should be able to handle. Enabling them to reduce the risk of any unwanted injury to both mother and baby. Unfortunately, in some cases, the actions or inactions of medical pro-



professionals involved in delivering the baby can lead to injuries to the baby or the mother.

Some examples of medical negligence that can lead to childbirth injury are:

- Incorrect interpretation of ultrasound.
- Failure to perform the necessary tests and examinations during pregnancy.
- Prescription of the wrong medication during pregnancy.
- Inability to track the baby's heart rate.
- Failure to deal with an emergency adequately.
- Incorrect use of forceps during delivery.
- Blunt force trauma to baby or mother.
- Delayed birth – When the baby remains in the birth canal for too long. Leading to injury from the prolonged pressure from the birth canal on the baby's brain.
- Improper manipulation of the baby's body during delivery.

The most common childbirth injuries that affect the baby

Injuries to an infant as a result of medical malpractice can result in different complications for the infant. Often, these childbirth traumas can have long-term effects on the child's quality of life.

Some of the most common reason for childbirth malpractice cases are:

- Brain Damage.
- Forceps and Vacuum Extractor Injuries.
- Forceps injury.
- Perinatal Asphyxia – where a newborn does not receive enough oxygen.
- Hip dysplasia.
- Spinal Cord Injuries.
- Pelvic injuries during birth.
- Facial Paralysis.
- Erb Palsy, also known as Brachial Plexus Injury which is damage to the nerves that send signals from the spine to the shoulder, arm and hand.
- Fractures to collarbone, arm or skull.
- Seizures.

- Cerebral Palsy.
- Erbs palsy.
- Untreated jaundice, kernicterus and hyperbilirubinemia.

The most common childbirth injuries that affect the mother

Injury to the mother can be sustained prior to, during or following the birth. These injuries can be a result of medical negligence. Inadequate medical care can result in these complications:

- Pregnancy malpractice/maternal birth injuries – mismanagement of the pregnancy.
- Vaginal tears or lacerations.
- Pelvic injuries during birth.
- Broken bones.
- Ruptured uterus.
- Complications caused by delivery using forceps.
- Abnormal bleeding caused by medical negligence.
- Incontinence.
- Damage to bowel or bladder.
- Nerve damage after giving birth.

- Post-traumatic stress disorder.
- Wrongful death of the mother.
- Forceps Injury.
- Incorrect caesarean section.
- Infection.
- Pre-eclampsia or eclampsia.
- Improper stitching following caesarean section.

Compensation For Childbirth Injury Claims

As with all medical negligence, claims settlement varies between cases. The following may be taken into account when assessing each case.

- Impact the injury has on the quality of life of the child or mother
- Earnings lost if you are absent from work
- Future earnings lost as a result of the injury
- Medical cost for treatment of the injury
- Future medical costs, if long-term treatment is needed
- Out of pocket expenses, like travel costs
- Psychological injuries

How To Make A Childbirth Injury Claim

To bring a medical negligence case for, you must prove that the injuries you have suffered would not have occurred if the treatment you received had not been substandard, as defined by law.

To prove this, you must have all relevant medical records and documentation relating to your case. Such records will enable your medical expert to demonstrate the negligence of your treatment.

1. Speak with a Solicitor

If you feel the medical treatment you were afforded during your pregnancy resulted in an injury to you or your baby; you may be entitled to claim compensation. However, bear in mind that medical negligence is a complex topic in Irish law. As such, it is highly recommended that you speak with a medical negligence specialist solicitor to discuss your case. They will ensure all the required details are taken care of and that your claims procedure is not delayed.

2. Medical Records

Next, the medical negligence specialist solicitor will request access to your medical records. They will do this to establish whether the injuries were caused as a result of the malpractice of the medical professional who oversaw your prenatal care, pregnancy, delivery or aftercare.

An independent medical expert will then assess your medical records. This expert will help determine whether the medical practitioner provided substandard medical care and whether the outcome could have been avoided had they been performed by a competent doctor.

3. Letter of Claim

Finally, your solicitor will draft a Letter of Claim to the medical practitioner who treated you and your baby. This letter is standard in medical negligence cases and will outline the nature of your case. The Letter of Claim will also invite your medical practitioner to settle your case. Their response to the letter will determine whether your case will be settled outside of court or is brought to a judge.

What To Do After A Cosmetic Surgery Injury?

Cosmetic surgery is elective surgery which aims to improve one's aesthetic appearance. Unfortunately, this is an area of medicine which lacks any proper regulation in Ireland. As a result of this, medical practitioners are performing complicated surgical procedures for which they lack the requisite experience, expertise and skill and this is giving rise to significant postoperative complications for patients. In many cases the post-surgical aftercare of routine complication is substandard.

Simple and seemingly straightforward procedures can result in significant problems for people if they are performed negligently. Some of the consequences for patients can include nerve injury, scarring, skin loss, infection, and psychological harm. It can be the case that a patient is unhappy with the outcome of a cosmetic procedure, but this does not mean the surgery was performed negligently.

As with all procedures, cosmetic surgeons are required to obtain a patient's informed consent in advance of performing the procedure. This means that they are required to advise the patient of all the risks and possible complications that are associated with the intended procedure before allowing the patient to undergo the operation. Failure to fully inform a patient and to get an informed consent can result in a claim for medical negligence if the procedure has been negligently performed.



Before you choose a cosmetic or plastic surgeon, it is advisable to check with the Medical Council of Ireland to see if they are a registered specialist. You could also check this with the Association of Plastic Surgeons.

Any doctor on the general register in Ireland can brand themselves as a 'cosmetic surgeon'. This can lead to patients receiving inadequate care and in turn, open to medical negligence. Many people in the field would consider this to be misleading and in some cases, potentially dangerous. To use the term 'plastic surgeon,' a doctor must undergo advanced specialist training.

What Are The Causes Of Cosmetic Surgery Claims?

- Nerve damage.
- Personal injuries sustained during the surgery or as a result of poor aftercare.
- Unexpected scarring.
- Liposuction resulting in perforated bowels.
- Surgical error during surgery.
- Nerve damage to face from botox/filler injections.
- Removal of cancerous moles leading to the delay in cancer diagnosis.
- Poor results.

Cosmetic Procedures Where Medical Negligence Can Arise

- Plastic surgery
- Blepharoplasty (surgery of the eyelids)
- Forehead lift
- Facelift
- Laser hair removal
- Facial scar removal
- Hair replacement
- Laser surgery
- Rhinoplasty (surgery of the nose)
- Otoplasty (surgery of the ear)
- Mentoplasty (Surgery of the chin)
- Skin resurfacing
- Laser tattoo removal
- Breast implants /breast augmentation
- Botox
- Liposuction
- Laser eye surgery

- Abdominoplasty (tummy tuck)
- Application of permanent /semi-permanent makeup

How To Make A Cosmetic Surgery Claim

1. Speak with a Medical Negligence Solicitor

The first thing you should do is consult with a medical negligence specialist solicitor as soon as possible after the surgery. Medical negligence is vastly different from personal injury, so it is vital that you engage a solicitor with experience in cosmetic or plastic surgery claims to guide you through the process.

2. Medical Records

To ensure a successful claim, your solicitor will need to establish that injury sustained was by the medical negligence of the surgeon. Your solicitor will request access to your medical records and have them independently assessed by a plastic surgery expert. This expert will help to determine:

- Whether the surgeon who performed the cosmetic surgery had administered substandard medical care.
- If medical negligence had a hand in the outcome of your surgery.
- If your injuries/outcome were avoidable had the surgeon administered the appropriate level of medical care.

3. Letter of Claim

If the independent medical expert concludes that medical negligence is the cause of your injury/poor outcome, your solicitor will draft a 'Letter of Claim' to the doctor who performed the surgery. A 'Letter of Claim' will outline the nature of your case. This letter invites the medical practitioner to settle your cosmetic surgery claim.

The next steps involved are heavily dependent on your case and response to your 'Letter of Claim'. It will determine whether your case will be brought to court or settled outside of court. Your solicitor will be on hand every step of the way to guide you through this process.

What To Do After GP Clinical Negligence?

A high standard of care is expected from our GPs. When ill or injured, they are usually the first medical practitioner to which you reach out. Usually, we are satisfied with the prescribed treatment and level of care. However, in some cases, a GP's actions or lack of action can result in original conditions becoming worse over time leading to a breach in their duty of care.

If you have experienced GP clinical negligence, you may be entitled to make a claim for damages. If you are a patient in a private GP practice, you may be able to make a claim directly against your healthcare provider whereas in other cases it is likely that the claim will be made against the practice as one organisation.



Types of GP Clinical Negligence

- Failing to investigate symptoms.
- Failing to act on test results.
- Poor record-keeping in relation to patient information.
- Failing to refer the patient to a specialist.
- Medication or prescription errors.
- Failing to review medication/defective drug administration.

What Are The Consequences Of Gp Negligence

- Incorrect treatment may be given.
- Deterioration of medical condition or injuries.
- The patient may sustain personal injuries.
- Incorrect treatment may be given.
- There may be a medication or prescription error made.
- Their original illness or injury may become worse over time.
- They may need further treatment and medical attention as a result.

How To Prove GP Clinical Negligence

To proceed with a claim for GP malpractice, you must first determine that clinical malpractice has occurred. Firstly, you must prove that clinical negligence would not have happened if another GP or medical professional treated you.

In many cases, negligence occurs as a result of a breach in their duty of care where they have failed to ensure the health and safety of their patients. If it is found that a GP or a practice has been unable to show a reasonable level of duty of care and patients have been affected by this, they may be found liable in any claims made for negligence.

To successfully win a clinical negligence case, it must be proved your GP was negligent. The relevant standard of care owed to you was below the reasonable standard of care and skill practised. The court may decide that a GP is negligent if the specialist follows the general and accepted practice among healthcare professionals, but there are inherent defects which would be evident to a specialist in their area.

The court may also decide that if a GP is negligent if they depart from a general and approved practice.

Compensation for GP clinical negligence claims

Clinical negligence claims rarely end up with a trial in court. Many cases are settled after all the investigations are completed and before legal proceedings are issued, and the majority before a trial commences.

Our clinical negligence specialist solicitors will assess and discuss with you and your loved one the merits and disadvantages of settling or continuing a legal action depending on the compensation awarded at various stages of you or your loved ones clinical negligence claim.



**We Are Ready to
Take Your Case**



A MEDICAL NEGLIGENCE &
PERSONAL INJURY LAW FIRM

If you're ready to explore your legal options, we're with you.

Sweeney Solicitors are personal injury and medical negligence specialist solicitors in Cork and Dublin. We are backed by over ten years experience. Our team of experts will work tirelessly to deliver the highest quality legal representation and advice to you.

Let us focus on your case while you focus on recovery.

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Explore your personal injury or medical negligence legal options with us. We are ready to take your case

