

Claimant's checklist

1. Personal details

Please provide the following details concerning the person under a legal disability

Full Name

Date of Birth

Litigation Guardian's details

(a) Name

(b) Address

(c) Telephone number

(d) Email address

2. Type of claim

Please advise whether the claim is a dependency claim or personal injuries claim

(a) Personal injuries claim

(b) Dependency claim

3. Information about claim

Please advise us in narrative form details of the following matters

(a) Personal injuries claim

(i) Circumstances giving rise to claim

Provide a brief outline of the incident including date of the accident, parties involved

(ii) Contributory Negligence Yes No

Has contributory negligence been alleged by the defendant and/or conceded by the plaintiff? If so provide details

(iii) Analysis of Injuries and Treatment

Describe the duration and degree of pain and suffering and inconvenience suffered by the person. How long was the period of confinement in hospital?

(iv) Residual Disability Yes No

Is there any residual disability?
If so, please advise how this
was taken into account in
reaching the compromise

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(v) Residual Disfigurement (eg
scarring)

Describe the extent of any
disfigurement caused by the
accident. If any, please advise
how this was taken into
account in reaching the
compromise. – see item 6(a)

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(vi) Recovery

Provide evidence that the
claimant's injuries have
reached maximum medical
improvement and are stable

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(b) Dependency claim

(i) Circumstances giving rise to
claim

Provide a brief outline of the
incident including date of the
accident, date of birth and
date of death of parent,
parties involved in accident,
cause of death

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(ii) Contributory Negligence Yes No

Has contributory negligence
been alleged by the defendant
and/or conceded by the
plaintiff? If so provide details

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(iii) Number of Dependents

Provide the names, dates of
birth and relationship to the
deceased of all parties liable
to claim. Note - all parties
must be represented. If not,
why not?

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(iv)	Deceased's Contributions to Dependents Outline the basis on which the deceased contributed to the dependents if not described in Counsel's opinion
(v)	Dependent's Needs Outline the needs of the dependent for support and education and medical requirements if not described in Counsel's opinion
(vi)	Proposed Division of Claim and costs Outline the proposed division of the settlement monies between the dependents and the allocation of costs if not described in Counsel's opinion

4. Terms of settlement/compromise

Please provide us with details of the following

(a)	Litigation Provide details of any litigation instituted, and the stage reached
(b)	Insurer Provide the full name, address and ABN of insurer or other party to whom the Tax Invoice for the Sanction Fee is to be addressed
(c)	Litigation Guardian Approval Has the litigation guardian agreed to the settlement?	<input type="checkbox"/> Yes <input type="checkbox"/> No (may be provided in the form of consent to terms of settlement / insurer's form referred to at 6(b))
(d)	Solicitors Approval Does the person's solicitor consider that the settlement is for his or her benefit and recommend it?	<input type="checkbox"/> Yes <input type="checkbox"/> No
(e)	Other Matters Are there any other matters not covered by the above headings which are relevant to question of either liability or quantum?	<input type="checkbox"/> Yes <input type="checkbox"/> No
(f)	Settlement/Compromise What are the terms of the Settlement?

5. Calculation of damages

Please list the amount of damages to be paid by the following separate headings

- (a) Personal Injuries Claims
 - (i) General Damages \$
 - (ii) Special Damages
 - Medicare Refund \$
 - Medical Expenses \$
 - Loss of Wages \$
 - Other Special Damages \$
 - Refund to Workers Comp \$
 - Future Expenses \$
 - Legal costs paid by defendant \$
 - (iii) Griffiths v Kerkemeyer damages \$
 - (iv) Administrative Fees \$
 - (v) Sanction Fees \$
 - (vi) Any other Fees or Damages agreed \$

- (b) Dependency Claims
 - (i) General Damages \$
 - (ii) Special Damages \$
 - Funeral Expenses \$
 - Legal Costs paid by the defendant \$
 - (iii) Refunds \$
 - (iv) Administrative Fees \$
 - (v) Sanction Fees \$

6. Relevant documents

- (a) Medical Reports
These should address the injuries sustained and the issue of residual disability/residual disfigurement including colour photographs if applicable
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- (b) Release, Discharge and Indemnity form / Terms of Settlement form Yes No
Insurer's Form signed by the Litigation Guardian

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- (c) Current Medicare Notice of Charge Yes No
Required if the total amount payable by the insurer is over \$5,000

 - (d) Counsel's opinion Yes No
Required if obtained

 - (e) Statement of Claim & Defence Yes No
Required if issued

7. Claim for indemnity costs and outlays

If the solicitor acting for the person is claiming for Indemnity Costs and Outlays, they will need to provide the following further information

- (a) Standard Costs Yes No
 - (i) Have the standard costs and outlays been agreed or assessed either in-house or externally? If so, what are the individual amounts of these costs and outlays?
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 - (ii) If an assessment has been obtained provide a copy of same.
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- (b) Payment Yes No
Has any amount already been received on account of standard costs and outlays?

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- (c) Indemnity Costs and Outlays Claim
 - (i) What sums are sought to be recovered for each of indemnity costs and indemnity outlays?
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 - (ii) Provide copies of invoices for Counsel's fees, medico legal reports and other reports involving expenditure in excess of \$1,000
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 - Note – the Public Trustee does not require, and initially requests you do not obtain, an assessment of costs from a professional legal costs assessor and will not agree to payment of cost assessors fees unless the Public Trustee requests such an assessment
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- (d) Client Agreement Yes No
Has the Litigation Guardian entered into a Client Agreement? If so provide a copy of the Agreement and a copy of the Disclosure Notice
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(e) Litigation Guardian's Consent Yes No

Has the Litigation Guardian been consulted and agreed to the amount of indemnity costs and outlays referred to in (c)?
