

PERSONAL INJURY CLAIMS IN FRANCE

1 INTRODUCTION

Although french personal injury law is complicated, with the help of a French Attorney at Law / Solicitor ("*Avocat*"), the process of making a claim can be quite straightforward.

He will offer a free initial consultation and will be able to tell you if you have a justifiable claim.

If you have legal expenses insurance, which is often included in home or motor insurance policies, you should provide full details including, wherever possible, a copy of the insurance policy.

2 DOCUMENTS REQUIRED TO FILE A FRENCH PERSONAL INJURY CLAIM

To establish the details of your case, your French Attorney at Law / Solicitor ("*Avocat*") will need to know:

- The date of the accident and where and how it happened
- The contact details for any witnesses
- The details of your injuries, medical diagnosis and treatment

Your French Attorney at Law / Solicitor ("*Avocat*"), may also need to see :

- Proof of your loss of earnings and other financial expenses which are the result of your injury



- Documents relating to any insurance policies you have (such as household or motor insurance) to check whether these will cover the legal costs of your claim
- Any documents that can be used to support your claim, including documents from before your accident or any evidence of previous accidents in similar circumstances

3 HOW YOUR FRENCH PERSONAL INJURY ATTORNEY/SOLICITOR CAN HELP

Once you have explained the circumstances of your injury in detail, your French Attorney at Law / Solicitor ("*Avocat*") will be able to judge :

- How likely your case is to succeed
- How much you might be able to claim in compensation

Your French Attorney at Law / Solicitor ("*Avocat*") will also explain to you the legal processes involved in taking your claim further.

And he will discuss with you exactly how you will fund your case.

Don't be afraid to take notes, and make sure you ask your Attorney at Law / Solicitor ("*Avocat*") to send you a letter summarising the advice he has given you. This letter should confirm:

- That the Attorney at Law / Solicitor is happy to take your case on
- The name and status of the Attorney at Law / Solicitor or other person in the firm who will be your main day-to-day contact
- How long the process is likely to take and arrangements for progress reports



- How you are funding the case, an estimate of your costs and any agreed spending limits
- When you might have to pay the Attorney's / Solicitor's costs and when you might have to pay the defendant's costs
- Details of any more information you need to provide
- What you should do if, for any reason, you are not happy about the way your case is progressing

4 MAKING YOUR FRENCH PERSONAL INJURY CLAIM

The first step your French Attorney at Law / Solicitor ("*Avocat*") will take is to send a claim letter to the defendant. This sets out the details of your injury and the circumstances in which it took place.

If you need an expert opinion to support your claim – from a doctor, for example – your Attorney at Law / Solicitor will suggest a relevant specialist.

The person you are holding responsible for your accident (the 'defendant') then has to investigate and reply to the letter within a fixed period – usually no more than three months under French Personal Injury Law.

In their reply they must say whether they accept or deny liability for your injury. If they accept liability, your French Attorney at Law / Solicitor ("*Avocat*") will try to settle the matter out of court.

5 MAKING AN OFFER

Your Attorney at Law / Solicitor will tell you what he/she thinks the value of your claim is.



He/she may also ask you to give an indication of the level of compensation you are prepared to accept, and whether you want to make an 'offer to settle' for that amount.

Your French Attorney at Law / Solicitor ("*Avocat*") will tell you whether you should make an offer and how this would affect you.

If the respondent 'responds reasonably' to this offer and a figure is agreed, the matter can be settled without going to court. In some situations, the respondent may reply with their own offer.

If this happens, your Attorney at Law / Solicitor will advise you what to do.

6 COURT SETTLEMENT

If you cannot settle for a fair amount out of court, your French Attorney at Law / Solicitor ("*Avocat*") will advise you on whether to start legal action, most of the time in front of the French High Court ("*Tribunal de Grande Instance*").

If the defendant says they are not liable for paying you compensation, your Attorney at Law / Solicitor may advise you to go to court to challenge them and to ask the court to award you compensation.

7 COUNTDOWN TO COURT

If you decide to take the matter to court, your case will be passed to a judge.

That judge will then be in charge of the timetable for your case in court.

The court will let you know the date of your hearing, and your Attorney at Law / Solicitor will tell you about any preparations you need to make.

The thought of going to court may be daunting, but it is important to remember that by this stage your French Attorney at Law / Solicitor ("*Avocat*") will have prepared your case in detail and will have explained to you exactly what to expect.



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BARREAU DE NICE

Then it's just a question of waiting to hear the judgment and finding out if you have won and have been awarded what you were claiming.

