

# Thompsons Solicitors'

## Glossary of Legal Terminology

Legal terminology and language can be daunting if you are unfamiliar with the legal process. This document contains explanations of common legal terms and is designed to help our clients to better understand what is happening in their case.

Legal terminology	Meaning
Adjournment	When a meeting or court hearing is suspended to another time or place.
Alternative Dispute Resolution (ADR)	A method used to resolve a dispute without going to court (e.g. by mediation or arbitration).
Allocation	This is the decision made by the court to put your claim into a certain track (small claims track, fast track or multi track). The track for your case sets out the process that must be followed and which reflect the complexity and value of your case.
Appeal	Applying to a higher court to try and change the decision of a lower court.
Application	Asking a judge to make a decision about something in your case, before a final hearing. Your solicitor will make an application to the court on your behalf, setting out what is being requested and why.
Arbitration	In an arbitration, an agreed, independent person, the "arbitrator" will consider the evidence and the arguments from all parties and make a decision to resolve a dispute.
Barrister	A lawyer who specialises in attending court hearings, drafting legal documents and providing advice in conferences or in writing.
Causation	The link between the negligence of a party and your injuries. It is usually based on the "but for" test, i.e. but for the other party's negligence, would you have avoided injury or would your injury have been less serious than it is?
Conditional Fee Agreement (CFA)	The name for a form of funding between a client and a law firm. A CFA will usually state that if the case is unsuccessful, the law firm will not be paid, hence it is commonly called a "no win-no fee agreement."
Chambers	The offices where barristers are based.
Claimant	The name for the person bringing a claim.
Claim Notification Form (CNF)	The form that is completed to start a claim for damages in certain types of personal injury cases (typically, those valued at over £1,000 and up to £25,000).
Conference	A meeting with people involved in a case (e.g. with your solicitor, barrister or medical experts). This is held to discuss and obtain further information to investigate your case and agree the future strategy. You would be involved. It may be held over the phone.

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Contributory negligence	The defendant party may argue that you have contributed to your accident and injuries by your own negligence and/or by failing to take reasonable care for your own safety. This can be agreed to or may be decided by a judge, and will mean that the damages you are awarded will be reduced by the amount you are found to be contributorily negligent. So for example, if you are found to be 25% at fault, your damages would be reduced by 25%.
Costs	These are legal fees for work done on a case. If your case is successful we seek to recover our costs from the losing party or parties. If your case is unsuccessful and your case is funded by a CFA, then you will not usually have to pay costs.
Counsel	Another name for a barrister.
Counter schedule	This is the document the other side prepare in response to your schedule of special damages. It should address each item of financial loss claimed and set out what is agreed, what is disputed and why.
County Court	This is the court that deals with the majority of personal injury claims. Hearings are usually dealt with by the local court for the area where you live.
Court of Protection	The court that deals with decisions if a person is a protected party because they cannot manage their own affairs.
Court order	An official direction issued by a judge requiring a party or parties to take specified steps, usually by a certain date.
Civil Procedure Rules (CPR)	The rules and procedures that apply to all personal injury cases. They require the courts to deal with cases justly and at proportionate cost.
The Compensation Recovery Unit (CRU)	This is part of the Department for Work and Pensions (DWP). If your personal injury claim is successful, then the defendant has to notify the CRU of any state benefits you have received because of your injuries, deduct them from your compensation and repay them to the DWP. You may be asked to check a "CRU certificate" setting out the benefits you have been paid.
Damages	The amount of money agreed or ordered to be paid to a successful claimant to compensate them for their personal injury and losses.
Defence	The document prepared by a defendant to set out their formal response to a claim brought against them.
Defendant	The individual or organisation against whom a personal injury claim is brought.
Directions	A timetable set by a judge giving dates by which certain steps have to be taken by parties to legal proceedings.

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Disbursement	Fees that are paid out in bringing your claim, excluding your solicitors' costs (e.g. medical reports and court fees).
Fast Track	The usual court track for cases where the damages for pain, suffering and loss of amenity are valued between £1,000 and £25,000.
Fee remission	If a claimant does not have much in savings, receives certain benefits or has a low income they can apply to the court for help with their court fees. This sort of application is known as seeking "remission".
Fundamental Dishonesty	A court can find that a claimant has been fundamentally dishonest in relation to their primary or a related claim, and usually then dismiss the entire claim. If this happens, the claimant will usually be ordered to pay the other side's legal costs and their own costs.
General Damages	Damages are awarded for your "pain, suffering and loss of amenity", that is for the injury as opposed to any financial losses and expenses.
Hearing	A meeting before a judge which can be by phone or in person, where evidence and arguments are presented and a judge decides the outcome.
High Court	One of the senior courts of England and Wales.
Infant approval	A person under 18 is considered by the courts to be an 'infant' and no settlement an infant can be valid without the approval of the court. This is to protect the child and ensure the damages are properly invested. An infant approval hearing takes place before a judge so that the judge can make sure the settlement is fair and reasonable.
Instructions	When you set out the work you want us to do for you and/or the steps we can take and explain how you want us to put your case, you are said to be providing instructions to us as your solicitor. We will also 'instruct' a barrister.
Interim Payment	An early payment of damages that you may receive at the end of the case. This has to be taken into account at the end of the claim and if your final damages are less than the interim payment, the difference has to be repaid.
Interlocutory or interim proceedings	Hearings that take place as your claim progresses, before the final hearing.
Issue of proceedings	When formal legal proceedings are started in court, usually done by lodging a claim form at the court and paying a court fee.
Joint statements	Where the expert witnesses for the parties, eg doctors, are in dispute, they may be ordered to have a discussion and prepare a joint statement setting out what issues are agreed and disagreed, and their reasons. This is to try to narrow the issues between the parties.
Joint Settlement Meeting (JSM)	This is a meeting held between the parties to discuss your case and try to reach a settlement without having to go to trial.

# Thompsons Solicitors'

## Glossary of Legal Terminology

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Judgment	The decision from the judge after a hearing.
Judicial College Guidelines	Guidelines used to help assess the amount of general damages you should receive.
Letter of Claim	A letter sent to the defendant to advise them of the claim, normally only needed in a case worth more than £25,000. It provides information to allow the defendant to respond on issues such as liability, interim payments and rehabilitation.
Liability	The question of who if anyone is legally at fault for causing your injury.
Limitation	The Limitation Act 1980 sets out the timescales within which court proceedings must be issued. In personal injury claims, this is usually three years from the date when you first knew you had been injured by another person/party.
List of documents	Parties to litigation must comply with rules on sharing documents relevant to a claim. Each party prepares a list of documents related to the claim that they hold.
Litigant in person	Someone who doesn't have a solicitor or barrister and represents themselves in court proceedings.
Litigation	The process of bringing and progressing court proceedings.
Litigation friend	A child or protected party must have a litigation friend to act on their behalf until they can act for themselves.
Mediation	A way to try to resolve a dispute without going to a final court hearing. A mediator is appointed to try to resolve or at least narrow the issues between the parties.
Medical expert	A medical specialist, usually asked to examine you and prepare a report outlining the injuries caused by the accident and what the future prognosis is likely to be. If their report is not agreed they can give evidence to assist the court.
Multi Track	The track for more complex and higher value cases and for any case not allocated to the Small Claims Track or Fast Track in personal injury claims over £25,000.
Negligence	The failure to take reasonable care that led to you being injured. There are several elements to this including that the party owed you a duty of care, that they fell below the standard expected from a reasonable person in that position and that loss or damage was foreseeable.

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Part 36 offer	A section of the 'CPR' which aims to encourage the parties to settle a case before trial. Any party can make a Part 36 offer, setting out what they will accept or offer to resolve some or all of the issues in dispute. If a party rejects a Part 36 offer but then fails to do better than that offer at trial, they may face serious financial consequences.
Particulars of Claim	A document often drafted by a barrister, setting out for the court at the start of court proceedings the reasons why we say the defendant is liable, together with details of your injury.
Portal (or Claims Portal)	The IT system used for most personal injury claims valued between £1,000 and £25,000. The CNF is completed and registered on the portal to start a claim for personal injury damages.
Pre-action disclosure	In some cases before court proceedings are issued for your claim, it may be necessary to obtain further documents to investigate your case. If the parties do not provide these documents voluntarily, then an application can be made to the court for an order to make the parties provide the documents.
Pre-action protocol	The steps taken before issuing court proceedings. The aim is to ensure all parties have access to the relevant documents and information they need at an early stage, to allow cases to be dealt with as quickly and justly as possible, to encourage the use of ADR and to allow appropriate offers to be made where possible.
Precedent	A legal case that has previously been decided and establishes a legal principle which may, if relevant, be relied upon in your claim.
Protected Party	A person who a court decides cannot manage their own affairs.
Provisional damages	If there is a possibility of you developing a further disease or your condition seriously deteriorating in the future, then we may be able to ask the judge to keep the option open for you to return to court and seek further damages in the future if that happens.
Queen's Counsel (QC)	A very senior barrister.
Quantum	The amount of something, usually damages in a legal context.
Rehabilitation	Treatment that may arise in an injured person's recovery. The defendants in a case may pay for rehabilitation.
Reply to the defence	The response to any allegations against you within the defendant's defence.
Schedule of special damages	A document outlining your financial and out of pocket expenses caused by your injury (e.g. loss of earnings, care costs, medical treatment fees, travel costs). This sets out your losses to date and, where appropriate, any future expenses you are likely to incur due to your injuries and can be updated as your case continues.

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Settlement	The agreement between parties setting out what is to be paid in your case. They will take in to account any provisional damages award and is the end of your case.
Small claims	For claims where the amount likely to be awarded for pain, suffering and loss of amenity will not exceed £1,000.
The Solicitors Regulation Authority (SRA)	The regulatory body that sets the standards that all solicitors in England and Wales have to follow. Thompsons Solicitors is regulated by the SRA.
Statements of case	Documents filed at court and sent to other parties setting out the key issues and facts in the case (e.g. the particulars of claim, the defence, the reply to the defence).
Statement of truth	Legal documents that you will need to sign in your case will contain a statement of truth confirming that the facts included are true and accurate. A false or untrue statement can lead to proceedings being taken against you for contempt of court.
Supreme Court	The final Court of Appeal in the UK for civil cases. This court hears cases of the greatest public importance.
Third party	Another individual or organisation involved in the legal proceedings (e.g. in a road traffic accident, this could be someone else who was involved, such as the driver of another vehicle).
Transcript	A document setting out word for word what was said in court. It is usually obtained if an appeal is being considered.
Without prejudice	If this is used in a document, it usually means that the document cannot be used as evidence in a court case. It is sometimes used when parties are attempting to settle a case.
Witness	This could be someone who saw your accident, who could help prove a breach of duty or could help prove what injuries were caused by the accident. They are usually interviewed and asked to provide a statement, contains a Statement of Truth. They may be asked to attend a court hearing before a judge.