

MYTHBUSTERS GUIDE TO:

Professional Negligence Claims

If you've been let down by a professional such as a solicitor, accountant, financial advisor, IT engineer, architect or builder, you may be entitled to claim compensation for losses caused by that bad advice or workmanship.



MYTH #1

You just have to show that the professional made a mistake

Mistakes alone are not enough to prove negligence. You must be able to satisfy the Court that the professional owed you a duty of care, that they breached that duty, and this caused you financial loss which was reasonably foreseeable.

You must show that the professional's services objectively fell below the standards of a reasonably competent professional. Depending on the case, there may be a claim for breach of contract, or breach of fiduciary or statutory duty.

MYTH #2

Bringing a claim will be very expensive

It depends! Yes, pursuing complex litigation can often be lengthy and costly. However, like many solicitors we're sometimes willing to act on a 'no win no fee' or conditional fee agreement. If a claim is funded this way, we take all or most of the financial risk as we're not paid for our time if you lose, and in return we receive a success fee if you win.

MYTH #3

In a 'no win no fee' case, you may take all my compensation even if I win

No. If your claim is successful, then your opponent pays most of your costs. However, they do not pay any of the success fee, so this and the remainder of your costs is paid out of your compensation. But this can be capped in advance, e.g. no more than 25%-50%, to ensure that if you win, you are certain to receive a large proportion of your compensation.

MYTH #4

Bringing a claim will take years

For large or complex claims which are defended all the way to trial, yes this may be the case. However, the civil justice system encourages parties to try and resolve their disputes in a cost-proportionate and timely manner wherever possible. This may include Alternate Dispute Resolution such as Mediation, where the parties try to negotiate a settlement with the help of a professional mediator.

MYTH #5

If the professional goes bust I might not get anything

You pay a premium for advice or work from a professional for their skill and experience, but also their 'professional indemnity' insurance, which will pay the compensation in the event of a successful negligence claim. In many cases, it is the professionals' insurers who have overall control of defending a claim, and will be primarily trying to resolve it as cost efficiently as possible.

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If you feel that you may have been let down by a negligent professional, and have suffered serious financial loss as a consequence, then please feel free to contact Dispute Resolution Solicitor Adam Blenkinsop and he would be more than happy to advise whether you may have a claim.
Call 01603 660 811 or email adamblenkinsop@hatchbrenner.co.uk

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