

CASE STUDY:

Lucy's Story

We recently acted for Lucy, a child, who at the age of 12 was walking to school one morning. When she arrived at a pelican crossing, she stepped into the road whilst the lights were turning from green to red. Sadly, a van driver collided with her, and a devastating accident happened in a split second. In the early stages it was not clear how it happened but in due course it transpired that the van driver may well have sped in the outside lane and collided with Lucy causing a significant injury to her brain.

Liability was disputed by the driver's insurers on the basis that Lucy was of an age when she should have been able to comprehend how to utilise the road and she was the author of her own misfortune. There was also a suggestion that her parents may well be at fault who were standing nearby. We investigated the claim on Lucy's behalf and obtained independent factual witness evidence as well as forensic expert evidence to examine the police collision report, photographs and other related evidence. Even though the police had not prosecuted the driver, we advised Lucy and her family that we would still be able to pursue a civil claim in compensation.

Due to the severity of Lucy's injuries, one of the main priorities was to ensure that an interim payment was available so that the devastated family could obtain all of the help that they needed. We finally managed to resolve liability and secured substantial interim payments and then appointed a specialist brain injury case manager so that private therapists and carers could be recruited in order to support Lucy with her rehabilitation as well as the obtaining of specialist equipment as well as adaptations to the home.

Lucy's parents both worked and sometimes they just needed a break. They would arrange for respite care twice a year. It was good for Lucy and a change for her to make new friends. However, the Local Authority tried to take this service away. We stepped in and made representations on behalf of Lucy's parents which resulted in them maintaining the ongoing care. In addition, at different times of Lucy's development and rehabilitation following the accident, both her parents had to take extended time off work. The employers involved were understanding at first but later down the line had to provide specialist employment advice and guided Lucy's parents in connection with their employment rights. Following our intervention, Lucy's parents were able to carry on working on different hours in order to support Lucy properly. We also ensured Lucy got the right educational support at school when she finally returned there by making representations to the Local Authority regarding the support she needed.

Ultimately, negotiations took place between the parties and a compromise was reached resulting in a multi-million pound settlement which will ensure that Lucy will receive specialist care, rehabilitation and ongoing support and assistance for the rest of her life. Part of the monies were utilised in order to purchase a suitably adapted house for all of Lucy's needs as advised by our disability accommodation expert.

At the end of the case, Lucy's parents comments as follows:

"Anthony Collins have been absolutely fantastic. They have been extremely professional, fully attentive and helped us through the maze of litigation and supported us with everything from start to finish. We cannot praise them enough for what they have done – they have changed Lucy's life for ever and for that we are eternally grateful. They fought so hard for Lucy when the insurers were denying liability and took time to explain everything to us on a step by step basis as the case progressed. Thank you so much!"

