

How long will my claim take - broken into 10 key milestones?

STEP 1: DETERMINE THE SEVERITY OF YOUR INJURIES

The first step in understanding how long your claim will take is to gauge the severity of your injuries. The more severe your injuries are, the longer your claim will take. This is because medical experts have to wait until your recovery has completed before they can assess the full impact your injuries have had on the **quality of your life**.

Use Table 1 to rate the impact your injuries have had on these ‘quality of life factors’ outlined below. For example, in [Sara’s story](#), we learned that she suffered severe whiplash. This injury meant she wasn’t able to complete her household duties or work tasks. As such her injury moderately affected her physically and reduced her independence. We can therefore assume her injury would fall somewhere between minor and moderate impact. Sara’s scores are in grey.

Table 1

QUALITY OF LIFE FACTORS	LEVEL OF INJURY		
	MINOR	MODERATE	MAJOR
1. Impacted your life expectancy	<div><div></div><div></div><div></div></div>	<div><div></div><div></div><div></div></div>	<div><div></div><div></div><div></div></div>
2. Limited you physically	<div><div></div><div></div><div></div></div>	<div><div></div><div></div><div></div></div>	<div><div></div><div></div><div></div></div>
3. Limited you cognitively or behaviourally	<div><div></div><div></div><div></div></div>	<div><div></div><div></div><div></div></div>	<div><div></div><div></div><div></div></div>
4. Limited your senses or ability to communicate	<div><div></div><div></div><div></div></div>	<div><div></div><div></div><div></div></div>	<div><div></div><div></div><div></div></div>
5. Hindered your degree of independence	<div><div></div><div></div><div></div></div>	<div><div></div><div></div><div></div></div>	<div><div></div><div></div><div></div></div>

STEP 2: DETERMINE HOW LONG YOUR CLAIM WILL TAKE

In Table 2 we have provided a guide on a minor and major injury claim route. There is also an example provided for the injuries you have read in [Sara’s story](#). You have now completed Table 1, so you are able to make a judgment call on which track suits your situation the most. Make minor monthly adjustments as you see fit.

The months detailed for each ‘track’ is the approximate time it will take to complete that milestone from the date you (or your lawyer) lodge a claim with the insurer. For example, in the minor injury track it will take 14 months** to complete all the milestones up to and including the insurer organising medical reviews.

Table 2

MILESTONE	WHAT HAPPENS AND WHO DOES WHAT?	MINOR INJURY TRACK (FASTER AND STRAIGHTER)	MAJOR INJURY TRACK (LONGER AND MORE COMPLEX)	SARA'S TRACK	YOUR TRACK (DEPENDING ON YOUR INJURIES)
1. Accident	You have 3 years to lodge a claim.	-	-	-	-
2. Lodge claim for with insurer	This may be done by a lawyer on your behalf. Alternatively, you are able to lodge proceedings yourself.	Month 0	Month 0	Month 0	Month 0
3. Rehabilitation	You need to immediately seek treatment from healthcare practitioner, such as a general practitioner, physiotherapist, chiropractor, occupational therapist, psychologist.	Month 1	Month 4	Month 3	<div></div>
4. Obtain medical evidence	You need to gather your medical reports from your treating healthcare professionals.	Month 2	Month 5	Month 4	<div></div>
5. Investigations	Your lawyer will gather information and records from all your treating doctors, hospitals, accountants, employers and government agencies (i.e. WorkCover, Centrelink) with your permission.	Month 4	Month 4	Month 4	<div></div>
6. Medical reviews organised by your lawyer	Your lawyer will obtain opinions for medical experts (i.e. orthopaedic surgeon, neurosurgeon, neurologist, occupational therapist etc.). You will need to attend these appointments to be assessed. Note: your injuries need to be stabilised before these are arranged (i.e. your recovery needs to stop progressing). This is the single biggest delay in the progression of your claim. <i>A good lawyer will organise these for you.</i>	Month 12	Month 27	Month 20	<div></div>
7. Medical reviews organised by the insurer	The insurer will arrange their own specialists similar to the ones outlined above. <i>A good lawyer ensure the insurer doesn't drag these out.</i>	Month 14 **	Month 29	Month 22	<div></div>
8. Preparations for negotiations	From the medical reviews, a lawyer will determine what other factors need to be addressed to build a convincing case. This is where your lawyer will create a Schedule of Damages to articulate the 6 Heads of Damage.	Month 15	Month 30	Month 23	<div></div>
9. Compulsory Conference	This is the negotiation phase between the insurer, your lawyer and you. Almost 90 percent of cases settle at this point.	Month 16	Month 31	Month 24	<div></div>
10. Lodge Legal Proceedings	If you are unhappy with the outcome of your Compulsory Conference, your lawyer will begin formal legal proceeding. This will involve bring your case in front of the relevant Court for a trial.	16+ months	31+ months	24+ months	This is dependent on your satisfaction of the compensation amount confirmed during the Compulsory Conference