This information aims to help you find and choose a lawyer, when making a common law compensation claim.

**Why do I need a lawyer?**

You will need a lawyer to act on your behalf to negotiate and settle a common law compensation claim.

If you are seriously injured in a transport accident and someone else was at fault (or partly at fault), you may be eligible for common law compensation.

Common law compensation is a payment that recognises the long term impact the accident has had on your life.

More information on common law compensation can be found at www.tac.vic.gov.au/clients/compensation

**How do I choose a lawyer?**

It is important to choose a lawyer that you feel comfortable with and whose advice you trust.

Before choosing a lawyer, you might like to look at their website.

- Is their website helpful?
- Does it provide clear information about transport accident claims?
- Does it include profiles on their lawyers that outline their qualifications, training and experience?

**We recommend you choose a lawyer who:**

- Participates in the Common Law Protocols. The Protocols are an agreement that outlines how the TAC and your personal injury lawyer work together during your claim.

Engaging a lawyer who follows the Protocols will generally result in a faster and easier outcome for your claim. It is also likely your case will resolve without having to go to Court. This may also mean less legal costs for you.

- Is an expert in personal injury law and transport accident claims.
- Provides clear information on their website about transport accident claims and their experience in this area of law.
- Is understanding, caring and actively listens to any concerns you have.
- Explains things to you in simple language.
- Ensures you understand the range of legal fees that may be payable.
- Carefully explains how your legal costs will be calculated. Costs are calculated according to a Court scale, and are only payable for work actually performed on your case.

A lawyer cannot charge you a percentage of your compensation as legal costs.

- Provides you with an estimate of ‘total’ costs that may apply to your claim. This is a legal requirement.

‘Total’ costs mean the legal costs that are payable by you and the other party (the TAC).

**What should I ask a lawyer?**

You may want to meet with lawyers from different law firms before making a decision.

Useful questions you can ask to help you choose a lawyer include:

**Qualifications and experience**

- What are your qualifications?
- What experience do you have in transport accident claims?
- Do you participate in the Common Law Protocols?

If your lawyer does not participate in the Protocols, your claim will generally take longer
to resolve. This may also result in more legal costs for you.

- Do you have experience in claims similar to mine?
  This will give you confidence that they can provide trusted advice about the legal process, and ensure the best possible outcome for you.

**Legal process and entitlements**

- Do you provide a free initial appointment? What conditions (if any) are attached to this appointment?
- Can we meet somewhere convenient for me? (For example, at home)
- What are my potential entitlements?
- What is the legal process to access my entitlements?
- What is the likelihood that my claim will be successful?
- Do I have any other potential legal rights or claims?
  (For example, a superannuation claim for total and permanent disability insurance. If the law firm specialises in that area of law, they may investigate and process all of your claims. This means the legal process may be faster and more affordable for you).

**Legal fees**

- What legal fees will I have to pay?
  Legally, the lawyer must provide you with an estimate of ‘total’ costs that may apply to your claim.
- Do you have a ‘No Win, No Fee’ policy? What does this mean and how are fees calculated? Will I still be out of pocket?
- Will I have to pay any costs before my claim is settled?

**How do I find a lawyer?**

If you need help to identify a lawyer near you with the skills you require, the Law Institute of Victoria also provides a ‘Find Your Lawyer’ service.

This service can help you find a lawyer and their contact details.

You can call them on (03) 9607 9550 during business hours (Monday to Friday, 9am – 5pm) or visit www.liv.asn.au/find-a-lawyer.

You can access a free half hour consultation with the law firm you choose, to discuss your potential claim.