

Honesty is the Best Policy

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Your Relationship with your Lawyer

If you have a lawyer representing you in a compensation/personal injuries claim it is important that you are open, upfront and honest with them.

As the saying goes, honesty is the best policy. There are many facets to a compensation claim and any successful claim, requires people to be open with their lawyer about many aspects of their life including their physical and mental health. It is understandable that sometimes, this can feel very confronting. Notwithstanding, open and honest communication is very important and highly necessary.

Honesty is Important for your Personal Injuries Claim.

From your very first appointment, your lawyer will be starting to form their opinion on the prospects of your claim.

The information you tell your lawyer is critical to them being able to assess your claim and determine the best way to progress/present your claim.

The more information you provide to your Lawyer the better!

A Personal Injuries Lawyer's Worst Nightmare.

A personal injuries lawyer's worst nightmare is finding out and being surprised by information received from the other side. Your lawyer is much more able to protect your interests if they have all the information relevant to your claim from *you* at the outset.

Find a Lawyer you are comfortable with

It is important that your relationship with your Lawyer is based on trust and open communication. Your lawyer should always be honest with you and similarly, you must be honest with them.

You should trust your lawyer and feel comfortable enough with them (and their team) to share all types of information with them. Your lawyer will not judge you. Your lawyer will treat your information confidentially, but you must remember, when pursuing a claim, you and your lawyer have a legal duty to disclose relevant information to the other side.

Sometimes people don't tell their lawyer information they are embarrassed to share. You should be comfortable enough with your lawyer to tell them about 'everything'. This is crucial to them being able to obtain the best possible outcome for you.

What if I am not upfront with my Lawyer from the start?

In all personal injuries matters your historical medical records, employment records, and taxation/financial documents are used as evidence.

Many clients are not aware that these documents are required to be provided to the lawyers acting for the other side (which is usually the insurance company's lawyer) of their matter.

If you conceal information from your lawyer or even 'just don't tell them about something that is actually quite significant' you should know that it is *very likely* that the information you are concealing *will be* discovered down the track when necessary evidence is obtained, that must be provided to the insurers' lawyers.

If you are not honest and upfront from the outset or leave out important and significant information, it will become a lot more difficult for insurers to believe the facts you are putting forward about your claim.

Honesty becomes very important if your matter goes to court, as the judge when determining the matter, will look at how honest and reliable a person is. Often, information not disclosed to the other side is relatively unimportant, but the failure to disclose will enable an insurance company lawyer to attack your creditability. In court, your credibility is *vital* important.

What information should I provide to my Lawyer for my personal injuries claim?

While some information may not seem relevant to your case or to the circumstances in which you suffered them, it can certainly make a *very large impact* on how your claim is assessed and how an insurance company or a judge views your claim.

What should I tell my lawyer about?

So that your Lawyer can assist you properly, it is important to disclose:

- Information regarding previous injuries, illnesses and conditions you have suffered – even if you do not think they are relevant to your current injury.
- Information regarding previous/current medical treatment you have received – both physical and psychological.
- Information regarding any previous accidents you have been involved in, in any way.
- Previous Compensation Claims.
- An accurate employment history and details of your previous earnings and opportunities lost as a result of an injury.
- Any criminal history – particularly relating to dishonesty offences such as fraud and stealing etc.

How will it impact my claim if I am dishonest?

Every personal injury claim is different but neglecting to tell your lawyer information is nearly always detrimental to your claim.

Some Examples

Karen

Karen, who is 32 years old, injured her right knee at work.

Despite being asked by her lawyers about previous injuries, Karen told her lawyers that she did not have any previous injuries and so this was recorded in her claim documents.

The lawyers for the other side requested Karen's medical records, which they are entitled to do. The medical records revealed a prior injury to her right knee when she was 20 years old, which resulted in Karen requiring surgery.

While Karen simply didn't think this was relevant, or she had 'just forgotten' to tell her lawyers, this could result in Karen receiving less money for her claim, as she has failed to declare previous injuries that were in fact relevant to her claim.

Simon

Simon is 45 years old and was injured in a motor vehicle accident.

When Simon was asked by his lawyer if he had a criminal history of any sort. Simon didn't think it was relevant and said no and didn't tell his lawyer about his previous criminal history.

The lawyers for the other side requested Simon's criminal history. His criminal history revealed offences, which were currently before the court.

While this did not seem relevant to the motor vehicle accident claim, the reality is that the outcome of the criminal proceedings *may* have an impact on how the insurance company viewed his claim for future economic loss.

The criminal matters could also impact upon the finalisation of his claim and when he would be able to receive/use his money.

Honesty is the best policy

If your lawyer asks you questions, you need to answer them honestly and whether you think they are relevant or not.

If you are unsure whether something is relevant to your personal injuries claim, **always** raise it with your Lawyer.

It is important to disclose every detail of your accident/injury to your personal injury Lawyer, and to carefully answer all questions they may ask you.

While you may think information is not relevant, it is best to leave this to your lawyer to decide.

An experienced personal injury/compensation lawyer deals with these issues daily and they will be able to correctly advise you.

Being open, honest and upfront will help them to represent you well and achieve the best possible outcomes in your claim.

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