



Out of Court Settlement of Personal Injury Claims

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What are the main advantages and disadvantages of settling a personal injury claim out of court?

PROS

time efficiency

lower costs

reduced stress/more control

CONS

legal aid insurance can't be used

risk of unfair settlement

lower compensation





How do legal fees and costs associated with out-of-court settlements work in Denmark, Sweden and Poland?

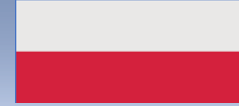


- Insurance company partly covers the injured party's lawyer's salary
- Insurance company decides how much they cover
- Lawyer's salary must be "fair"



- Each party usually cover their own costs
- Legal insurance
- No win no fee agreements are generally not allowed
- Mediation

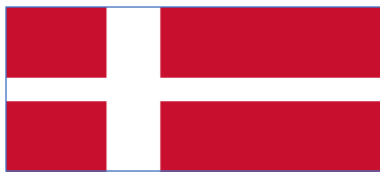
POLAND



- success fee is allowed as an additional remuneration
- lawyer's salary is determined by the agreement between the attorney at law and the client
- general rule—the unsuccessful party pays the successful party's legal costs



What types of damages are typically included in an out-of-court settlement? Are there any restrictions on what can be claimed?



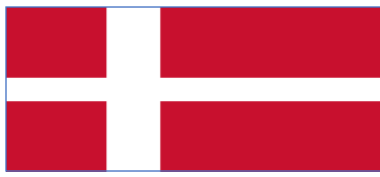
- No restrictions
- Taxable and non-taxable
- Reopening

- No certain restrictions
- Pain and suffering
- Medical disability
- Costs
- Loss of income
- Pension loss
- interest

- No restrictions
- Medical expenses: costs for treatment, rehabilitation, medications, and medical equipment
- lost income
- physical and mental suffering



Are there any legal protections or safeguards in place to ensure that personal injury claimants are not pressured into accepting unfair settlements?



- Contracts Act § 36: unreasonable or contrary to the principles of good faith and fair dealing
- Children
- Patient injuries, industrial injuries, victims of criminal offenses

- Claims adjustment
- Insurance committees
- Court proceedings

- Right to legal representation
- Court approval is required for minors and incapacitated persons
- Art. 203 § 4 of Code of Civil Procedure - The court has the authority to assess whether the withdrawal of the statement of claim is contrary to the law or the principles of community life or seeks to circumvent the law.