



SMALL & MARKEN SOLICITORS

## **PERSONAL INJURY CLAIMS**

**65 Church Street  
Antrim, BT41 4BE  
Northern Ireland**

Telephone : 028 94 468000  
Fax: 028 94 465000  
Email: [Info@smallmarken.com](mailto:Info@smallmarken.com)



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## About Small & Marken Solicitors

Small & Marken Solicitors offer a full range of legal services for all of our clients throughout Northern Ireland.

Small & Marken Solicitors have forged their reputations on their approachability to clients, their dedication and hard work in doing all they can to meet their client's needs and expectations and delivering a first class service that is second to none and which has helped to cement their reputation for efficiency, professionalism and trust.

Our business motto is simple:-

**We aim to provide the best service that we can to you, the client because you deserve the best!**

## Personal Injury Claims

### ROAD TRAFFIC ACCIDENTS

It is important that at the scene of any road traffic accident you take as many details as possible about how the accident occurred together with the details of the accident location and the details of any other drivers involved including their name, address, registration, type of vehicle and details of any insurance company.

### Car Accident Claims

If you have suffered personal injuries in a road traffic accident that was not your fault, we can help you in seeking compensation not only for your injuries but also for the recovery of any other losses such as Policy Excess, depreciation in your vehicle value and medical costs such as physiotherapy costs. We can also arrange to put you in touch with a Accident Management Company that can assist in taking all the hassle out of having your car repaired as they will arrange all of this on your behalf and will also hire you a car while the repairs are being carried out so that you are never without transport and there will be no cost to you at all if you are the 'non fault' party as all of the costs are recoverable from the driver who is at fault. It is our experience that even a simple road traffic accident can cause neck and back injuries which have a long term affect and restriction on a person's ability to carry on their everyday life. We will seek compensation for your losses off the insurance company of the person who was responsible for the accident.



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It is important also that you seek medical treatment as soon as possible. In addition, it is important that you keep all receipts for any expenses which you incur in respect of medical bills and travel expenses. We can assist you with getting a replacement vehicle should your own vehicle not be roadworthy and we will be able to put this in place at short notice.

It is important that you bear in mind that as with all negligence cases claims involving road traffic accidents must be brought within three years of the road traffic accident taking place and it is better in all cases that you seek advice as soon as possible and seek medical advice to assist with your injuries.

### **Whiplash Claims**

Whiplash is the name commonly given to soft tissue type injuries sustained to the neck and back as a result of road traffic accidents. Medical opinion suggests that whiplash type injuries occur whenever a person's body is caused to be jolted or jerked violently as a result of an impact such as that which occurs whenever a car has been rear ended by another vehicle. It is common that the sudden movement will mean that the passengers would be thrown forward and then thrown backwards again and this can affect the muscles and nerves in the neck causing pain and discomfort.

It is generally accepted by medical advisers that whiplash type injuries do not come on straightaway but may come on in the hours and days after the accident. It is important that you seek medical treatment as soon as you are aware of the symptoms and if necessary x-rays are taken to make sure that there are no fractures sustained.

Common symptoms which occur in whiplash type injuries include pain in the neck and upper spine, headaches, dizziness, stiffness, muscle spasms, pain emanating down the arms and even to the fingers and the loss of mobility/restriction in the movements of the neck and spinal muscles.

It is common for whiplash symptoms to clear up within twelve months of any injury and in most cases symptoms usually settle within weeks or months of the initial impact with symptoms diminishing throughout a longer timeframe.

As in any road traffic accident, there is potential for psychological symptoms such as travel anxiety or an adjustment disorder to be caused as the result of a road traffic accident and we can assist you with seeking expert medical opinion to verify that these are related to a road traffic accident.

Any amount for injuries will depend on the severity of your injury and the timeframe that the symptoms have had an effect on your everyday life. Recovery from these types of incidents is unique to each individual and therefore individual medical opinions will be sought in each case to substantiate the exact nature of injuries.



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### **Motorbike Accidents**

Motorbike accidents and the injuries sustained can be particularly severe due to the vulnerability of motorcyclists when they are involved in any road traffic accidents or collisions. Unfortunately, the personal injuries sustained for a motorcyclist can be extremely significant.

It is important that due to the particular nature of motorcycle accidents that you consult a Solicitors firm who have had experience in dealing with these types of claims previously as investigations are needed at an early stage to establish fault for the accident in question and we have experience of seeking specific engineering evidence together with reconstruction type evidence in respect of serious road traffic accidents.

We have encountered numerous motorbike accidents which can involve the following elements:-

(i) Overtaking;

(ii) Motorcyclists hit by a car from a side road simply because a motorcyclist is more difficult to see on the road and is often not seen at a junction by a motorist who is simply looking for other car or lorry type vehicles.

While we can do nothing to change the events leading up to an accident, we can help you with the legal, financial and emotional elements that following a motorbike accident and we will try to assist you back to a position where you can move on with your life following a road traffic accident.

### **Uninsured Driver & Untraced Driver**

If you are unfortunate enough to be involved in a road traffic accident but then realise that the other driver who was responsible has either driven off or is uninsured this does not have to be the end of the matter and we can assist you with claims brought against the Motor Insurers' Bureau in respect of either untraced or uninsured drivers.

In these challenging economical times it seems increasingly clear that there are a number of uninsured vehicles on our roads and as a result of this it is not uncommon for drivers to leave the scene of an accident or to not be insured. If this is the case, we can have you complete the relevant forms for the Motor Insurers' Bureau and assist you through the process of obtaining compensation from the Motor Insurers' Bureau which has been put in place to compensate victims of accidents involving uninsured or untraced drivers.



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### **Repetitive Strain Injury claim**

Numerous people in Northern Ireland every year are affected by RSI. It is caused by repeated movements over a long period which damages tendons, nerves and muscles and body tissues and may have been caused by work related activity.

### **CAUSES OF RSI**

Symptoms usually start with a lower level ache or pain which is often ignored however with the passage of time, it continues and becomes more severe. As well as repetitive activities, RSI can be caused by general body posture and work stress not limited to one form of occupation. It can affect not only office workers who may work at a computer but also anyone working in factory production lines. If you suffer or believe you may suffer from RSI caused by your work, you may be able to claim compensation.

### **Skin rashes/Dermatitis**

The formation of skin rashes or Dermatitis is quite a common problem for many people and can lead to ongoing difficulties with future employment as it restricts the types of work which can be undertaken. If you have developed a skin condition or dermatitis at work you may be able to claim compensation. Typical symptoms are red or inflamed skin which is itchy and blistering and may not just be placed on the hands or face but may have spread to other body parts.

Common causes of dermatitis include:-

- (i) Epoxy Resins;
- (ii) Solvents;
- (iii) Chemicals;
- (iv) Detergents including products;
- (v) Oils;
- (vi) Rubber/Latex.

Any of the undernoted occupations you may potentially be at risk of dermatitis:-

- (i) Engineers; (ii) Lay-up workers in factories (iii) hairdressers; (iv) kitchen workers;
- (v) cleaners; (vi) nurses; (vii) painters.



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It is your employer's duty to minimize the risk of you coming into contact with dermatitis and you should be given suitable protective clothing and adequate washing facilities to avoid skin exposure such as gloves, overalls, hot and cold running water, barrier creams and/or medical testing to ensure that you are not experiencing difficulties. If you have suffered or believe you are suffering from any of the conditions listing above, it may be helpful for you to discuss the symptoms with our personal injury experts who can advise you on whether you have a claim and what service steps your employer is obliged to put in place for you in order to assist you

### **Asbestosis Claims**

Asbestosis related illnesses such as Mesothelioma is a common complaint suffered within Northern Ireland and can develop where someone has been in heavy contact with asbestos which was prevalent in many workplaces throughout the 1950s, 1960s and 1970s. Once the condition has been diagnosed you can make a claim even though it has been a long time since you have been in contact with the asbestos.

Classically, symptoms include

- a shortness of breath
- abnormal chest sounds and
- a condition called "clubbing" of the fingertips

Diagnosis is usually undertaken by chest x-ray or CT scan and tests of the lungs and the condition can worsen to become very disabling. Mesothelioma is a tumour normally in the lining of the lungs which is fatal and can appear between ten and fifty years after being in contact with asbestos. Presently, there is no cure for Mesothelioma. We have dealt successfully with a number of cases in respect of Mesothelioma and asbestos related injuries and we are happy to provide assistance for a claim in this regard.



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### **Hand/Arm Vibration Syndrome / Vibration White Finger Claims**

Hand/arm vibration syndrome (HAVS) is an industrial condition caused by working with vibrating tools such as hammer drills or 'Kango hammers'. Symptoms are classically tingling in the hands, numbness and sometimes aching joints in the wrist or forearm.

At times, this condition is also called Vibration White Finger (VWF) although white fingers are not always prevalent and are just one of the many potential symptoms.

If you are continuously exposed to vibrations then symptoms are likely to continue and could potentially become permanent. There is little effective treatment and the symptoms can affect your daily activities both around the home and in the workplace. Potentially, symptoms could have a long term affect on your ability to work.

This condition is normally suffered by workers in the engineering industry. You should consider if you have worked with any of the following machinery:-

- (i) Percussive tools e.g. riveting, rivet guns;
- (ii) Grinding including pedestal or handheld grinders;
- (iii) Pneumatic drills and hammers;

Employers are under a duty to prevent their employees from having to use vibrating machinery or attempt to limit its use in their employees' occupations. If your employer is not taking these steps then they could potentially be held to be negligent. In addition, your employer should undertake medical checks to make sure that you have not been exposed to HAVS.

### **Employer's Negligence Claims**

Accidents happen all the time at the workplace and while some of these are minor in nature there are also other more serious and often may have consequences for you both on a financial basis due to loss of earnings but also on a longer term basis as a result of restrictions in the job market. We at Small & Marken Solicitors can assist you in making a claim for workplace accidents as a result of employer's negligence and seek recovery both for compensation for your injuries and recoupment of any wage loss suffered as a result of an accident at work.



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In relation to accidents at work, you should consider if your injuries have been sustained as a result of any of the following circumstances:-

- (i) Unsuitable or unsafe equipment;
- (ii) An unsafe system of work;
- (iii) Dangerous working practice;
- (iv) Exposure to dangerous substances or materials;
- (v) A lack of health and safety equipment;
- (vi) A lack of training.

Your employer is required by legislation to have insurance in place to cover their liabilities in respect of accidents which happen in the workplace therefore if you have an accident in work you are able to make a claim which will usually be dealt with by your employer's insurance company.

In addition, employers are vicariously liable for the actions of other employees in the workplace and therefore if your injuries have been sustained as a result of the negligent actions of other employees in the workplace then you will also be entitled to recover. Our dedicated personal injury lawyers have particular expertise in all aspects of Health & Safety legislation and know exactly what to look for in determining whether or not there may be negligence on the part of your employer

### **Catastrophic injury /Fatal Accidents**

If you or a loved one suffers a catastrophic injury, such as the loss of a limb or a brain injury it will change the life of not only the victim but the family forever.

Catastrophic injury claims are without doubt extremely complicated and difficult to co-ordinate and therefore it is important that you seek advice from Solicitors who have had experience in dealing with serious or catastrophic injury cases.

In cases of this nature compensation will never be enough but our Solicitors are here to ensure that we can advise you on issues which will arise such as:-

- (i) Future employment prospects; (ii) Educational needs; (iii) Rehabilitation needs;
- (iv) Long term planning needs; (v) Benefits; (vi) Welfare; (vii) House adaptation and care needs.





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### **Fatal Accidents**

The unexpected death of a loved one following an accident will have wide ranging consequences not only in terms of the emotional impact but also raise potential financial problems. We can assist you in getting you through the legal processes.

### **INQUEST REPRESENTATION**

Recently a number of high profile inquests have taken place in regards to treatment in Northern Ireland Hospitals which have involved legal representation being in place for the families of those victims to assist in cross-examination of the medical professionals involved.

Inquests take an investigatory form and it is possible that in circumstances the legal costs of representation at an inquest may be included in any future medical negligence claim brought against a Hospital Trust or other medical grouping.

In this regard, we are happy to provide advice and assistance in relation to inquests and indeed, our team have been involved in one of the leading cases before the Northern Ireland Courts seeking inquests for relatives of deceased persons who have died outside of the jurisdiction of Northern Ireland and who are seeking inquests within Northern Ireland.

### **Industrial Deafness**

If you suffer from hearing problems caused as a result of excessive noise at work or an accident that was not your fault, you may be entitled to claim compensation.

Deafness and hearing problems occur gradually and because the symptoms can take time to develop many people do not realise their hearing difficulties may be as a result of work related actions rather than simply getting older. One common hearing problem is tinnitus which is a buzzing sound in the ears which is often caused by excessive noise levels. In many cases tinnitus can be sporadic but for some hearing problems can disrupt daily life making sleeping difficult and can result in people even trying to mask the noise by use of radios or CD players. We can advise you if your deafness or hearing problems, if caused in the workplace, will entitle you to compensation and we use expert medical advice in order to assist us in establishing that hearing loss exists and to confirm whether or not it is related to your occupational circumstances



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## **PARTNER PROFILE**

**Len Marken LLB**



### **Areas of Expertise:**

- **Personal injury claims**
- **Criminal Law**
- **Commercial Property**

Len Marken is the co founding partner in the firm of Small & Marken and joined Niall Small in partnership shortly after the practice opened in 2000 having previously been a partner in another practice within the Antrim area. Len qualified with an LLB (hons) from Queen's University Belfast and went straight in to private practice where he has worked over the past 25 years.

Len is very highly regarded throughout the legal profession for his expert ise and ability in dealing with all types of personal injury actions and has been recognised for the speed and efficiency with which he can deal with a case from start to finish maximising the amount of damages the client receives.

He has dealt with a large number of 'high value' claims involving compensation for all types of injury and loss of earnings awards and acts not only on behalf of claimants seeking compensation for injury, but also has an extensive defence practice for one of the UK's largest supermarket retailers.

Len has held positions on a number of Law Society Committees and currently sits on the Legal Services Appeal Panel which decides on the merits as to whether or not cases should receive public funding to proceed to court.