



Welcome to our March/April edition of our office brochure. This is Colm Kelly here, the principal of Healy Crowley Ahern solicitors of Killorglin and Caherciveen. I hope this finds you well. If you have any legal problem, please let us know as we are here to help and serve you.

I'm delighted to welcome into the firm Brendan Ahern solicitor. Brendan joined us from a criminal practice firm in Dublin and his expertise is especially in representing clients in the Courts. Going to court can be a daunting experience. That is why you need someone with experience by your side. Brendan has six years criminal defence and Court experience and you can read more about him later in this newsletter. We are available 24 hours a day, in the event of an emergency, for a consultation or for advice. Our Emergency 24 Hour Mobile number is 087 163 9142

Our busy office continues to have successful client wins, which include:-

- Concluding commercial leases for clients regarding Dublin shopping centre premises;
- Obtaining an award of €75,000 for a client in a personal injury action;
- Successful defence of numerous road traffic matters for clients before the District Court;
- Purchase of commercial premises under short timescale;
- Tidying up of historic legal ownership and property issues on behalf of clients so that title is rectified in numerous cases.

What we do

Personal Injury Claims

We work on road traffic accidents, injuries in the workplace and slip and fall type cases. We achieve excellent results for clients with a fast turnaround.

Probate and Administration

We look after the estate of a person who has deceased. We ensure that the estate is managed efficiently and beneficiaries receive their payment as quickly as possible.

Conveyancing

We manage the sale and purchase process using the most advanced processes and technology in the country. We deliver a seamless service from end to end.

Criminal Defence

We represent clients in the Criminal Court. This could be for minor traffic offences, speeding tickets, no tax or insurance, drink driving or other offences.

Farm / Agricultural Law

We advise farmers and landowners on all agricultural issues. These include transfers of land, Department of Agriculture entitlements, Kerry Group shares, partnership agreements and leases. We also deal with boundary and title disputes, trespass claims and squatters' rights cases through the Circuit Court.

Introducing Brendan Ahern



I have recently re-joined Healy Crowley Ahern having spent the past 5 years working in Dublin.

I began my apprenticeship in 2010 training under my late father, Michael C. I moved to Dublin to complete my training and qualified as a solicitor there in December 2012. In Dublin I gained valuable experience working in the courts on a daily basis. Primarily I worked in criminal defence, specialising in road traffic law and I was involved in a variety of cases ranging from minor District Court offences to constitutional cases before the Supreme Court. I am delighted to be back living and working in Killorglin and I hope to continue the good work of my father.

Special Offer for May

May is legal title month. During the month of May, we are offering all clients a no quibble free consultation to examine the ownership of their property to ensure that it is ready for sale. We look at your title, advise you on planning permission issues and give you tips on what documents you need to have so that your sale goes smoothly. Contact Colm or Emmet at the office for more information.

Legal bites

• **Killorglin District Court to close for renovations** The March 2017 sitting of the Killorglin District Court will be the last sitting in the town for the foreseeable future and perhaps indefinitely. Killorglin matters are being transferred to Caherciveen District Court. Brendan Ahern attends all District Court sittings in the County and will guide clients through any court appearances.

• **Problems with septic tanks** We are finding that sales of one off houses in the country which have a septic tank are problematic. In our view up to 50% of all sales of houses which have a septic tank have planning irregularities. This can delay a sale by up to 6 months or even blow a deal altogether. We successfully deal with these issues for both buyers and sellers, and we would be happy to hear from you if you have any concerns in this regard.

The debate on personal injury claims

One of our core areas of practice, is the personal injury* field. There has been much discussion recently on motor insurance costs and the impact that personal injury claims are having on this area. There have been two recent government reports on this issue. That of November 2016 of the Joint Oireachtas Committee entitled "Report on the Rising Cost of Motor Insurance" and the January 2017 "Report on the Cost of Motor Insurance" conducted by the Department of Finance. Both reports focus on reducing fraud in personal injury cases as a key factor to reduce motor insurance costs.

A case came before the Circuit Court in February of this year where the plaintiffs all had very similar injuries from a very slight tip. One of the plaintiffs claimed that he "feared for his life". The court concluded that it was a long time since it had come across such an extraordinary similarity of injuries arising from a slight impact. The judge hearing the case concluded by saying that "I'm left with a situation where I cannot believe a word any of these three plaintiffs have said".

There is, so, a degree of checks and balances in the system to ensure that false claims do not get rewarded. But the cost of defending these claims are a strain on the system. Those bringing personal injury cases are obliged to swear a statement that their claim is true. But also, insurance companies are using all means to ensure the truthfulness of claims are tested. The insurance industry state that for every €1 of fraudulent claims detected another €3 remain undetected. Insurance companies employ rigorous fraud detection methods to include examining Facebook accounts. However, we have yet to experience any false claims. As with the vast majority of solicitors, if we have suspicions we do not act. However, if you are paying insurance and you have suffered an injury in your car or at work, you're entitled to make a claim. In our view, there isn't a vast body of people making false claims. False claims do unfortunately distort the picture. The reality is that the vast majority of claims are legitimate and financial compensation is a fair method of paying for the pain and suffering caused by the wrongs of others.

* In contentious business, a solicitor may not calculate fees or other charges as a percentage or proportion of any award or settlement.



About the author

I put together this short note for you. I am originally from Co Meath and have been working in Killorglin since 2004. I am married with two children (8 and 6). I have been the principal of Healy Crowley Ahern since 2010. When I get a chance, I really like to get out on my bike for a spin, particularly in the summer! Colm Kelly