

MAURICE BLACKBURN LAWYERS MEDICAL NEGLIGENCE

VICTORIA



Maurice
Blackburn
Lawyers

Since 1919

YOU'RE WORTH FIGHTING FOR.

If you are hurt, injured, or are facing an unfair situation, you and your family shouldn't have to suffer. That's why we never stand back when bad things happen to good people.

At Maurice Blackburn we believe that the law should serve everyone. Who you are or where you're from, it doesn't matter. You're worth fighting for.

Maurice Blackburn was born from one man's belief in making a difference to people's lives. Nearly 100 years on these values remain a powerful influence on everything we do.

We exist to fight for your rights. For what you deserve. When life isn't fair we'll help you to fight for everything you're entitled to.

Because at Maurice Blackburn, we fight for fair.

Medical negligence litigation requires specialist knowledge and legal experience.

At Maurice Blackburn we have a dedicated team of professionals who handle only medical negligence claims on behalf of patients and their families. Together they form the leading medical negligence practice in Australia.

Our medical negligence team has successfully handled hundreds of cases including catastrophic injuries due to negligence at birth, injuries during surgery, improper drug treatment and failure to diagnose or misdiagnosis of illness.

What is medical negligence?

Medical negligence occurs when the treatment provided by a health service provider (such as a hospital, doctor, dentist, chiropractor etc) falls below an acceptable standard.

Medicine is a complicated practice, and health service providers are not expected to be perfect. Medical treatment is sometimes unsuccessful and injuries sometimes occur, but this does not necessarily mean there has been any negligence. Negligent treatment is that which goes beyond being simply a reasonable mistake, or a known complication.

Medical negligence claims

The law allows a person to claim compensation if they have suffered physical, psychological or financial harm as a result of negligent medical treatment. This is known as a medical negligence claim.

Broadly speaking, two requirements must be shown in order to bring such a claim:

- that there was negligent medical treatment, and
- that this treatment caused an injury or some harm that would not have otherwise occurred.

Both requirements must be met in order to bring a claim. This means that if a person receives negligent treatment, but does not suffer harm as a result, they will not be able to seek compensation.

Time limits

There are time limits for commencing a claim with the court. The usual time is three years for adults and six years for children from the time the injury or negligent care was “discoverable”. There are exceptions which we can advise you about.

Compensation for pain and suffering

In Victoria, there is a requirement that a person has a significant injury before they can obtain pain and suffering compensation. A significant injury means either a permanent physical injury which is assessed at more than 5% whole person impairment under the American Medical Association Guides, or a permanent psychiatric injury which is assessed at more than 10% whole person impairment (these thresholds do not apply for claims limited to out-of-pocket expenses or other financial loss).

These are complicated issues. It is essential that you obtain expert legal advice if you think you might be entitled to make a medical negligence claim. Given the time limits, you should obtain this advice as soon as possible.

Our lawyer explained the legal and medical jargon to us, provided unprompted updates and broke down language in simple terms we could understand.

Medical Negligence Client



Coronial investigations and inquests

Our medical negligence team also assists and represents families at the Coroners Court.

When a death occurs unexpectedly during or after medical treatment, it can be referred for investigation to the Coroners Court of Victoria. Often, this involves carrying out a detailed physical examination of the body, called an autopsy, to establish the cause of death. If the Coroner decides to investigate, information and statements about the death will be obtained. Sometimes a public hearing, called an Inquest, is held to establish the cause of death.

We can assist with the coronial process by liaising with the Coroners Court of Victoria on your behalf, preparing the case for Inquest and arranging for a barrister to represent you at the Inquest.

The emotional and financial journey was made so much easier because of the dedication and empathy shown to us...

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Medical Negligence Client

Protecting your rights

If you think that you or a family member have been injured due to poor medical treatment then you should contact our specialist team of lawyers by calling 1800 810 812.

If we advise you to take the matter further, we will then make an appointment for you to see one of our lawyers. We will obtain your medical records and reports and an independent expert opinion before advising you whether to commence a claim.

Our extensive experience means we are able to obtain independent evidence from a range of experts covering all medical specialities.

We will also act no win – no charge* in your case if we believe it is appropriate.

At Maurice Blackburn, we are committed to getting a fair outcome for our clients so you can get on with your life without disadvantage.

Our expert medical negligence lawyers provide a free first consultation and will fight to ensure you receive the best possible outcome, because we recognise that the compensation you receive is vital to ensuring quality of life for you and your family. If you would like to speak with us about your particular concerns please call 1800 810 812.

**Conditions apply*

From the very beginning, we fought for the rights of ordinary people. We continue this tradition today.

CONTACT US

If you are considering legal action or want to fight for your rights, get in touch and we can assess what you need or arrange for a meeting with one of our lawyers.

For most practice areas, your first consultation is free.

1800 810 812 (business hours)

mauriceblackburn.com.au

Medical Negligence
Work Related Injuries
Road Accident Injuries
Asbestos Diseases
Superannuation & Insurance Claims
Public Liability
Faulty Products
Comcare
Will Disputes
Employment & Industrial Law
Class Actions
Social Justice

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