

Video: Medical Negligence Claims – The 5 essential steps to go through

If you have been impacted by medical negligence, you deserve compensation for the injuries resulting from the negligence. Every case is different and needs to be investigated based on its own facts.

Suzanne Pinyon is a highly experienced medical negligence lawyer and explains in this video the key steps in making a medical negligence claim.

Watch YouTube video here

TRANSCRIPT:

What is medical negligence?

Medical negligence is when a doctor fails in their duty of care to a patient when they're providing treatment and it doesn't just involve doctors, it can involve the care provided by a hospital, or a dentist or an allied health professional such as a physio or a chiropractor and there are really five

considerations that you need to bare in mind if you're looking to pursue a medical negligence claim.

1. Seek advice early

If you're thinking about pursuing a medical negligence claim, the first thing you need to do is to obtain legal advice early, legal advice from an experienced medical negligence lawyer.

Most lawyers practicing in medical negligence claims will offer a first free interview so there is really no reason that you can't seek legal advice.

That first free interview will enable the lawyer to listen to what's happened and to make an assessment about the likelihood of being able to pursue a medical negligence claim, and then you can make an informed decision about whether or not you pursue the claim.

It's very important to get advice early because there are time limits that apply. For adults it's generally three years with limited opportunities for an extension of time so it's very, very important that you seek that advice as early as possible.

2. Investigate the claim early

Seeking legal advice early and investigating the claim early will ensure the preservation of relevant evidence.

The first most important bit of evidence is your statement or your recollection of what occurred, also any witnesses to what occurred and also any relevant medical records.

Getting all of that information early gives you the best possible chance of minimising any loss of information or people forgetting what occurred.

Also engaging a lawyer early will enable the lawyer to preserve the evidence for you and ensure that any relevant time limits are met.

3. Evidence is critical

I cannot stress enough the importance of strong evidence to support what went wrong and why you suffered your injury.
The best evidence of the doctor patient relationship and what actually occurred is documentary evidence, and that is why the first thing that occurs is all records are obtained from any relevant medical provider in relation to what happened.

Your lawyer can help you fill in any gaps with this evidence. This evidence is critical because that is what will be provided to the medical experts who'll provide opinions in your claim.

4. Consistency

When you're pursuing a medical negligence claim, it's helpful if there is consistency between what you say as the injured person and the medical records.

The best guarantee of that consistency is documenting what you say occurred at a very early stage. This will ensure that this consistency is maintained throughout the claim.

The most powerful evidence is when you as an injured person, recollection of what occurred is consistent with the medical records.

5. Record the impact of your injury

The other important thing when embarking on a medical negligence claim is to keep an accurate record of how the injury has affected your life.

This will be part of a statement that a lawyer takes from you and they'll regularly update those statements. It's important to record, early again, how it's affected you.

Human nature is that people adapt to their injury and their circumstances, and that can be difficult to remember years down the track how your life has changed because of an injury so the earlier you record that the better.

We also encourage people to keep a record of the assistance they get from family members to do tasks that they could do before and to keep a record of appointments – there's a lot of driving to and from appointments and this can include things like shopping, cleaning, gardening – all those day to day activities that we often take for granted that you have difficulty with when you're injured.

I hope that's been a helpful summary of medical negligence claims and what's involved. If you have any other questions please reach out or book in for a first free interview if you think you've got a medical negligence type issue that you want to talk about.

Visit our Medical Negligence page here.

Contact Us here.

The information in this article is general in nature and was accurate at the time of publication. Laws and circumstances can change. For advice specific to your situation, please seek professional legal advice.