Sample Timeline for a Routine Medical Negligence Claim (assuming begins in Nov 10)

(1) INVESTIGATION PHASE

20/11/2010 – 30/06/2011

As can be seen, this generally takes about 6 or 7 months. This is the general timeframe to find out whether a claim can be pursued.

first contact with client

21/11/2010

at our first meeting we will go through with you the events surrounding your medical care of concern

seeking medical records concerning case

25/11/2010 – 21/02/2011

the first thing we do to look into your case is to gather copies of all of the relevant hospital and other records concerning your medical care under investigation.
This generally takes about 2 - 3 months to gather

sourcing expert and preparing materials for them

21/02/2011 – 21/04/2011

once we have the hospital records + your account of events, we then prepare a detailed cross-referenced summary of your story + medical care, for provision to the independent specialist we have arranged to comment on your case. This is provided to you for careful review to ensure it is absolutely accurate.
This generally takes 6 weeks or so.

awaiting expert opinion

21/04/2011 – 01/06/2011

once the materials are provided, it is generally about 4 - 6 weeks until we get the independent expert's opinion

decision time!

01/06/2011 – 30/06/2011

once we have the expert's opinion, we will advise you whether we believe a claim can be brought.
If we advise that the opinion does support a claim, you have an opportunity to consider whether you wish to pursue the matter.

(2) CLAIM BROUGHT (to pre-trial conference)

07/07/2011 – 16/01/2012

again, as can be seen, this process generally takes 4 - 6 months

preparing claim for initiation

07/07/2011 – 15/09/2011

if you decide to proceed with a claim, we will generally then write to the doctor/hospital advising them this will occur + we will prepare the documentation necessary to begin your claim, which must be lodged with the Court.

Court formalities + steps

15/09/2011 – 15/01/2012

after the claim is brought, we then handle the various court requirements, including exchanging documentation (discovery), potentially asking questions to clarify events (interrogatories) and investigating the amount of your claim and disclosing this to the doctor/hospital. These steps must all be completed before we can arrange a meeting at court with the doctor/hospital's insurer(s) to find out if they are prepared to try to settle your case without a trial

pre-trial conference

15/01/2012 – 16/01/2012

at this meeting at the court we will find out whether the doctor/hospital's insurer(s) are prepared to make any offer to settle your claim. If so, negotiations can occur to try to resolve your claim without the need for a trial.
A large majority of cases are finalised at this stage by an agreement by the doctor or hospital's insurer to pay an amount of compensation.

(3) TRIAL PHASE

23/01/2012 – 21/09/2012

Trial Preparation

23/01/2012 – 16/06/2012

If your claim does not settle at pre-trial conference and you decide to proceed to a trial, the delay is generally about 6 months in medical negligence claims.
During this 6 months, we will work very hard to prepare your case for trial, going through the evidence for trial in detail etc

trial in District Court

16/06/2012 – 21/06/2012

the trial will then take place before a Judge of the District Court.
At the end of the trial, the Judge will generally take time to consider his (or her) decision before advising us of the outcome of your case

decision by Judge

21/09/2012

the Judge will generally deliver their decision within 3 months of the trial ending

01/01/2011 | 01/03/2011 | 01/05/2011 | 01/07/2011 | 01/09/2011 | 01/11/2011 | 01/01/2012 | 01/03/2012 | 01/05/2012 | 01/07/2012 | 01/09/2012 | 01/11/2012 | 01/01/2013

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