

Medical negligence claims

— *Early Evaluation Scheme*



The Australian Plaintiff Lawyers Association and United Medical Protection previously announced the establishment of a New South Wales pilot program **Early Evaluation Scheme** ("EES").

The scheme envisages the early provision of comprehensive information by solicitors representing plaintiffs, enabling UNITED to identify and respond appropriately to meritorious claims.

The scheme has had limited use to date as it was overtaken by the HealthCare Liability Act changes, which forced lawyers to issue proceedings to protect their clients interests.

UNITED has agreed to extend the operation of the pilot program for a further period.

Lawyers wishing to submit a claim for early evaluation should commence by sending a preliminary letter to the medical practitioner against whom the claim is made, with a copy to Mr Andrew Took of United Medical Protection DX11583 Sydney Downtown.¹ Mr Took will send a formal acknowledgment letter within approximately 14 days.

When the claim is ready to proceed, the claimant's lawyer should send a

letter, clearly identified as an early evaluation scheme letter, to Mr Took providing in brief terms:

- a) Factual circumstances giving rise to the claim;
- b) Details of alleged negligence;
- c) Submission on causation;
- d) Particulars of damage (expenses, economic loss, general damages, etc.);
- e) A schedule of quantum

It will not be necessary for the claimant to incur the cost of an independent expert's report before writing to UNITED. Obviously, medical reports regarding disability and letters supporting economic loss claims should be provided.

UNITED, within a period of 6 weeks, will investigate the matter and send a response indicating either:

- a) That UNITED is willing to attempt resolution of the matter, and initiating a negotiation process;
- b) That UNITED is not willing to attempt resolution, and the reasons why;
- c) That UNITED is willing to consider the matter subject to the provision of further information and setting out further information or materials required.

The pilot scheme will run until approximately March 2002 under the supervision of Mr Took. He will collect statistics on the operation of the EES scheme to enable reporting to UNITED and APLA members. **PL**

Footnote:

- ¹ If the medical practitioner is not a member of UMP then the solicitor will be notified accordingly.



Persons having any enquiries regarding operation of the scheme should contact the APLA office on 02 9698 1700 or **Mr Andrew Took** at UNITED on 02 9260 9000.