

Medical Negligence Conference



Fiona Tito and Janet Van der Kolk enjoy themselves at the conference dinner sponsored by Evidex.

At a time when the very foundations of medical negligence law have been shaken by sweeping reforms throughout Australia, those at the fore of plaintiff practice gathered at the Duxton Hotel in Melbourne in June for the 5th APLA Annual Medical Negligence Conference.

The conference was opened by new APLA National President, John Gordon, who spoke of the challenges faced by plaintiff lawyers in recent months and the uncertain future which lies ahead, not only in the field of medical negligence, but in all areas of personal injury practice.

As always, the quality of presenters was outstanding and included microbiologist Dr Robert Baird, cosmetic surgeon Professor Donald Marshall, psychiatrist Dr Michael Epstein, Professor David Crankshaw and Dr Kathleen McNamee.

Topics covered at the conference included the nature and cause of medically acquired infectious diseases, the incidence of suicide and self-harm in psychiatric care, and complications aris-



ing from epidurals.

A program highlight was Dr Dick Galbraith's presentation on ophthalmology, focussing on cataract surgery. Delegates watched a video depicting a cataract removal and insertion of a prosthetic lens, and the full colour depiction confirmed in the minds of most lawyers present that they had chosen the right profession!

Interspersed with the crash course in medicine and surgery were the highly informative legal presentations provided by several leading plaintiff practitioners, including Suzie Linden, Bill Madden, David Hirsch and Catherine Cheek. They provided a critical appraisal of certain aspects of the Ipp Report and the recommendations arising from the review of the law of negligence

The conference dinner gave delegates an opportunity to let their hair down and enjoy a few drinks, as

has become the norm at all APLA conferences. Fiona Tito of Enduring Solutions addressed the dinner. She is well known for her active involvement in policy development and law reform in health, compensation and disability-related areas.

Governments across the nation, in enacting so-called tort reform, have taken it upon themselves to ignore decades of judicial consideration and judgment regarding the key elements of negligence law. The so-called reforms are a knee-jerk reaction to the propaganda of major insurance companies, ICA, AMA and medical defence organisations.

What is now in place is a veritable minefield for plaintiff practitioners. The so-called reforms require practitioners to ignore the merit of individual claims and have resulted in major reductions to the quantum of compensation awarded to innocent victims of medical misadventure. Finally, thanks must be extended to Evidex as sponsor of this conference. **PL**

