

## 730-860 Medical Litigation

<b>Level:</b>	Graduate/Postgraduate
<b>Dates &amp; Locations:</b>	2009, This subject commences in the following study period/s: March, - Taught on campus.
<b>Time Commitment:</b>	Contact Hours: 24 - 26 contact hours per subject. Total Time Commitment: The time commitment for this subject depends on the candidates background and experience.
<b>Prerequisites:</b>	N.A.
<b>Corequisites:</b>	N.A.
<b>Recommended Background Knowledge:</b>	None
<b>Non Allowed Subjects:</b>	None
<b>Core Participation Requirements:</b>	N.A.
<b>Coordinator:</b>	Prof Ian Richard Freckelton
<b>Subject Overview:</b>	<p><b>Objectives:</b></p> <p>A student who has successfully completed this subject should:</p> <ul style="list-style-type: none"> <li># Understand the procedure of litigation in relation to medical injuries from the time an injury first occurs to the hearing in court</li> <li># Have examined from the perspective of both patient and health professional the investigation and clarification of issues, the gathering and admissibility of evidence, the instruction to be given to solicitors and counsel, and the preparation for hearing</li> <li># Thought through the role of regulatory inquiries and disciplinary proceedings against health practitioners</li> <li># Analysed the role of coroners' investigations and inquests in making health practitioners accountable</li> <li># Have had regard to the role of the criminal law in health practitioners' accountability.</li> </ul> <p><b>Syllabus:</b></p> <p>Principal topics will include:</p> <ul style="list-style-type: none"> <li># Solicitors' practices in taking instructions from clients</li> <li># Access to records as a prerequisite to litigation</li> <li># Obtaining opinions from medical experts Issues related to the obligation of confidentiality</li> <li># Doctor-patient and legal professional privilege</li> <li># The role of expert evidence in medical litigation</li> <li># Discovery procedures in various courts and tribunals</li> <li># How litigation is commenced: Writ, service of writ, statements of claim and defence</li> <li># Interrogatories</li> <li># Parties to litigation, joining third parties</li> <li># Subpoena, summons to witness to appear and produce documents, admissibility of various documents in evidence</li> <li># Disciplinary investigations under the <i>Health Professions Registration Act 2005 (Vic)</i></li> <li># Professional Standards Panel hearings</li> <li># VCAT disciplinary hearings</li> <li># Coroners' investigations</li> <li># Procedures at inquests</li> <li># Role of coroners' findings and recommendations</li> <li># Criminal prosecutions of health practitioners in Magistrates, County and Supreme Courts.</li> </ul>

<b>Assessment:</b>	Research paper 10,000 words (100%) (2 July) (topic approved by the subject coordinator)
<b>Prescribed Texts:</b>	Core subject materials will be provided free of charge to all students. Some subjects require further texts to be purchased. Please visit the subject homepage on the Melbourne Law Masters website by following the link at the bottom of this subject entry.
<b>Breadth Options:</b>	This subject is not available as a breadth subject.
<b>Fees Information:</b>	Subject EFTSL, Level, Discipline & Census Date, <a href="http://enrolment.unimelb.edu.au/fees">http://enrolment.unimelb.edu.au/fees</a>
<b>Generic Skills:</b>	Please see the Subject Objectives for this information.
<b>Links to further information:</b>	For the latest information on this subject, please visit: <a href="http://www.masters.law.unimelb.edu.au/subject/730860">http://www.masters.law.unimelb.edu.au/subject/730860</a>