

Personal Injury

Thursday 15 August 2024

Session 5 – 2:45pm - 3:45pm

Case studies in medical negligence based on recent claims and cases

Difficult evidentiary issues often arise in medical negligence litigation. This presentation will focus on problem solving through discussion of: circumstantial evidence in a wrongful birth case involving a faulty Filshie clip application or an inexplicable conception; the primacy of radiology v intraoperative findings in arthroplasty matters; as well as peer professional practice and how a catastrophic outcome could have been avoided in relation to an infection from a solid organ transplantation. Issues with expert evidence will be highlighted, including those relating to treating doctors, parties to litigation who are experts, use of medical literature and aspects of legal professional privilege.

Meet the speaker

Richard O'Keefe SC, Barrister, Maurice Byers Chambers

Richard O'Keefe SC worked as a solicitor in taxation law, personal injuries litigation and commercial litigation before his admission to the New South Wales Bar in 1999. He has been practising as a barrister since 2000 in many areas, including medical negligence and other professional indemnity claims, dust diseases, motor vehicle and public liability personal injuries claims, commercial insurance disputes, building and construction disputes and coronial inquests. He now specialises in medical negligence and public liability litigation in NSW and the other states of the Commonwealth. In 2020, 2021 and 2022, Doyle's Guide recognised Richard as a 'Recommended' and 'Preeminent' Junior Counsel in NSW in Insurance and Personal Injury Law and Professional Indemnity. Richard was appointed Senior Counsel in NSW in 2023. He is a member of the Sydney/ACT AFL disciplinary tribunal.