

INCIDENT

- Claimant(s) suffers adverse outcome and seeks legal advice.
- C's adviser consider limitation
- C's adviser consider rehabilitation
- C's adviser consider use of complaints process

REQUEST FOR RECORDS

- C requests copies of medical records from D and any relevant third parties
- D provides records - or an explanation as to any delay with 40 days
- If D fails to provide records or explanation C makes pre-action application for disclosure
- C paginates and files any received records

LETTER OF NOTIFICATION

- C sends Letter of Notification (LoN) to D explaining that claim is contemplated
- D acknowledges LoN and confirms where Letter of Claim (LoC) should be sent
- D considers whether to commence investigation and/or obtain expert evidence
- Both parties consider rehabilitation
- Both parties consider limitation

LETTER OF CLAIM

- C sends LoC to D and D's insurer detailing allegations as to breach of duty and causation
- C provides D with copies of relevant records and/or a list of all records obtained
- C sets out chronology of events
- C provides evidence as to condition, prognosis and alleged quantum losses
- Both parties consider rehabilitation

LETTER OF RESPONSE

- D provides C with detailed Letter of Response (LoR) within 4 months
- LoR will set out any admissions or denials as to breach of duty and/or causation
- D identifies relevant medical records not referred to in LoC
- D agree C's chronology or provides alternative chronology
- Both parties consider rehabilitation

ADR

- Parties consider whether matter can be resolved without further recourse to the court
- Parties consider non-financial resolution (eg. face-to-face explanation, further treatment and/or apology)
- Parties consider financial settlement (without without admission of liability)
- Parties consider rehabilitation

STOCKTAKE

- Parties seek to narrow issues to dispute
- Parties seek to agree chronology and key facts
- Parties seek to identify any matters that could be dealt with as preliminary issues (eg limitation)
- Parties consider rehabilitation
- Parties consider what further expert evidence will be issued
- Parties consider whether Protocol has been complied with