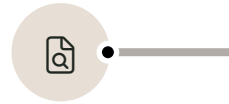


Expected Process for Police & Prison Matters

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STAGE

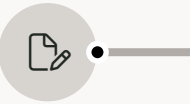
Evidence gathering & investigation



Robinson Gill Lawyers works with you to collate the following:

- Medical material
- Financial material
- Criminal proceeding material
- Liability material - such as:
 - Witness statements
 - Mobile phone / CCTV / body-worn camera footage
 - Freedom of Information (FOI) requests (to police, hospitals, Corrections Victoria or Justice Health)

Drafting & filing the claim



Robinson Gill Lawyers reviews the evidence. We will advise you on your prospects of your claim.

We engage a barrister to draft a Statement of Claim and commence the claim against the defendant - who is:

- The State of Victoria (for police matters)
- The prison operator and/or prison health care provider (for prison matters)

Early resolution options



The defendant may request an early settlement conference.

At an early settlement conference the parties get together and see if a negotiated early settlement can be reached.

It is usually in person, and you are expected to be there to give instructions.

The possible outcomes from this are:

- If settled: see 'Settlement'
- If unresolved: proceed to litigation process

Litigation process



Robinson Gill Lawyers conducts the litigation process, which includes:

Mandatory Steps:

1. Discovery: both sides exchange documents
2. Interrogatories: written questions posed by each party to the other, requiring sworn answers

Optional Steps:

- Expert reports, including from medical experts, will be obtained by both sides to assist the court to decide your case
- Medical & financial material: may need to seek updated financial records, medical records, as well as possibly going to medical assessments organised by the defendant
- Defendant subpoenas
- Plaintiff subpoenas: for example, to prisons, government agencies or to the Chief Commissioner of Police
- Offers to settle: either party may make offers to settle your case. They may be formal written offers, which have special rules attached to them if they are rejected

Mediation



Parties must attend Court-ordered mediation before trial. This is a chance to resolve the case without it having to go to trial. This is held in-person, with a mediator, and you are expected to be present to provide instructions where necessary.

The possible outcomes from this are:

- If settled: see 'Settlement'
- If unresolved: proceed to trial

Trial



If the case proceeds to trial, it will be heard in court.

The case will be heard by a judge alone or a judge and jury. You will be required to attend court every day and you will give evidence about your case.

Following the trial, judgment will be delivered. An appeal is possible after judgment (although this is rare).

Outcome (settlement)



If successful, you will receive compensation, subject to the following:

- Payment will be released after Medicare/NDIS/ Centrelink/private health obligations are cleared
- For some prison claims funds are quarantined for 13 months to allow any victims' to make claims on the funds.

Indicative timeframe | 6-12 months

Indicative timeframe | 6-18 months