

Aggravated Damages for Medical Negligence

10 December 2024. Hong King time 5:00 pm to 6:30 pm (GMT+8)

A patient in Malaysia was awarded an unprecedented RM 1,000,000 (1 RM~US\$0.21) for aggravated damages, with only RM 200,000 awarded as general damages (Dr Hari Krishman & Ancor v Megat Ibrahim & Anor and another Appeal [2018] 3 CLJ 427). Clinical negligence is a tort claim, and the law aims to return the claimant to their “pre-tort” position. In what circumstances should a court award aggravated or punitive damages? Should this be compensation for the loss suffered by the plaintiff rather than the degree of negligence by the defendant professional? What is the role of pre-trial proceedings such as mediation, in reducing any award of damages?

In this webinar, we are privileged to have Prof John Devereaux; renowned scholar and author together with George Kalimnios Esq, a remarkable and experienced Barrister discuss the Dr Hari Krishman case from perspectives of damages and could the court proceedings have been avoided? The moderator **Professor Albert Lee** will give a short reflection from a clinical context.

Date and time: 10 December 2024 (Tuesday), HKT 5:00pm – 6:30pm (GMT +8)

Please join us at the webinar by clicking on the button below to register. If you have any queries, please email us at apac.communications@awac.com.

https://us06web.zoom.us/webinar/register/WN_J4SmgTIFTVmcxLG5-DT0fA#/registration

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PROGRAMME

Time	Topics	Speakers
5:00 to 5:05 pm	Brief Overview and Introduction	Moderator: Professor Albert Lee Medico-legal Consultant of Allied World Assurance Company, Emeritus Professor of Public Health and Primary Care of the Chinese University of Hong Kong, President of Hong Kong Health Education and Health Promotion Foundation
5:05 to 5:30 pm	Types of Damages awarded for Clinical Negligence	Professor John Devereux BA LLB (Hons) (Qld) Grad Dip Mil Law (Melb) D Phil (Oxon) <i>Professor of Law, Queensland University, Honorary Fellow of Australasian College of Legal Medicine</i>
5:30 to 5:55 pm	Could court proceedings have been avoided for damages?	George Kalimnios Esq LLB (QUT). LLM (Hons) (ANU). Accredited Mediator NMAS <i>Barrister, Themis Chambers, Honorary Fellow of Australasian College of Legal Medicine</i>
5:55 pm to 6:05 pm	Reflection from a clinical context	Professor Albert Lee
6:05 to 6:30 pm	Questions and Answers	

**CME and CPD points are pending approval*

SPEAKERS

Name	Professional Background
 <p>Professor Albert Lee MB BS (Lond) MPH MD (CUHK) DMed (NUI) LLB (Hons) LLMArbDR (Distinct-CityUHK) FRCP (Lond & Ireland) FRACGP (Aus) FHKAM (FamMed) HonFFPH (UK) FCLM (US) FACLM (Aus) FCI Arb (UK) FACHSM (Aus) Accredited Mediator (CEDR-UK) GDLP (Distinct-Aus.Coll.Law)</p>	<p>Professor Albert Lee is Emeritus Professor in Public Health and Primary Care of Chinese University of Hong Kong and Medico-legal Consultant of Allied World Assurance Company. He is Senior Research Fellow of Centre for Medical Ethics and Law of University of Hong Kong and Adjunct Professor of International Centre for Future Health System of University of New South Wales, Australia. He is specialist in Family Medicine/General Practice in Hong Kong and Australia and also admitted as lawyer in New South Wales, Australia and Barrister and Solicitor (New Zealand).</p> <p>Albert is International Member of National Academy of Medicine, USA and Honorary Fellow of Faculty of Public Health, UK. He serves as Vice President (Asia) and Governor of World Association for Medical Law. He is Fellow and member of Education Committee of Australasian College of Legal Medicine.</p>
 <p>Professor John Devereux BA LLB (Hons) (Qld) Grad Dip Mil Law (Melb) D Phil (Oxon) <i>Professor of Law, University of Queensland, Honorary Fellow of Australasian College of Legal Medicine</i></p>	<p>Professor John Devereux is Professor of Common Law at University of Queensland School of Law in Australia and is also Barrister of the High Court of Australia and Supreme Court of Queensland, Australia. John is Rhodes Scholar. He received degrees in Arts and Law from University of Queensland and a Doctor of Philosophy in Law from Magdalen College, Oxford University.</p> <p>John has held academic appointment at Universities in Australia, Singapore, United Kingdom and USA. His work in tort law and medial law is well recognised internationally. His work has been cited by the High Court and Law Reform Commissions in Australia and aboard. John was awarded the Bronze Star by USA.</p> <p>https://law.uq.edu.au/profile/1056/john-devereux</p>



Mr. George Kalimnios
LLB (QUT). LLM (Hons) (ANU).
Accredited Mediator NMAS
Barrister, Themis Chambers,
Honorary Fellow of Australasian
College of Legal Medicine

Mr. George Kalimnios first called to the Bar of the Supreme Court of New South Wales in 1989. In that same year George was admitted to practice as a Solicitor of the Supreme Court of Queensland in which jurisdiction, specializing in Criminal Law, Domestic Violence and Commercial Litigation until his admission to the Queensland Bar. As a Barristers of the Supreme Court of Queensland, George has practice in Criminal law, Proceeds of Crime Litigation, Domestic and Family Violence. George also appears as Counsel for the Independent Children's lawyer.

George maintains an interest in legal education, teaching at Queensland University of Technology where he now holds the sessional position of Head Tutor in the subject civil dispute's resolution. George has an interest in Legal Medicine and is an Honorary member of the Australasian College of Legal Medicine. Since 2003 George has been involved in alternative dispute resolution and is a National accredited mediator which practice has involved in community Justice mediation, parenting, and property disputes and as a dispute resolver for the Australian Defence force.

George has an ongoing interest in the provision of renal care to regional Australian for Indigenous Australians.

Overview of CME and CPD points

Name of College	No. of CME and CPD Points
The Hong Kong College of Anaesthesiologists	1.5
Hong Kong College of Community Medicine	1.5
The College of Dental Surgeons of Hong Kong	1.5
Hong Kong College of Emergency Medicine	1.5
Hong Kong College of Family Physicians	1.5
The Hong Kong College of Obstetricians and Gynaecologists	1.5
The College of Ophthalmologists of Hong Kong	1.5
Hong Kong College of Orthopaedic Surgeons	1.5
Hong Kong College of Otorhinolaryngologists	1.5
Hong Kong College of Paediatricians	1.5
The Hong Kong College of Pathologists	1.5
Hong Kong College of Physicians	1.5
Hong Kong College of Psychiatrists	1.5
Hong Kong College of Radiologists	1.5
The College of Surgeons of Hong Kong	1.5

**CME and CPD points are pending approval; CME application pending from Hong Kong Academy of Medicine and for non-specialists*