

Alice Smith

Special Counsel

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OVERVIEW

Alice Smith is a litigation lawyer. She has extensive experience in medical defence litigation, coronial inquests, recovery actions, criminal law matters and general civil claims including personal injury litigation.

Alice has acted for clients in the Magistrates' Court, County Court of Victoria, Supreme Court of Victoria and Coroners Court of Victoria. She has worked on matters relating to breach of privacy in the Victorian Civil and Administrative Tribunal (VCAT). She has also represented a number of clients in both the *Royal Commissions into Trade Union Governance and Corruption* and the *Royal Commission into Institutional Responses to Child Sexual Abuse*.

PROFESSIONAL BACKGROUND

- Alice was Senior Associate to Justice Beale of the Supreme Court of Victoria in 2014 and 2015.
- Alice worked as a criminal and defence lawyer and maintains an interest in criminal law and Royal Commission work, having gained experience in those fields.
- In addition to working for K&L Gates, Alice has been appointed a Senior Fellow of the University of Melbourne and is co-lecturing a Masters Law course in Advanced Evidence.

PROFESSIONAL / CIVIC ACTIVITIES

- Australian Insurance Law Association

EDUCATION

- B.A., Monash University, 2010
- LL.B., Monash University, 2010

ADMISSIONS

- High Court of Australia
- Supreme Court of Victoria

THOUGHT LEADERSHIP *POWERED BY HUB*

- 15 June 2023, Implications of the *Comensoli v O'Connor* Decision on the Assessment of Damages in Historical Institutional Abuse Claims

AREAS OF FOCUS

- Commercial Disputes
- Healthcare and FDA
- Professional Liability

REPRESENTATIVE EXPERIENCE

- Assisting His Honour Justice Beale in convening the Forensic Leave Panel and working on applications under the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997 (Vic) (such as applications to vary supervision orders), including judgment writing.
- Represented a number of clients in both the Royal Commissions into Trade Union Governance and Corruption and the Royal Commission into Institutional Responses to Child Sexual Abuse.
- Representing the Victorian Institute of Forensic Mental Health (Forensicare) in a number of claims, including civil claim regarding psychiatric treatment of a prison inmate who commit suicide in his prison cell, following inquest and civil claim regarding the Thomas Embling Hospital and the design and construction of this forensic mental health facility and nursing practices at the facility.
- Representing clients in numerous Coronial investigations regarding timeliness and appropriateness of emergency services responses to suicide threats.
- Defending public liability claims arising from injuries that occurred on government property.
- Representing a client in relation to the first major prosecution conducted by the Independent Broad-based Anti-Corruption Authority in Victoria.
- Representing interested parties at Coronial Inquests, including public hospitals and Emergency Services Telecommunications Authority.
- Representing clients with mental health diagnoses including investigation into their condition and its relevance to their alleged criminal conduct.

- Acting in multiple Coronial investigations into people who commit suicide by self-immolation, including following hospital presentations and release from prison.
- Acting for Victorian public hospital regarding a range of civil claims involving mental health treatment, including but not limited to, a claim where a mental health patient killed a family member whilst released on leave from inpatient admission, a claim regarding patient who absconded from a hospital emergency department following CAT team review and committed suicide and a claim regarding the physical safety of the rooms on an adult acute unit of the state of the art psychiatric facility in Melbourne.
- Advising Victorian public health organisations on claims for medical malpractice including negligent surgical technique, failure to warn and failure to diagnose.
- Advising Victorian public health organisations about the operation of the Mental Health Act 2014 (Vic) and management of patient records and privacy issues arising in the management of child psychiatric patient records.
- Acting for a doctor in a Coronial and disciplinary investigation regarding medication management of psychiatrically unwell patient who ultimately died.
- Advising and representing clients in relation to administrative law matters such as management of Medical Panel referrals and preparation of submissions in relation to professional or disciplinary matters.
- Appearing in the Magistrates' Court and the County Court on behalf of clients in relation to applications and plea matters, in both criminal and civil jurisdictions.
- Acting for Victorian public hospital into inquest involving review of ligature points at youth mental health facility.