

Carter Newell LAWYERS

Professional and Management Liability Gazette



9th edition

Our mission is to be recognised as a premier provider of specialist legal services across Australia and internationally by being the best we can be for our clients and ourselves.

Carter Newell Lawyers is an award winning specialist law firm providing legal advice to Australian and international corporate clients in our key specialist practice areas of:

- Insurance
- Construction & Engineering
- Energy & Resources
- Corporate
- Commercial Property
- Litigation & Dispute Resolution
- Aviation & Transport
- Planning & Environment
- Workplace Advisory

Within each of these core areas we have dedicated experts who are committed to and passionate about their field and have extensive experience and knowledge.

Awards

2022, 2021, 2020, 2019, 2018, 2017, 2016 (edns) Best Lawyers in Australia

2021, 2019 **Winner** Australasian Lawyer – Employer of Choice

2021, 2020, 2019, 2018, 2017, 2016, 2015 Leading Professional Indemnity Law Firm – Doyle’s Guide

2021, 2020, 2019, 2018, 2017, 2016, 2015 Leading Defendant Public and Product Liability Law Firm – Doyle’s Guide

2021, 2020, 2019, 2018, 2017, 2016, 2015 Leading Defendant Medical Negligence Law Firm – Doyle’s Guide

2021, 2020, 2019, 2018, 2017, 2016, 2012 Leading Energy & Resources Law Firm – Doyle’s Guide

2021, 2020, 2019, 2017 **Finalist** Lawyers Weekly Australian Law Awards - Construction & Engineering Dispute Resolution Team of the Year.

2021, 2018 **Finalist** - Lawyers Weekly Australian Law Awards - Energy & Resources Team of the Year

2021 5-Star Insurance Law Firm - Australasian Lawyer and Insurance Business Australia

2021, 2020 Leading Planning & Development Law Firm – Doyle’s Guide

2021, 2020, 2019, 2018, 2017, 2016, 2015, 2014, 2012 Leading Construction & Infrastructure Litigation (Back-End Construction & Contentious Construction) Law Firm – Doyle’s Guide

2021, 2020, 2019, 2018 Leading Corporate Law Firm – Doyle’s Guide

2021, 2020, 2019, 2018, 2017, 2015 Leading Australian Aviation Law Firm – Doyle’s Guide

2021 Chambers and Partners - Asia-Pacific: Insurance Defence in Australia

2020 **Excellence Award** 2018, 2016 **Finalist** Australasian Law Awards – Employee Health & Wellbeing Award

2020 **Excellence Award** 2019 **Winner** 2017, 2016 **Finalist** Australasian Law Awards – Law Firm of the Year (1 to 100 lawyers)

2020 **Excellence Award** 2019 **Winner** 2018, 2017, 2016, 2015 **Finalist** Australasian Law Awards – Insurance Specialist Firm of the Year

2020, 2019 **Finalist** Lawyers Weekly Australian Law Awards - Law Firm of the Year

2020, 2019, 2018 **Finalist** Lawyers Weekly Australian Law Awards - Insurance Team of the Year

2019, 2018, 2017, 2015, 2012 Leading Commercial Litigation & Dispute Resolution Law Firm – Doyle’s Guide

2019 Leading Queensland Front End Construction & Infrastructure Law Firm – Doyle’s Guide

2018, 2016 **Winner** 2017, 2015 **Finalist** Australasian Law Awards – State / Regional Firm of the Year

**Doyle’s Guide to the Australian Legal Profession*

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The material contained in this Gazette is in the nature of general comment only, and neither purports nor is intended to be advice on any particular matter. No reader should act on the basis of any matter contained in this publication without considering, and if necessary, taking appropriate professional advice upon their own particular circumstances. © Carter Newell Lawyers 2022

From the Partner



It is my pleasure to introduce our 9th edition *Professional and Management Liability Gazette*.

In this edition we consider recent decisions involving a wide range of professionals including brokers, building consultants, medical practitioners, solicitors

& barristers, in addition to claims relating to policy interpretation and procedure.

In *Johnson v Firth* [2021] NSWCA 237, the New South Wales Court of Appeal considered whether a solicitor breached their duty of care by recommending a client settle his claim prior to obtaining medico-legal evidence in circumstances where the client was in a dangerous financial position. We also look at the apportionment of liability between building consultants for the design and construction of a building using non-compliant materials in

Tanah Merah Vic Pty Ltd & Ors v Owners Corporation No 1 of PS613436T & Ors [2021] VSCA 72.

Aimed to provide our insurer, broker, professional and corporate clients with a succinct synopsis of recent decisions, we hope you find our 9th edition *Professional & Management Liability Gazette* a useful resource.

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We welcome your feedback and any suggestions you may have for future editions (feedback@carternewell.com). Previous editions and accompanying publications can be found at our website: www.carternewell.com.

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