VALS: **Supporting Families and Community Lawyers through the ExpertsDirect Pro Bono Service**

By Siobhan Doyle and Amy Fforde

The Victorian Aboriginal Legal Service (VALS) is an Aboriginal Community Controlled Organisation. VALS provides referrals, advice/information, duty and case work to the Aboriginal and Torres Strait Islander people in the State of Victoria. VALS routinely acts for the families of those who have passed in Coronial Inquests and Investigations through our Wirraway and Civil & Human Rights practices.

Madison

VALS acted for the partner of Madison* in the Coronial Inquest into her passing. Madison passed away in January 2020 at Dame Phyllis Frost Centre (DPFC). Madison was a proud Aboriginal woman. She was a deeply spiritual person who was closely connected to her culture, family and community.

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Madison was arrested in late December 2019. She appeared before a bail court without representation and was refused bail. Madison was transferred from the court to prison the same day. During the trip to the prison, Madison was unwell which was clear from the CCTV footage shown at the Inquest. Madison saw a few different doctors and nurses, but many opportunities for escalation were missed. Prison officers are recorded responding to Madison's desperate pleas for help over the intercom by telling her to

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stop calling and telling her it wasn't an emergency. Madison made her last intercom call in the early hours of the morning. At 8am on the same day, Madison was found deceased in her cell, alone and naked, with the shower running.

The Coroner found that Madison's cause of death was complications of withdrawal from chronic opiate use and Wilkie Syndrome in the setting of malnutrition. The Coroner also made various and damning findings relating to the systemic failures of the institutions involved in Madison's passing, including the prison and health services who were supposed to provide care for Madison.

VALS sought the assistance of a gastroenterologist via the ExpertsDirect Pro Bono Service, who produced an expert report at the request of VALS for the Inquest. The expert gave evidence at the Inquest as part of a conclave of medical experts. The conclave gave vital evidence that if Madison had been taken to hospital while she was in prison, her death could have been prevented. VALS's ability to utilise the services of the ExpertsDirect Pro Bono Service meant we gained access to a top expert which would have otherwise been inaccessible to our client and our service.

Baby Charlie

VALS acted for the mother of Baby Charlie* in the Inquest into her death held in 2022. Baby Charlie was a 20-month-old child who died suddenly and unexpectedly while in the care of her father and step-mother. Baby Charlie had been unwell leading up to her death along with having some past medical issues. The Inquest examined the competing explanations into her cause of death, the involvement of Child Protection and the circumstances leading up to her death.

VALS sought the assistance of a forensic pathologist via the ExpertsDirect Pro Bono Service to help VALS and our client understand the medical examiner's report in circumstances where multiple hypotheses were given for Baby Charlie's cause of death. The forensic pathologist provided advice over the phone and in a written report to VALS. This advice assisted VALS to understand the complex medical evidence and confirmed for our client that the medical examiner had completed a thorough and detailed examination. Community lawyers practice in many areas of law, making it difficult for us to have an in-depth knowledge of the complex medical terminology used in medical reports and documents. Being able to talk with an expert over the phone and ask the questions you and your client have is of immense assistance. In this matter the expert helped VALS understand the multiple hypotheses and gave our client peace of mind that all the correct tests and procedures were followed. The Coroner is yet to hand down their findings.

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Sam

VALS acted for the mother of Sam* in the Coronial Inquest into his passing in early 2023. Sam was a proud Aboriginal man, a loving father, son and brother. Sam died while in custody at Raven Hall Correctional Centre in 2021.

The Inquest touched on many issues concerning the care and management of people in prison, how health care needs are managed for people with chronic illness and the specific health care needs of Aboriginal and Torres Strait Islander people. Sam had a long history of chronic illness and had a 'code black' medical event the day before his death. The postmortem examination revealed a significant cardiac enlargement which suggested cardiac dysfunction prior to death.

VALS engaged the ExpertsDirect Pro Bono Service to find an expert cardiologist to help us understand the medical evidence and the treatment and care of Sam prior to his death. The expert provided us with a verbal opinion over the phone which promptly assisted us to improve our understanding of the limits of the medical tests performed and the difficulty in diagnosing the cardiac enlargement that Sam suffered from. Being able to engage an expert relatively quickly and send them a basic brief meant we could speak to the cardiologist which provided our team with an informal means to ask questions about the medical evidence, including the ECG test results. After the phone call we had a better grasp of the complex material in the brief and knew that a written report from the expert would not be of assistance. The Coroner is yet to hand down their findings. ■

**names have been changed to protect privacy*

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***Siobhan Doyle** is the Principal Managing Lawyer of the VALS Civil and Human Rights Practice. She has worked at VALS since 2019, moving from Senior Lawyer to Managing Lawyer. She has acted as an instructing solicitor in three Inquests and has appeared as an advocate in one. Before finding her passion in the CLC sector, Siobhan worked at a small commercial firm. She has a Bachelor of Laws and Business.*

***Amy Fforde** is a senior paralegal in the Wirraway (Police and Prison Accountability) team at VALS. She has been a paralegal at VALS since 2022, responsible for conducting intake and assisting on casework, such as Coronial Inquests and civil litigation for police torts. Prior to joining VALS, Amy worked as a paralegal in personal injury, including WorkCover, TAC and institutional abuse matters.*

If you would like to find out more about the ExpertsDirect Pro Bono Service please visit the Centre's website

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