



## ACUITY MEDICAL LAW INC.

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# Medical Malpractice in New Brunswick

Healthcare providers are entrusted with delivering exceptional, compassionate care, which involves understanding and integrating patients' unique values into medical decisions. Despite good intentions, errors can occur, leading to devastating consequences for patients and their families.

Medical malpractice lawsuits seek to address these harms through monetary damages, acknowledging that while money cannot undo suffering, restore function, or replace a life, it is the court's mechanism for delivering justice. Plaintiffs may seek compensation from individual providers, groups, or institutions like hospitals or long-term care facilities.

These cases are complex, protracted, and challenging, as providers are typically backed by robust insurers like the Canadian Medical Protective Association (CMPA)

CBC article:

<https://www.cbc.ca/news/health/canadian-medical-protective-association-1.6808224>

Hospitals are similarly well-defended, resulting in a low success rate of about 20% for plaintiffs, including cases dismissed or abandoned. Effective representation is critical.

At Acuity Medical Law, we offer empathetic advocacy, combining:

- **Ample resources** to confront well-funded defendants.
- **Deep legal and clinical expertise** to navigate intricate cases.
- **A compassionate approach** to support clients through their pain.

Time is limited to file claims, with **New Brunswick's Limitation of Actions Act (Section 5(1) and (2))** mandating a two-year window from when the harm occurred or was reasonably discovered.

**Notable exceptions include:**

- **Minors** (Section 17): Limitation periods do not run while a claimant is a minor.
- **Incapacity** (Section 18): The period does not begin if the claimant is incapable due to physical, mental, or psychological conditions.
- **Judicial discretion** (Section 5(4)): A judge may allow a late claim, but only by an additional month.

