

# EMMA FITZGERALD

BARRISTER AT LAW

## CONTACT

07 3155 3434

efitzgerald@qldbar.asn.au

## PROFILE

Emma has a broad practice in civil litigation. Prior to being called to the bar, Emma worked as a solicitor for 8 years at the Crown Solicitor's office in Queensland, in private practice at several mid-tier firms and for a community legal service in consumer law.

Emma has acted and advised on a number of complex personal injury and commercial litigation matters and has experienced across both State and Federal Courts and Tribunals.

Emma is passionate about mental health and diversity in the legal profession and regularly speaks about her experience.

## AREAS OF PRACTICE

- PERSONAL INJURIES
- ABUSE LAW
- INSURANCE
- CONSUMER LAW
- FINANCIAL SERVICES
- FAMILY LAW & DOMESTIC VIOLENCE
- INQUIRIES & CORONIAL INQUESTS
- CONTRACT LAW
- JUDICIAL REVIEW & ADMINISTRATIVE
- WILLS & PROBATE

## EXAMPLES OF EXPERIENCE

Acting on behalf of a publicly listed energy company in relation to a claim under the *Personal Injuries Proceedings Act 2002* by a worker that was injured when a gas bottle exploded. The matter involved complex factual issues in relation to the cause of the gas leak and ignition of the fire, requiring engagement of an expert.

Acting on behalf of a principal contractor and its insurer in relation to a dependency claim under the *Personal Injuries Proceedings Act 2002* and the *Civil Proceedings Act 2011* when a truck driver, died after being struck on the head. The matter involved complex causation issues as the deceased's condition significantly deteriorated, contributing to his death, when he contracted an infection in hospital.

Acting on behalf of a large construction company and its insurer in relation to a claim for personal injuries caused

- OCCUPATIONAL HEALTH & SAFETY

when the claimant’s leg was crushed in a production line at the insured’s premises.

Successful defence of a litigated claim under *the Personal Injuries Proceedings Act 2002* in the District Court of Queensland by a security guard who was injured when conducting an inspection of commercial premises during the night when he rolled his ankle on a concrete drain (*Humphries v Downs Earthmoving*).

Acting on behalf of an insurer through subrogation to seek recovery for extensive water damage caused at a high rise residential and retail complex when a truck impacted fire services pipes in the basement.

Acting on behalf of a couple and their insurer in relation to extensive damage done to their waterfront property, caused by sheet piling in a construction on an adjoining property.

Acting on behalf of and advising the Attorney General State of Queensland in relation to estate litigation and interlocutory applications relating to the *parens patriae* jurisdiction over charitable gifts.

Assisting in the preparation of High Court and Queensland Court of Appeal litigation on behalf of the State of Queensland.

## EDUCATION

### BACHELOR OF LAWS

2007 – 2011

### GRADUATE DIPLOMA IN LEGAL PRACTICE

2012

## AWARDS

2017 People’s Choice Queensland Young Lawyers Golden Gavel Competition

2010 Best Speaker, QUT Law Society Senior Moot Competition

## CAREER

**2021** Barrister

**2020** Community Manager, Happy Lawyer Happy Life, Community Manager

**2019 – 2020** Financial Abuse Prevention Solicitor, Women’s Legal Service Queensland

**2018 – 2019** Associate, General Insurance, TurksLegal

**2014- 2017** Associate, Carter Newell Lawyers

**2012- 2014** Crown Law, Department of Justice and Attorney General, Graduate Program