Dear Colleagues,

The SAMLA education committee for Gauteng invites you to our next seminar -

**Controversies in Medico Legal negligence,** as well as **SAMLA AGM**

**Venue: CSIR International Conference Centre**

**Date: 4 November 2017**

Registration commences at 07h30 and early morning refreshments will be served

Scientific papers will be presented from 08:30 – 15:00. Tea and lunch included. Afternoon cash-bar before the SAMLA AGM at 15h15

**Registration fee: SAMLA paid-up members R950; Non-Members R1300; Full-time Students, pupils at the bar and candidate attorneys R700**

We look forward to audience participation via a locally administered WhatsApp

Topic: **Controversies in Medico Legal negligence**

Alleged Neurological damage at birth, HIE (Hypoxic Ischemic Encephalopathy) is routinely blamed for every baby born with CP (Cerebral Palsy). Negligence is automatically assumed and ascribed to the obstetric management of the mother and baby at the time of birth.

The result of this perception amongst the public, fanned by large amounts paid for successful litigation that make headlines in the press, is an increase in the number of patients with neurological deficits coming forward to have their cases investigated.

Medical insurance of obstetricians has become exorbitant, putting many out of practice and creating health care dilemmas for patients. The Health Care budget is severely strained, because funds are used to pay negligence claims instead of being allocated to Health Care and upgrading of medical facilities. This has resulted in medical negligence claims amounting to billions of Rands – an untenable and unaffordable situation.

The purpose of this seminar is to give perspective to this explosion of cases of children with CP. What are the true facts? How sure are we when we proceed to litigation that we are indeed dealing with a “Peri-partum dereliction of duty” where a person or an institution can be held accountable for the damage to the patient.

The thread will run from understanding the problem to collating the facts, culminating in litigation or mediation.

**Proposed Timetable for the day:**

**07:30 - 08:15** Registration and refreshments

**08:15 - 08:30** Welcome, introductions and opening

**08:30 - 09:10** Neonatal neurology – Paediatrician

**Dr Cornel Lombard**, senior lecturer in the Department of Paediatrics at Sefako Makgatho Health Sciences University. A Differential diagnosis of Neurological deficits in babies, where does HIE and CP fit into the bigger picture, how preventable are some of the conditions?

**09:10 – 09:50** Neuro-radiology – Neuro-radiologist

**Dr Malan van Rensburg**. Senior Radiologist with more than 40 years’ experience in neuro-radiology. What is the differential diagnosis of a radiological image in the light of modern imaging technology. How sure can we be that what we see is indeed what we diagnose?

**09:50 - 10:30** “Normal Labour”, the Nursing perspective

**Sr Tidimatso Mmeko**, senior nursing sister at Steve Biko Academic Hospital. Keeping in mind the difficulties experienced within the Health care system, public and private. What is happening in the trenches is not always “according to the book”

**10:30 - 11:00** Tea and refreshments

**11:00 - 11:45** “Normal Labour”, The Doctor’s perspective

**Dr Pierre Davis**, senior Gynaecologist and Obstetrician with more than 50 years’ experience in private practice. Commentary by **Prof Peter McDonald** more than 50 years’ experience in private and academic Gynaecology and Obstetrics practice. Why is the caesarean section rate so high?

**11:45 - 12:30** In the light of the above information, how should lawyers and experts proceed in investigating cases of CP? – Attorney and Legal nurse

In the light of the above information, how should the legal team, proceed in building a viable case? How can phishing be eliminated? Attorney **Wihann Joubert** assisted by the legal nurse consultant **Ms Carina van de Wall**

**12:30 - 13:15** Drawing up the particulars of claim – Plaintiff Lawyers

Drawing up the particulars of claim. How wide do you cast the net, hoping that nothing will slip through? Medico-Legal Advocate, **John Mullins SC**, assisted by Adv **Frances Snyman**

**13:15 - 14:00** Lunch

**14:00 - 14:45** Defending a claim –Defendant Lawyers / Indemnity insurers

- Private: Mac Robert attorneys; **Ms Jeanne Alberts**; assisted by **Adv Frances Snyman**; who do you consult with? Everything is just flatly denied and the plaintiff is asked to prove the allegations? Is it worth your while to draw the case out as long as possible, before admissions are made?

- Government: Do we have the expertise? Do we deny everything? Is everything “left for the last minute” when the trial date is looming? Speaker to be announced

**14:45 - 15:00** Closure

**15:00 - 15:15** Short break (Cash bar for refreshments)

**15:15 - 17:00** SAMLA AGM

**SAMLA is invested in your excellence – attend this seminar and grow your skills and confidence!**

Are you aware of the SAMLA-UCT Course – *Foundations of Medico-Legal Practice* that starts in January next year? Book now to enjoy the early Bird discount. <http://www.lawatwork.uct.ac.za/foundations-medico-legal-practice>