



The South African Medico-Legal Association

The Honourable Ms Dikeledi Magadzi,
Chairperson,
Parliamentary Portfolio Committee on Transport.

Dear Ms Magadzi,

21 May 2018

Thank you very much for affording me the opportunity to address your committee on Wed 16 May 2018. During the meeting you expressed an interest in the concept of mediating disputes between parties, as opposed to the more costly and less satisfactory current system of litigating disputes through the courts.

On 16 May I informed you briefly of work that has already been done by SAMLA (South African Medico-Legal Society) in developing and advancing the introduction of mediation for resolution of medico-legal disputes. As requested please find herewith a copy of the "SAMLA GUIDELINES AND PROTOCOL FOR MEDICAL MEDIATION", authored by Judge CJ Claassen (SAMLA Chairperson) and myself (SAMLA Clinical Negligence and Mediation Director, and Faculty Course Leader).

You will note that this document deals with mediation of both Clinical Negligence disputes and Personal Injury disputes, the latter being applicable to victims of road accidents.

Non-Profit Company. Registration Number: 2005/013822/08

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Directors : Claassen, Judge CJ - Neels (National Chairperson); Becker, Prof Jan (Gauteng Branch Chairperson); Claassen, Dr Brand; Dutton, Adv Ian (Coalition Task team Convenor - KZN Branch Chairperson); Edeling, Dr Hanneljie (Administration- and Communications); Edeling, Dr Herman (Clinical Negligence and Mediation; Faculty Course Leader); Enslin, Dr Hans (RAF); Fredericks, Dr Gavin (National Treasurer); Jordaan, Mr Johan (FS Chairperson); Kellerman, Prof Rita; Khan, Adv Jenine (Membership); Lamey, Adv Albert; Lautenbach, Prof Charles; Lawrenson, Adv Natalie; Lerm, Dr Henry (National Deputy Chairperson - Legal; EC Chairperson); Munyaka, Dr Sharon; Ncongwane SC, Adv Thami (Transformation); Pienaar, Dr Hennie; Reynolds, Mr Trevor (National Deputy Chairperson - Health Sciences); Saayman, Prof Gert; Satyapal, Prof Kapil; Singh, Ms Irana; Snyckers, Dr Frank; Sutherland, Ms Romany (WC Chairperson); Tiry, Adv Ayesha; Van Den Bout, Dr & Adv Anton; Wasserman, Dr Marlene.



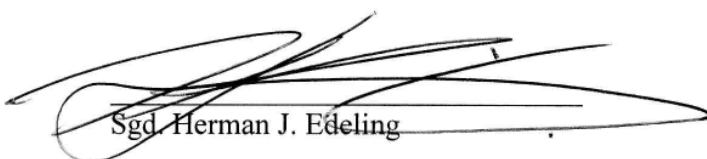
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By way of a brief introduction to SAMLMA, Judge Claassen has asked me to include the following statement prepared by him : -

*"The South African Medicolegal Association (SAMLMA) is a voluntary non-profit company of like-minded professionals working within the medico-legal domain. The association is chaired by retired High Court Judge C.J. Claassen. Current membership, spread nationally in 5 regional branches, of the association is in excess of 800 members, representing practising professionals from, amongst others, the legal, health- and actuarial professions. SAMLMA has as its **raison d'être** activities which foster interchange of knowledge and sharing of wisdom and experience, all outside of the usual adversarial environment of litigation. To this end, SAMLMA has presented numerous training and educational activities, including very successful mock trials and theme-specific seminars germane to the needs of the various disciplines. SAMLMA is currently presenting, in association with Law@Work of the University of Cape Town and an IT technology partner, an 83 hour-long certificate course entitled "Foundations of Medico-Legal Practice", on 11 Saturdays between January and June 2018. The course is presented simultaneously via live bi-directional video-conferencing facilities in 5 centres, namely Johannesburg, Durban, Bloemfontein, Port Elizabeth and Cape Town. The course is currently attended by 326 students of all legal and medical disciplines around the country. It is intended to extend the course to a 3-year post graduate certificate in Medico-Legal Practice issued by UCT in the hope that it would improve the ethical standard of practice of all professionals involved in this industry."*

Judge Claassen has kindly offered to join me in attending the hearings of your committee on 30 May 2018, in order to answer any questions you may wish to put to us.

Sincerely,


Sgd. Herman J. Edeling