



Inside:

Covid 19

The value of SAMLA membership

The types SAMLA memberships

Step-by-step instructions for applying or renewing your membership

Tribute to Dr Herman Edeling

The criminalisation of doctors in South Africa

SAMLA news



Covid-19 and medico-legal issues



2020 brought unimaginable change to the entire world: a virus that has influenced almost every aspect of human function. The pandemic has resulted in a host of ethical challenges which the medico-legal world is well advised to begin to analyse. Deep sensitivity to the extraordinary circumstances facing persons in all walks of life, particularly our medical and allied medical colleagues, will be required.

Those managing the pandemic are dealing with an enigma. The virus is novel. It changes. Naturally there has been tremendous uncertainty about how to manage the illnesses resulting from it. Decisions are made in the absence of data and change as information becomes available or changes. Aside from the unknowns about the symptoms and sequelae and how to manage them, many ethical challenges stem from resource scarcity. Health practitioners are facing having to ration critical care resources; some do not have access to PPEs, medicines, and equipment; and hospital beds are unavailable. In many contexts, there is insufficient supply of doctors, nurses, allied medical practitioners, porters, and administrative staff to manage this pandemic. The personnel at the frontline are under strain as never before. Not only are they dealing with limited resources but are dealing with exhaustion and are carrying an emotional burden leading to significant mental health issues including burnout and depression. Many have lost colleagues and live in fear for their own safety as well as that of their families.

SAMLA wishes those who have lost loved ones, esteemed colleagues, friends and associates our deepest sympathies, and strength at this time.

SAMLA also extends sincere thanks to the countless members of the medical and allied professions who are working to save the lives of those in their hands.

The benefits of SAMLA membership



20 years ago, Dr/Adv Anton van den Bout, who is both an orthopaedic surgeon and an advocate, realised the need for like-minded individuals who work in the medico-legal space to get together to learn from one another and to communicate and this is why he started what was then known as the 'South African Medico-Legal Society'. The core business of SAMLA through the years has been to sustain this vision through regular meetings and through seminars, workshops, and courses.

Leadership and influence. Not only does SAMLA provide educational opportunities, but SAMLA provides a space in which those who have tremendous knowledge and experience can come together to communicate, to learn even more, and to influence the field of practice through their guidance, mentorship, and leadership. Furthermore, SAMLA has a determined transformation imperative and participation in SAMLA and its activities offers opportunities for these imperatives to be realised.

Advocacy. SAMLA is not an advocacy group and does not advocate for plaintiffs or defendants and has no intention ever of being a "trade union". SAMLA is neutral. SAMLA has, however become involved when the greater good of the public has been of concern. For example, the medico-legal crisis facing the country is of tremendous concern and this is why the submission was made to the State President in 2019

(<https://medicolegal.org.za/SubmissionToThePresident/Medico-legal-Crisis-Presentation-to-the-President.html>). Similarly, the recent arrest of doctors has caused tremendous anxiety in the medical field, and SAMLA was approached and has been in discussion with various groups including FOSAS under the leadership of Prof Martin Brand and SAMLA resolved to intervene (see article in this edition of The SAMLA Review on page 6).

Continuous professional development. For the past 20 years, the provincial branches of SAMLA have presented seminars, workshops, courses, and other educational offerings to its members on a wide range of topics that concern legal and healthcare practice in the medico-legal sphere. The provincial activities have been much less active over the past 3 years that SAMLA has been running its national courses, but as of January 2021, the provinces are actively re-energising and will be offering talks and workshops soon.

Networking. SAMLA offers a space in which like-minded individuals who work in the medico-legal world have opportunities to get together and network, to share ideas, and to communicate. Unfortunately, the Covid19 pandemic has influenced to a large extent the opportunities for members to get together in person, but online communication is available and encouraged.

Work opportunities. SAMLA does not advertise on behalf of any of its members and does not recommend members. However, the names of Members appear on the SAMLA website and Members have the choice to make their information more visible and therefore anyone looking to instruct attorneys, advocates or experts can do so easily.

Acknowledgement of experience and competency. The register of medico-legal practitioners as well as the register of medico-legal mediators offer members of SAMLA acknowledgement of their experience and competency and offer the opportunity for others to recognise this.

Formalised training in medico-legal practice. SAMLA developed the 6-month short course in association with the Faculty of Law at UCT on the *Foundations of Medico-Legal Practice*. For the past couple of years, the focus from SAMLA's educational perspective has been on the development and provision of the Foundations course and the provision of *10 additional workshops*. These courses were an enormous undertaking by SAMLA especially because every single aspect of the courses, from organisation to the presentation of the lectures, was done by volunteers. **These courses have now been recorded and are available online** at the dedicated website for National Courses <https://samla.co.za/>.

The SAMLA Review

Our service provider, Azlyn Creative, will continue to provide the courses until the completion of workshop 10 in late 2021. Information about the courses can also be found at <https://medicolegal.org.za/courses.php>.

Participation in topic- specific interest groups.

SAMLA has several active interest groups such as the Quantification Interest Group, The Road Accident Fund Interest Group and the Case Management/Trusts Interest Group. All members of SAMLA are welcome to join these groups.

Participation in SAMLA projects. SAMLA has had the benefit of some of its members being visionary and innovative. One of the most recent projects has been the development of the mediation pilot projects with the Road Accident Fund and with the State dealing with medical negligence cases. SAMLA envisioned the importance of mediation and alternative dispute resolution in the medico-legal sphere in anticipation of rule 41A as well as the encouragement of mediation by the magistrate's courts, but also as a means to resolving the medico-legal crisis. Involvement in such projects allows medico-legal practitioners to develop and hone their skills. The project has resulted in SAMLA's development of guidelines for medico-legal mediation which are constantly being revised. Data from the pilot projects will be analysed for further professional development.

Ethical practice. SAMLA has developed a unique **code of conduct** for people working in the medico-legal world. On-going mentoring and continuous professional development activities assist with promoting ethical practice based on Constitutional values.

Value for money. SAMLA has kept its membership fees as low as possible and offers reduced rates for students and academics.

Mentoring. Through association and communication with other Members, our Members have the opportunity to be mentored and to mentor. This interaction is immensely valuable, and is encouraged by the Board.

Reading materials. SAMLA **posts articles, papers and judgements** of interest on its website. Many of the articles and judgements that have been cited on the SAMLA courses have been uploaded.

What do you want SAMLA to be and to do for you?

SAMLA has created a survey to determine what our members want from SAMLA. It is a multiple choice survey which will take you 5 to 8 minutes to complete.

Please go to

<https://forms.gle/PfhnFGaeNv9eUttE9>



Explaining the types of SAMLA membership

Membership of SAMLA includes any persons who work in or who are interested in medico-legal practice. All individuals who hold a primary professional registration with a professional body (legal, health and allied) as well as students and academics, may apply for membership. In addition, all persons who work within the medico-legal sphere but who do not hold a primary professional registration may apply for membership. Our members include a wide range of professionals including but not limited to judges, academics, legal practitioners including advocates and attorneys as well as candidate attorneys, medical practitioners in all branches of medicine, dentists in all branches of dental health, occupational therapists, speech-language therapists and/or audiologists, occupational therapists, nursing practitioners, psychologists in all branches of psychology, mobility specialists, actuaries, case managers, medico-legal mediators as well as forensic scientists.

To become a SAMLA member or to renew your membership, please visit the SAMLA website "Buy membership page" to be found at <https://medicolegal.org.za/memberships.php>

Which type of membership should you choose?

"Academic" is for academics who are employed in a *full-time* capacity at a registered tertiary institution.

"Student" is for university students (under- or full-time postgraduate) who are registered at a Faculty of Law or Medicine.

"Member" is for all Members who are NOT students, academics, or registered medico-legal practitioners. All persons wishing to register with SAMLA as medico-legal mediators should become members first.

"Member with registration as a medico-legal practitioner" is a special membership type, for all members who apply to be, or who already are, registered as medico-legal practitioners. Please visit <https://medicolegal.org.za/registered-practitioners.php> to read about the *very specific requirements* for registration as a medico-legal practitioner. Not all individuals who work in the medico-legal world qualify for registration, and some may choose not to register as medico-legal practitioners.

As a member, your details will be available on our website and you can choose how much information you want to be visible to the public.

The SAMLA Review

How to apply to become a SAMLA member:

Go to the SAMLA website at <https://medicolegal.org.za/index.php>

Then hover your cursor over click on 'Memberships' and click on "[memberships](#)".

Select which type of member you want to be and click to register.

Complete the form and submit.

The website will send you a mail to verify your e-mail address.

You also pay on the website once you receive this e mail, by credit card or EFT. You will go to 'Membership' and then click on '[Buy Membership](#)'. You will pay by credit card or by EFT.

How to apply to be a registered medico-legal practitioner:

This is a special type of membership open to all Members who have satisfied the criteria as specified on the website. Please check that you satisfy these criteria before you apply to appear on SAMLA's register of Medico-Legal Practitioners. You will find the specifications here: <https://medicolegal.org.za/registered-practitioners.php>

1. If you are not already a SAMLA member in good standing, you need to become a SAMLA member first. Follow the steps above.

Once you are a member, go to '[Membership](#)' and then click on '[Buy Membership](#)'.

You will apply for [Registration as a M-L Practitioner](#)

2. Please ensure that you also complete the blue "Additional SAQA Information" section.

Please follow the link below:

<https://medicolegal.org.za/registered-practitioners.php>

Read all the information and requirements carefully and mail all requested documents to info@samla.org.za in separate attachments in your mail.

If you have successfully completed the SAMLA Foundations Course, we will register you.

If you want to apply with the RLP route (Recognition of Prior Learning), please make sure that you also mail us all the additional information according to the RPL application.

How to apply for registration as a SAMLA registered mediator:

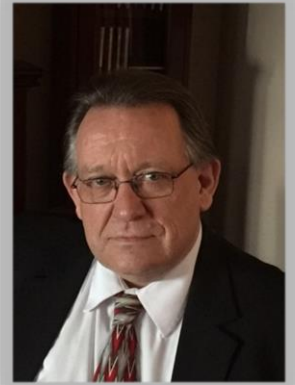
If you are not already a SAMLA member in good standing, you need to become a SAMLA member first. Follow the steps above. Once you are a registered member please follow the link below:

<https://medicolegal.org.za/verified-mediators.php>

Read all the information and requirements carefully and mail all requested documents to info@samla.org.za in separate attachments in your mail.

A tribute to Dr Herman Edeling

At the SAMLA Board meeting on 23 January 2021, Dr Herman Edeling tendered his resignation as Principal of Faculty, and therefore, for the first time in many years, he is no longer on the Board of SAMLA. Judge Neels Claassen, Non-Executive President of SAMLA (pictured with Dr Edeling, below), has written this tribute to Dr Edeling on behalf of SAMLA. Dr Edeling was awarded an Honorary Life Membership of SAMLA in recognition of his exemplary contribution to the organisation.



Dr. Herman Edeling (Neurosurgeon) joined the South African Medico-Legal Association (SAMLA) during 2000. Since then, he has been a stalwart par excellence in applying his skills as organiser, visionary, orator, teacher and motivator to the benefit of SAMLA, its members and the public at large. His unswerving loyalty to the goals of SAMLA has resulted in SAMLA gaining notoriety throughout South Africa. His inspired leadership has increased the membership substantially. To achieve this goal, Dr. Edeling travelled the country far and wide to address gatherings and seminars concerning the activities of SAMLA.

He was the visionary that inspired the establishment of a 3-year post graduate course in medico-legal practice. This course was presented in Johannesburg, Durban, Port Elizabeth, Cape Town and Bloemfontein simultaneously by way of online technology. Dr. Edeling has devoted an enormous amount of time and energy to succeed in this endeavour, sometimes to the detriment of his large practice as a neurosurgeon. He applied these skills to the benefit of SAMLA and its members free of charge seeking only gratification in seeing SAMLA grow into a nation wide non-governmental organisation which rendered a public service in the education of professionals wishing to enhance their skills in the medico-legal industry. He was the Principal of this Faculty from its inception to its conclusion. His resignation as Principal is accepted with sadness as his personality, public spirit and zeal will be sorely missed.

This tribute to Dr. Edeling is but a small gesture of SAMLA's immense gratitude to him for his huge contribution to the growth and beneficial influence that SAMLA has acquired under his leadership. The Board of SAMLA unanimously decided to award him the highest honour for his selfless contribution to SAMLA.





The criminalisation of doctors

The issue of the criminalisation of doctors follows the shockwaves that traversed the medical profession regarding the arrest of a surgeon and anaesthetist in 2020 following the death of a child after surgery. In the opinion of many members of the medical and legal fraternities, the healthcare practitioners were the victims of a grave injustice. The father of the deceased child laid a charge, and the police and NPA did investigations unknown to the doctors who did not have the right of reply or representation. Furthermore, it would seem that the person /s at the NPA and within the police did not have the professional standing or training to determine medical negligence.

SAMLA was approached by FOSAS (Federation of Surgical Societies of South Africa) in November 2020 and the matter was taken to the SAMLA AGM on Saturday 5 December 2020. At a special panel discussion led by Prof Henry Lerm and Dr Herman Edeling from SAMLA with guest panelists Prof Martin Brand (FOSAS) and Dr Munyadziwa Kwinde (Acting CEO of the Health Professions Council of South Africa), the concerns were raised and discussed.

Following the meeting, four motions were drafted and were subsequently presented to the SAMLA Board on 23 January 2021. The Board resolved:

1. *That SAMLA urges the National Prosecuting Authority to adopt a cautionary approach when investigating circumstances surrounding the death of a person where criminal negligence by a healthcare practitioner is suspected to have resulted in the death of that person while under their professional care, by instituting an inquest.*
2. *The Board of the South African Medico-Legal Association mandate a committee appointed within SAMLA to engage the South African Law Reform Commission to investigate the possibility of law reform in South Africa to address the culpability of healthcare professionals in culpable homicide matters which will be more humane and in line with other progressive jurisdictions.*
3. *SAMLA, in collaboration with any other interested group or legitimate organization(s) pursue avenues to bring about law reform in South Africa to ensure fairness and reasonableness in criminal proceedings involving medical practitioners accused of culpable homicide.*
4. *The Board of SAMLA collaborates actively with ADR-Network SA and/or any other relevant organisations in the promotion and implementation of restorative justice.*

News from SAMLA

New Deputy Chairperson (Health Sciences) appointed

Dr Sharon Munyaka has been appointed as the Deputy Chairperson (Health Sciences). SAMLA congratulates Dr Munyaka on this appointment and looks forward to the leadership that she will no doubt provide. She replaces Mr Trevor Reynolds who has resigned from the Board after many years of dedicated service to SAMLA. He has been awarded an Honorary Life Membership by SAMLA and continues to be involved with SAMLA in a consultative capacity.



New Principal of Faculty appointed

Prof Ramodungoane Tabane was appointed as the Principal of Faculty following the resignation of Dr Herman Edeling. SAMLA congratulates Prof Tabane and is confident in his ability and vision to take Faculty forward. Dr Edeling, who is an Honorary Life Member of SAMLA, continues to serve in his advisory and consultative capacity, and in his involvement on several SAMLA committees.



Case management/Trusts Interest Group approved

Following one of the SAMLA National Course workshops, a group of interested persons approached SAMLA to establish an interest group to address concerns with case management and with the establishment and management of trusts in medico-legal cases. At the first preliminary meeting, a presentation was made by a prominent case manager which clearly demonstrated the urgent need for interrogation of the management of awards. Mr Johan Venter will convene the interest group. All interested members can contact him at info@samla.org.za

THE BOARD OF SAMLA

Prof Ethelwynn Stellenberg (National Chairperson); Dr Henry Lerm (National Deputy Chairperson – Legal; Eastern Cape - Branch Chairperson); Dr Sharon Munyaka (National Deputy Chairperson - Health Sciences; Transformation Director); Mr Johan Jordaan (National Treasurer); Dr Karen Levin (Communications Director); Mr JP Venter (Administration & Quality Assurance Director); Prof Ramodungoane Tabane Faculty Principal); Mr Rowan Haarhof; Ms Philippa Styles (KZN - Branch Chairperson); Dr Thabiso Rapapali; (Free State –Branch Chairperson); Ms Romany Sutherland (Western Cape - Branch Chairperson); Ms Carina Van de Wall (Gauteng - Branch Chairperson); Adv Johanna Barnardt; Ms Desiree David; Dr Hans Enslin; Ms Barbara Donaldson; Ms Grace Hughes; Adv Jimmy Kyriacou; Dr Willem Moore; Dr & Adv Anton Van den Bout; Dr Carlien van Heerden; Ms Gerbri van Heerden