

# TRAINING COURSE FOR MEDICAL EXPERTS

Medical Protection



Jointly organised by

Medical Protection

Malaysia Medical Association

Medico-Legal Society of Malaysia



Supported by

The Ministry of Health

Prince Court Medical Centre

SATURDAY

10

NOVEMBER 2018

08.00 – 18.00

THE AUDITORIUM

PRINCE COURT MEDICAL CENTRE

KUALA LUMPUR

## PROGRAMME



08.00 – 08.30	<b>REGISTRATION</b>
08.30 – 08.40	<b>WELCOME ADDRESS</b> CEO, Prince Court Medical Centre Ministry of Health speaker, TBC
08.40 – 09.00	<b>THE ROLE OF MEDICAL EXPERTS</b> Dr Ming Keng Teoh, Medical Protection <ul style="list-style-type: none"> <li>• Sharing experience and expectations.</li> <li>• Why train medical experts? The duty and role of an expert.</li> <li>• Code of conduct and regulations for medical experts.</li> <li>• Recent developments and high profile cases.</li> <li>• Professional support and assistance for experts.</li> <li>• Benefits of being an expert</li> </ul>
09.00 – 09.45	<b>UNDERSTANDING MEDICAL NEGLIGENCE</b> Jolene Loh, Raja Darryl & Loh <ul style="list-style-type: none"> <li>• The law and doctors – introduction, principles and legal terms.</li> <li>• Relevant case law on duty of care, breach and causation.</li> <li>• Bolam and reasonable standard of care.</li> <li>• Civil and criminal cases – differences and standards of proof.</li> <li>• Damages and compensation – how awards are decided.</li> <li>• Recent developments in medical negligence case law.</li> <li>• Common legal principles and terms.</li> <li>• Law on consent and failure to warn, mental capacity.</li> </ul>
09.45 – 10.15	<b>THE LITIGATION PROCESS IN MALAYSIA</b> Dhinesh Bhaskaran, Shearn Delamore & Co <ul style="list-style-type: none"> <li>• Why a medical expert needs to understand the litigation process.</li> <li>• Overview of the judicial system in Malaysia – jurisdiction and general powers of a civil court, criminal court, coroner's court, disciplinary tribunal, and specialist courts.</li> <li>• Overview of the litigation process – active case management by the court.</li> <li>• Commencement of legal action, courts, writ, pleadings, limitation.</li> <li>• Pre-action investigation and the role played by medical experts.</li> <li>• Key milestones – discovery of documents.</li> <li>• Negotiated settlement – role of mediation.</li> <li>• Witness statements and affidavits of evidence-in-chief.</li> <li>• Preparation for trial and the part played by experts.</li> <li>• Judgment and awards – appeals.</li> </ul>
10.15 – 10.30	<b>Q&amp;A</b>
10.30 – 10.45	<b>MORNING BREAK</b>
10.45 – 11.30	<b>CLAIMS MANAGEMENT AND CHALLENGING DECISIONS</b> Dr Ming Keng Teoh, Medical Protection Sagadaven Thangavelu, Shearn Delamore & Co <ul style="list-style-type: none"> <li>• High profile and challenging claims.</li> <li>• Medical Council cases involving complex issues.</li> <li>• The balance of ethical, commercial and fair decisions in each of these cases.</li> <li>• The impact of medical experts' opinions.</li> </ul>

11.30 – 12.00	<p><b>PREPARING AN EXPERT REPORT</b></p> <p>Selvamalar Alagaratnam, Skrine &amp; Co</p> <ul style="list-style-type: none"> <li>Letter of instructions to experts.</li> <li>What lawyers need – opinions on breach, causation, status and prognosis, damages, apportionment, evidence.</li> <li>How to prepare good expert reports – example of a good report.</li> <li>Relevant provisions and rules of court – duty to court, disclosure and privilege.</li> </ul>
12.00 – 12.30	<p><b>AN EXPERT'S PERSPECTIVE</b></p> <p>Dr Rajesh Singh, Orthopaedic Surgeon</p> <ul style="list-style-type: none"> <li>Interpreting lawyer's instructions and complying with experts' briefs.</li> <li>Providing an objective opinion – challenges and experience.</li> <li>Personal experience as an expert in the courtroom.</li> <li>Required skills of a medical expert.</li> <li>What medical experts need – a checklist.</li> <li>Preparing an expert report – the challenges and useful tips.</li> <li>Concerns and benefits about acting as medical experts.</li> </ul>
12.30 – 13.15	<b>LUNCH</b>
13.15 – 13.45	<p><b>ETHICS IN CLAIMS HANDLING</b></p> <p>Dr Ming Keng Teoh, Medical Protection</p> <ul style="list-style-type: none"> <li>What happens in a claim? The impact on the doctor.</li> <li>The hidden costs of claims.</li> <li>Supporting the doctor – Our claims management principles.</li> <li>Fairness, safeguards and governance.</li> <li>Ethics and examples of ethical dilemma.</li> <li>Appeals and judicial reviews.</li> </ul>
13.45 – 14.45	<p><b>EXPERT REPORTS: THE GOOD, THE BAD AND THE UGLY</b></p> <p>Maidzuara Mohammed, Charlene Chin, Harish Nair and Jolene Loh, Raja Darryl &amp; Loh Sagadevan Thangavelu, Dhinesh Bhaskaran, Nurulhuda Mansor and Sharveena Thevy, Shearn Delamore &amp; Co</p> <ul style="list-style-type: none"> <li>Reviewing expert reports.</li> <li>What makes a good expert report?</li> <li>Things to avoid.</li> <li>How to prepare an expert report.</li> </ul>
14.45 – 15.05	<p><b>MEDIATION AND ALTERNATIVE DISPUTE RESOLUTION</b></p> <p>Dhinesh Bhaskaran, Shearn Delamore &amp; Co</p> <ul style="list-style-type: none"> <li>Types of alternative dispute resolution (ADR) available.</li> <li>Use of mediation and ADR in medical negligence litigation and pre-action protocol.</li> <li>Mediation in complaint resolution.</li> </ul>
15.05 – 15.20	<b>AFTERNOON BREAK</b>
15.20 – 15.50	<p><b>MEDICAL EXPERTS IN MMC INQUIRIES, CORONER'S INQUESTS AND OTHER SITUATIONS</b></p> <p>Jolene Loh and Harish Nair, Raja Darryl &amp; Loh</p>
15.50 – 16.30	<p><b>APPEARING IN COURT: COURTROOM SKILLS AND WHAT TO EXPECT</b></p> <p>Harish Nair and Jolene Loh, Raja Darryl &amp; Loh Nurulhuda Mansor and Sharveena Thevy, Shearn Delamore &amp; Co</p> <p>In the courtroom – the layout, who's who in court, witness box, video links.</p> <ul style="list-style-type: none"> <li>Court protocol and etiquette – the oath, dress, language, punctuality.</li> <li>Evidence-in-chief, cross examination, re-examination.</li> <li>Survival tips from counsel's perspective.</li> </ul>
16.30 – 17.00	<p><b>PANEL Q&amp;A SESSION</b></p> <p>All afternoon speakers Ministry of Health speaker, TBC</p>
17.00 – 17.20	<p><b>QUICKFIRE QUIZ</b></p> <p>Sharveena Thevy and Nurulhuda Mansor, Shearn Delamore &amp; Co</p>
17.20 – 17.30	<p><b>PRIZE PRESENTATION AND CLOSING REMARKS</b></p>