



The South African Medico-Legal Association

INVITATION TO ATTEND

SAMLA - GAUTENG & CONFLICT DYNAMICS

**MEDICAL MEDIATION SHOWCASE**

8H00-13H00

AND

**SAMLA AGM**

13H30

**SATURDAY 22 OCTOBER 2016**

**BOWMAN GILFILLAN AUDITORIUM, 165 West Street, SANDTON**

SAMLA and Conflict Dynamics are pleased to announce a joint morning seminar on Saturday 22 October 2016 in Sandton. This will be a **novel training event**, demonstrating the application of **mediation in a real (but anonymized) medical malpractice case**.

The Honourable Minister of Health has directed that medical malpractice claims against the State should be referred to mediation as the first step to the resolution of such disputes. Mediation is well-established in South Africa in commercial-, labour-, family- and other disputes. It is clear, however, that medical disputes have certain unique characteristics that will need to be catered for in medical mediation.

SAMLA has been working with MiM in the Western Cape, and is now pleased to be working with Conflict Dynamics in Gauteng, to develop the rational and effective application of mediation to medical malpractice disputes.

You are invited to assist in breaking ground in this important new territory.

Help us find pitfalls and refine protocols for this unique and dynamic environment.

Your constructive comments and professional opinions will be welcome.

**Please register early – we can only accommodate 200 people**

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

**Web:** [www.medicolegal.org.za](http://www.medicolegal.org.za) | **E-mail:** [info@samla.org.za](mailto:info@samla.org.za)

**Directors :** The Hon Mr Justice CJ Claassen (Chairperson), Dr HJ Edeling (Deputy Chairperson), Dr HB Pienaar (Treasurer), Dr CJ van Zyl-Edeling (Administration Director), Prof JHR Becker (Education Director), Adv AT Lamey (Mediation/Arbitration Director), Ms R Sutherland (Communications Director and Western Cape Branch Chairperson), Adv IT Dutton (KZN Branch Chairperson), Dr H Lerm (Eastern Cape Branch Chairperson), Mr J Nkeli (Membership Director) Adv CA Da Silva SC, Dr HB Enslin, Dr AM Kellerman, Prof EEG Lautenbach, Mr TL Reynolds, Prof G Saayman, Dr F Snyckers, Dr Adv AH van den Bout, Adv P van den Heever, Mr U Fobian



## THE CASE:

A handyman is referred to the head of an academic department for a serious chronic neck condition with compression of the spinal cord. The correct diagnosis is made and a good operation is advised. Contrary to expectation, things go horribly wrong – and the handyman ends up in worse pain, paraplegic and disabled. WHY???

He is terribly disappointed and angry. He does not know why this has happened. He is angry and wants his attorney to sue the State and the orthopaedic surgeon for the maximum possible.

Can the merits and quantum of this case be settled through mediation, and HOW?

## WHO SHOULD ATTEND?

Medical- and Allied Health Care Expert Witnesses  
Legal Practitioners  
Trained Mediators  
Prospective Mediators  
Department of Health Managers and Legal Representatives  
State Attorneys

## TEACHING OBJECTIVES: - This is a preliminary exploration with a view to developing rational application of mediation to medical disputes.

Understanding the difference between mediation and litigation  
Understanding some of the advantages of mediation in an overburdened system  
Difference between medical mediation and mediation in other settings  
Understanding the specific requirements and sensitivities in medical mediation, e.g. severe knowledge-, power- and financial discrepancies between the parties,  
The role of legal representatives  
The role of expert witnesses  
Getting a feel for the mediation environment  
Understanding the roles and responsibilities of the mediator  
Understanding when and why to employ co-mediators  
Understanding the importance of settlement authority  
Acquiring a sensitivity for the need for protection/proper management of allocated monies

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## ROLE PLAYERS:

<b>Chairman</b>	Prof Hennie Becker
<b>MC:</b>	Adv Denise Fisher SC
<b>Mediators:</b>	Mrs Marion Shaer and Dr Hennie Pienaar
<b>Patient:</b>	Prof Hennie Becker
<b>Patient's Legal Representative</b>	Adv Shaida Mahomed
<b>Surgeon:</b>	Adv/Dr Anton van den Bout
<b>Hospital Manager:</b>	TBA
<b>Hospital's Legal Representative</b>	Adv Johan Stroh SC
<b>Expert Neurosurgeon:</b>	Dr Herman Edeling
<b>Expert Occupational Therapist:</b>	Ms Sagwati Sebapu
<b>Clinical Psychologist:</b>	Dr Dimakatso Maboea

## PROGRAMME:

- 07:30 – 08:30 Registration, Tea and Coffee
- 08:30 – 09:00 Welcome - Prof Hennie Becker
- Special needs of Medical Mediation – Dr Herman Edeling
- The Mediation process - Adv Denise Fisher
- 09:00 – 10:30 Session 1 of the Mediation
- 10:30 – 11:00 Tea, Coffee break
- 11:00 – 12:15 Session 2 of the Mediation
- 12:15 – 12:30 Wrap-up of the Mediation
- 12:30 – 13:00 Feedback and suggestions from the audience
- 13:00 – 13:30 Tea and coffee break with snacks for those attending the AGM
- 13:30 SAMLA AGM

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## Included in your registration fee:

Tea, coffee, refreshments

Application has been submitted for CPD points for health care practitioners

**For those who register before 14 October.** A bundle of documents will be sent electronically to enable your preparation and to ensure maximum benefit from the mediation showcase  
Save it on your laptop, tablet or smartphone - or bring a print-out with you.

**REGISTRATION FEE FOR MEDIATION SHOWCASE: R350.00**

Showcase registration form attached

## BANKING DETAILS:

Account name: SAMLA  
Bank: Nedbank  
Branch: Cresta, Randburg  
Branch code: 191305  
Account no: 1913301036

Reference: Surname + Initials + 22/10 Mediation

Please send completed registration form & proof of payment to Mrs Christa Koelewyn  
[info@samla.org.za](mailto:info@samla.org.za) by **Friday 14 October 2016**

Registration will only be done when registration form AND proof of payment have been received

Grab this unique opportunity to further your skills and network in the medico-legal field – and help us develop rational and effective medical mediation. We look forward to your active participation and getting to know you better.

**SAMLA is invested in your excellence!**

SAMLA Membership Application Form attached should you want to become a member.

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