

LEARNING OUTCOME STATEMENT – WORKSHOP 4 : PROVING NEGLIGENCE AS A CAUSE OF CEREBRAL PALSY

Leader: Ms. Romany Sutherland

Committee/Panel:– Adv. John Mullins SC – Prof. Izelle Smuts – Dr. Peter Koll – Dr. Pierre Davis – Prof. Michael Pepper – Dr. Cornel Lombard – Ms Pip Jackson – Ms Carina van de Wall – Dr Willem Moore – golden thread lecture.

Learning outcome statement:

Students attending this course should be familiar with the process of investigating and proving a case of medical negligence resulting in cerebral palsy.

The Students will be taken through the legal process, from initial consultation to the finalisation of merits/liability.

A case study will be used and be carried through to finalisation in one of the later courses, where the matter will be quantified and finalised (trial or settlement).

ABSTRACT - FRAMEWORK AND METHOD OF TRAINING DAY 1

1. Romany Sutherland and Adv John Mullins SC:
 - a. to take the students through a case study discussing the initial consultation and what information is needed to proceed with the investigation of liability.
 - b. Investigation of liability: obtaining medical records from pre-natal clinics, general practitioners, foetal assessment centres, hospital visits during pregnancy, labour and birth, hospital and lab records of baby.
2. Assessing the information at hand: Pre-natal risk factors: pre-eclampsia, gestational diabetes, infections, FAS, Low AFI, CPD etc. Carina van de Wall, (Nursing medico-legal Expert)
3. First and second stage labour – risk factors – CTG debate – caesarean sections as only alternative? Prof Pierre Davis (Obstetrician)
4. The sentinel event: types/ indicators/ timing/ prevention, this will be discussed by Prof. Izelle Smuts (Paediatric Neurologist) and Prof. Michael Pepper (Geneticist)
5. After birth: HIE scale, Cord PH, Apgars, seizures, MRI's and U/S etc - Dr. Cornel Lombard (Paediatrician) and Professor Lotz, (Radiologist)
6. Pleadings and issuing summons – Adv J Mullins.

FRAMEWORK AND METHOD OF TRAINING DAY 2

- a. Ethical Perspectives of Clinical Negligence - Golden Thread Lecture by Dr W Moore.

- b. Report back from the syndicate leaders, comments on the assignments and syndicate reports by members of the expert panel, and interactive general discussion on the subject matter of the workshop. To the extent permitted by time the training will include presentation and discussion of illustrative case reports and judgments.

- c. The development of a HIE checklist: a tool to assist lawyers and doctors.

Yours sincerely

Romany Sutherland