

The SAMLA Review

Issue No 4 November 2021

Newsletter of the South African Medico-Legal Association

Non-Profit Company reg No 2005/013822/08

<https://medicolegal.org.za/index.php>



Inside:

**The evolution and
revolution of
SAMLA**

**Restructuring
SAMLA**

**In Memoriam:
Judge 'Neels'
Classen**



SAMLA, like any healthy organisation, goes through phases, each phase beginning with a period of evolution, then growth and stability, and then a revolutionary period characterized by substantial organisational disorder and change. The organisation's resolutions in the revolutionary phase determine whether it will move forward to the next stage of evolutionary growth.

The Board led SAMLA into a revolutionary phase in its existence by asking three critical questions: 'Where has SAMLA been?', 'Where it is now?', and 'What do the answers to these questions mean for where it is going?' Through the series of the current SAMLA Board meetings, including a two-day "Bosberaad", SAMLA's Board recognised the need to move away from some of its decisions of the past to meet present events and dynamics in the organisation, the field of medico-legal practice, as well as in the world in general.

As a result of its deliberations, the Board has made several tough decisions which it believes will be of benefit to this important Association. The first of the major decisions has been to bring the national courses run in association with UCT to a close. The second resolution was to develop a formalised Education and Training Committee to oversee all education functions of SAMLA, and to re-envision the provision of foundational as well as advanced education in the field of medico-legal practice. The third resolution was to spend time and money on migrating SAMLA from being a loose association of friends to a corporate structure in line with the Companies Act. The Board believes that SAMLA is at the cusp of a new evolutionary phase and is excited to see what the future will bring.



Revolution and evolution in SAMLA



In June 2021, SAMLA lost its Non-Executive President, with the passing of Judge Neels Claassen. It was unanimously decided by the Board of SAMLA to appoint Professor Henry Lerm to step into Judge Claassen's position as Non-Executive President of SAMLA.



Professor Henry Lerm

In his exemplary leadership role as Deputy Chairperson (Legal) of SAMLA, Prof Lerm demonstrated well the notion of leading by example. His broad understanding of SAMLA as an organisation as well as the medico-legal world in which SAMLA stands contributes to his ability to guide the Association in its decisions and actions.

He has displayed on-going commitment to SAMLA in his role as a Director, playing a central role in SAMLA's educational activities. His participation, for example, in the Foundations of Medico-Legal Practice Course as well as his conceptualisation, presentation and management of Workshops are testimony to his skill.

At a provincial level, Prof Lerm has been involved for years, providing leadership as well as knowledge to develop and maintain the Eastern Cape Branch of SAMLA.

He represents SAMLA in many spheres, not the least of which is in the academic world. He has encouraged and is leading the study and teaching of medico-legal practice within academia.

As of the end of the final Workshop in 2021, SAMLA's National Courses will no longer be available. Professor Lerm, who was an integral member of the SAMLA Faculty, writes,

"Dear Colleagues,

Now that the curtain has fallen on a very eventful series of practical Courses in the form of Workshops in Medico-Legal Practice, it is time to reflect and say thank you to all who contributed. Judging by the euphoria that prevailed after all ten Workshops, especially Workshop 10 which staged the Trial module, I cannot but associate myself with the words that was so aptly penned by Barbara Donalson when she critiqued it as 'a great pinnacle to a superb series of workshops' and a 'sparkling jewel in the crown'. All that is left for me to add is to commend those who made it possible. Long will this event live in our memories and long will we cherish every contribution. SAMLA has again made its presence felt in developing the scientific and technical skills of expert witnesses and lawyers so as to make a meaningful contribution to ensure that the interests of justice are served in compliance with our constitutional duty to improve healthcare services. We have now chartered the course towards fulfilling the Organisation's mission. May we continue under sail."

The Foundations Course was developed in 2017 and presented live in 2018 in a 6-month course in person. It was then presented online.

The SAMLA Review

The Faculty of SAMLA interrogated the viability of presenting the 2018 course again but deemed it necessary to bring the courses to a close. By now, there have been enormous changes in the science and law of medico-legal practice. SAMLA cannot continue to provide lectures that are increasingly outdated. To update and re-create the Foundations Course is not possible at this stage - remembering that everything that is done by SAMLA is done by its Board and committee members on a voluntary basis. It is not financially viable to re-create the course at this time.

However - and this is a big 'however' - SAMLA's Education and Training Committee is actively recalibrating SAMLA's work. We aim to provide education and training in foundational aspects and also aim to provide more advanced education for the more experienced Members. Huge planning is going on behind the scenes to develop affordable high-quality seminars and workshops, lectures, and case discussions, as well as mock trials. Most of our educational opportunities will be offered on-line. We are also looking to publications.

SAMLA holds monthly "Fireside Talks", convened by Ms Stacey Aires, the Chairperson of the SAMLA Gauteng Branch. These involve case discussions, panel discussions and lectures, and are CPD accredited.

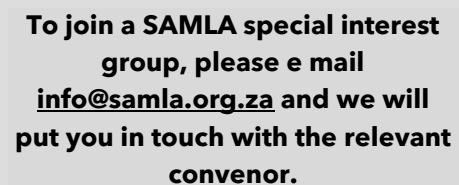
Under the leadership of Ms Stacey Aires, these monthly fireside talks were designed to try to get some networking going amongst SAMLA members. The Covid-19 disconnect has resulted in us not being able to come together to meet and learn. So, we had to move online which does little for social connection! The Fireside Talks aim to bring smaller groups together online, possibly regionally, to 'chat'. Usually, there is a presentation followed by questions and discussion. The presentation is HPCSA CPD-accredited. The presentations are case discussions but can take any other form.

Please go to [the regional seminars page](#) on the SAMLA website to book

SAMLA has important Interest Groups that hold regular sessions including discussions and talks on (i) Fund Management (ii) Quantifications. Please e mail us at info@samla.org.za and we'll put you in touch with the relevant convenor.

The Quantifications Special Interest Group is convened by Mr JP Venter, who is also a Director of SAMLA. He started this group to interrogate the thorny issue on quantifications. There is nothing simple about working out quantum, and there are different opinions and views. SAMLA provides the space for those with a particular interest in quantification to debate and learn.

In 2021, Mr Johan Venter approached SAMLA following one of SAMLA's workshops about starting a **Fund Management Special Interest Group**. We all put so much emphasis on Merits and Quantum, and SAMLA has, through this special interest group, recognised and acknowledged that medico-legal work does not end on settlement. The real work begins as disabled people have access to funds which need to be managed. Some of SAMLA's members have given presentations which show how so many of the cases are mismanaged, the funds depleted, and the disabled persons left penniless. Often, Case Managers do not have a clue about disability. This new special interest group is welcome and is crucial.



To join a SAMLA special interest group, please e mail info@samla.org.za and we will put you in touch with the relevant convenor.

Mrs Leigh de Souza-Spagnoletti has taken over from Dr Hans Enslin the steering wheel to drive the SAMLA RAF Committee. Dr Enslin is a name that everyone in the medico-legal field in South Africa knows. Dr Enslin has guided SAMLA through the complex territory of RAF matters. He has also been a Director of SAMLA and has taught, advised, led and is a friend of many. He retired from his position as Director as well as from his position as convenor of the RAF Committee. We wish him well, with gratitude, and wish Mrs de Souza-Spagnoletti a successful and satisfying tenure.

In Memoriam: Judge “Neels” Claassen

(16 June 1945 to 12 June 2021)



In June 2021, SAMLA was informed of the passing of its Non-Executive President, Judge Neels Claassen. Not only was “Judge”, as he was affectionally known, going to be mourned and missed by his beloved family, but also by hundreds of people who knew him as a family member, a friend, a colleague. a leader, a mentor, and a teacher, and a pious man. His contribution to SAMLA was enormous, his influence was wide, and his vision was broad.

In his tribute to Judge Claassen, Dr Herman Edeling wrote, “Soon after his retirement, Judge Claassen was recruited in 2014 into SAMLA by Dr Herman Edeling and Jurie Wessels SC into what was then known as the South African Medico-Legal Society. Judge Claassen enthusiastically joined the group and was very soon nominated and elected to serve as Chairperson which he did for five years.

He enabled, guided and oversaw the development and adoption of a SAMLA Transformation Policy; the establishment of the SAMLA Faculty; the development and delivery, in collaboration with UCT Law @Work, of a pioneering Postgraduate Training Course in Medico-Legal Practice; development of a SAMLA Code of Conduct for Medico-Legal Practitioners; commitment of SAMLA to Mediation of Medico-Legal Disputes; development of the SAMLA Guidelines and Protocol for Medical Mediation; establishment of a SAMLA Register of Medical Mediators; various pro bono SAMLA Pilot Projects in Medical Mediation; establishment of a SAMLA Register of Medico-Legal Practitioners; collaborative groundwork towards establishing a South African Medico-Legal Coalition; and the collaborative multi-stakeholder Medico-Legal Crisis Presentation to the Honourable President of South Africa.

Of course, Judge Neels did not achieve these feats on his own. He was ably supported by a strong cohort of experienced and ethical intellectuals, from various fields of expertise. It was his character as a leader that attracted strong men and women to surround and cooperate with him. He respected all, and despite his magnificent intellect he was humble. All with whom Judge Neels engaged were inspired by him and loved working with him.

The SAMLA Review

His intellect shone not only in relation to the law. He displayed an enquiring mind, notably in relation to medical science, medical ethics, and disability, never shy to keep asking questions. He listened actively and intently to whomsoever was talking, demonstrating respect and interest, leading to understanding. He displayed similar interests and knowledge of language and history. No problem was too big or too small for his interest and attention. It was these attributes that made Judge Neels such a good judge and such a good mediator.

In SAMLA, before realising his intellect, all who met him were struck by his warm heart, humour, generosity, integrity, morality, compassion and empathy. When he walked into a room one could sense an immediate elevation of the consciousness and energy of those in the room. He had a wonderful way of greeting people, so that in the greeting one felt important to him and respected by him, and he always tried to greet people in their own language."

SAMLA offers its deepest sympathies to Judge Claassen's beloved wife, Marietjie, his children, grandchildren, family, friends and all those who were close to him.

He will be missed. May he rest in peace, remembered with love and respect.

We invite all our members to send photos of and/or tributes to Judge Claassen, and messages to Dr Karen Levin, Communications Director at info@samla.org.za



SAMLA NATIONAL AGM ANNOUNCEMENT

The AGM of SAMLA will be held on 27 November 2021 on Zoom. The notice was e mailed to all Members. The link will be e mailed to all members closer to the time.

VOTING will occur on the SAMLA Forum, and the link will be e mailed to all members.

The nominations for the positions on the Board must be submitted by 10 November 2021. The e mail to this effect was sent to all members by e mail.

BRANCH MEMBERSHIP

SAMLA has five branches:

KZN

Eastern Cape

Western Cape

Gauteng

Free State

Please e mail us at info@samla.org.za and we will put you in touch with the chair of the relevant branch.

PLEASE GO ONTO THE WEBSITE AND CHECK YOUR MEMBERSHIP STATUS.

Please remember to select the information that you are willing to share with the public and/or Members, and that which you want protected. Check that we have the correct contact details too, please.

<https://medicolegal.org.za/membership-list.php>

MEMBERSHIP AND RENEWALS

SAMLA e mails its members 2 months before the membership fees are due. Please make sure that we have your correct e mail by checking your details on the website.

Please register and/or renew (i.e. pay annual subs) under the correct category: the descriptions are on the website at <https://medicolegal.org.za/membership-list.php>

Academic member: For full time academics only. Proof of employment required.

Adjunct member: For persons who are not registered with a regulatory body eg LPC, HPCSA, Nursing Council etc.

Member: Membership fee for ordinary members. Members must be registered with a primary regulatory body e.g., HPCSA, LPC. If not, please register as an Adjunct Member. Do **not** pay as a Member if you are already registered as a Medico-Legal Practitioner.

Member with registration as a Medico-Legal Practitioner: You can only register and/or pay the annual fee as a ML Practitioner if you have applied to SAMLA and have submitted the relevant documentaiton, and are accredited by the Credentialing Committee of SAMLA. See <https://medicolegal.org.za/registered-practitioners.php>

Student member: Register and/or pay as a Student Member. Proof of full-time registration is required.



DON'T FORGET TO FOLLOW SAMLA ON [Facebook](#) and [LinkedIn](#) as well as our [website](#).