

MPS and SMA Training Course for Medical Experts

By Denise Yuen

The MPS and SMA Training Course for Medical Experts, led by course conveners Dr T Thirumorthy from SMA and Dr Teoh Ming Keng from MPS, was successfully held at Amara Hotel from 1 to 2 April. Most of the speakers were MPS lawyers from various law firms, and the rest were doctors. Response for the course was overwhelming. In all, more than 80 doctors, comprising of general practitioners and specialists, attended the two-day course. The course aimed to provide knowledge and skills and highlight the duties and responsibilities of doctors who wish to act as medical experts.

On the first day, SMA President Dr Chong Yeh Woei kicked off the course with a short speech describing the objectives of the course, which was mainly to increase the numbers and the skills of local medical experts, especially in the face of increasing litigation against doctors in Singapore. Dr Teoh, who is the Head of Medical Services (Asia), MPS, expounded on the role of medical experts in litigation. He explained the reasons for training medical experts, their duties and code of conduct and obstacles they could face.

Christopher Chong, a partner of Rodyk & Davidson, set out the principles of medical negligence, which are namely duty of care, breach of duty and causation. Next, Lek Siang Pheng, also a partner of Rodyk & Davidson, explained the Singapore Medical Council's (SMC) disciplinary role in cases of medical negligence.

Daniel Xu and Dr Albert Myint Soe, who are a senior legal associate and a partner of Myint Soe & Selvaraj respectively, discussed the various aspects of the litigation process in Singapore. Matthew Saw, a partner of Lee & Lee, detailed the instructions which medical experts should follow when writing an expert report, and the content and format of good expert reports.

Mak Wei Munn, a partner of Allen & Gledhill, then directed course participants to break up into smaller groups. Each group was given two expert reports, and asked to analyse their good and bad points. All the group discussions were facilitated by different lawyers, who were all in their element as they provided useful legal pointers to the course participants. Each group then appointed a representative to voice their group's opinions, which culminated in a lively discussion.

The first day ended with a panel discussion comprising Dr Teoh, Dr Thirumorthy and all the lawyers present. Participants peppered the lawyers eagerly with questions. One doctor asked what he should do if he was asked to be a medical expert in a complex case involving multiple areas of specialisations and beyond his scope of expertise. Dr Teoh answered that such situations rarely arose because the courts

usually appointed an expert from the same specialty as the doctor facing litigation, but the medical expert could request the instructing lawyer to appoint another expert for areas beyond his specialty.

On the second day, Dr Teoh explained the process of claims handled by MPS and the claims management principles they abide by. Edwin Tong, a partner of Allen & Gledhill, then advised participants on what to expect should they testify in court as medical experts, including court etiquette and protocol. Eric Tin, a partner of Donaldson & Burkinshaw, gave a detailed discussion of SMC's organisation, functions and disciplinary process.

Dr Joseph Sheares, a consultant cardiothoracic surgeon, recounted to the audience about his very first experience as an expert witness in the courtroom a few years back. He also shared the problems and challenges he faced while writing his report and during cross-examination in court, and the training he believes medical experts should ideally have before appearing in court.

Philip Jeyaretnam, senior counsel and partner of Rodyk & Davidson provided a counsel's perspective on medical litigation, and offered the participants tips on courtroom skills, and pitfalls to avoid during cross-examination.

Tham Hsu Hsien, Kristy Tan and Jacqueline Chua from Allen & Gledhill (Mr Tham and Ms Tan are both partners, and Ms Chua is a legal associate) then came onstage. Playing a cross-examining

lawyer, judge, and expert witness respectively, they reenacted a scene from the courtroom, based on various actual courtroom situations. Their performance, although light-hearted, gave participants a clearer idea of what happens in court.

The final item on the programme was a panel discussion comprising Dr Teoh, Dr Thirumorthy and all the lawyers present. Participants were enthusiastic and asked many questions about courtroom processes. One doctor wanted to know what a medical expert should do if he found himself trapped by the opposing lawyer during cross-examination. Mr Jeyaratnam replied that if an expert was found to have contradicted himself in his evidence, he should take a moment to understand what the lawyer thinks the contradiction is, see whether there are explanations for this contradiction, and speak up accordingly.

All the course participants received a certificate of attendance. Their feedback was positive and encouraging. Most expressed that they went home with a greater understanding of various aspects of medical litigation in Singapore. **SMA**

Please refer to the next two pages for information on being a medical expert witness.



Lawyer Mak Wei Munn (standing) leads a group of doctors in discussion