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 I **E-mail:** 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:

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