



# MALAYSIA MEDICAL EXPERTS TRAINING 2016

Jointly organised by the

Medical Protection Society (MPS), Malaysian Medical Association (MMA), and Medico-Legal Society of Malaysia (MLSM), supported by the Ministry of Health, Malaysia

3 CPD points awarded

Saturday, 17 September 2016 | 8.00am - 5.30pm | Auditorium, Level 1, Prince Court Medical Centre

*It's the perfect time to be in Kuala Lumpur with your family this weekend. You get to have a long break, attend Malaysia Medical Expert Training Course 2016 at Prince Court Medical Centre and also catch the Petrosains Science Festival in KLCC with your family.*

Doctors are increasingly invited to act as experts and to provide an independent opinion in medical negligence litigation, Malaysian Medical Council (MMC) inquiries, personal injury court cases and other tribunals.

Whilst you will be paid for this work, it is also an important duty as a medical professional. It is therefore essential that you know the requirements, how the litigation process and judicial system works and what to expect in the court room.

The evidence in a medical expert report and testimony offered by a medical expert witness during examination are often critical components in arriving at an equitable and fair decision in any dispute. This is applicable in the court of law, especially for cases of medical negligence, in the medical disciplinary tribunal of professional misconduct or inquest.

An expert witness possesses in depth knowledge of a subject that enables him or her to give opinions and draw conclusions relevant to the case, so as to impartially and objectively assist the court or tribunal in its work. The expert witness is expected to articulate the standard of professional conduct in disciplinary tribunal, and present opinions that are supported by strong arguments and evidence.

## Overview

Have you ever been asked to be an independent medical expert?

Are you aware of your obligations when you agree to be an independent medical expert?

## Why you should attend

To be effective, a medical expert witness needs to be trained. With the rising expectations of the public and patients on the performance and behaviour of doctors, it is timely that competent and skilled medical expert witnesses are available for the benefit of the patients, the public and the profession.

**FREE**

for MPS, MMA, MLSM and Ministry of Health doctors. Places are limited, so please register early. RM100 fee is chargeable for non MMA & non MPS members.

## How to register

For any further enquiries and confirmation of participation, kindly contact the MMA-MPS Staff (Ms. Jennifer Edward) on 03-40411375 ext. (123), 03 4042 0617 or please email to [insurance@mma.org.my](mailto:insurance@mma.org.my)

MPS is not an insurance company. All the benefits of membership of MPS are discretionary as set out in the Memorandum and Articles of Association. MPS1637 10/14

## PROGRAMME

8.00am – 8.30am	REGISTRATION
8.30am – 8.45pm	Welcome address
8.45am – 9.05am	<b>Role of Medical Experts</b> <i>Dr. Ming Keng Teoh, MPS</i> • Why train medical experts? • Duty and role of an expert • Code of Conduct and Regulations for medical experts • Problems faced by experts; benefits • Professional support and assistance for experts
9.05am – 9.45am	<b>Principles of Medical Negligence</b> <i>Darryl Goon &amp; Puan Maidzura Mohammed, Raja Darryl &amp; Loh</i> • The law and doctors – brief introduction and legal terms • Principles of medical negligence and relevant case law on duty of care, breach and causation • Bolam and reasonable standard of care • Civil and criminal standards of proof • Law on consent and failure to warn, mental capacity • Damages and compensation • Recent developments in medical negligence case law • Common legal principles and terms
9.45am – 10.30am	<b>Litigation Process in Malaysia</b> <i>Raja Eileen Soraya, Raja Darryl &amp; Loh</i> • Importance of the medical expert understanding the litigation process • Overview of the judicial system in Malaysia – jurisdiction and general powers of a civil court, criminal court, coroner's court, disciplinary tribunal, and specialist courts (i.e. those relevant to Malaysia) • Overview of the litigation process – active case management by the court • Commencement of legal action, which courts; writ; pleadings; limitation • Pre-action investigation and the role played by medical experts • Key milestones; Discovery of documents • Negotiated settlement; mediation • Witness statements / affidavits of evidence-in-chief • Preparation for trial and the part played by experts • Judgment and awards; appeals
10.30am – 10.45am	MORNING BREAK
10.45am – 11.15am	<b>Claims Handling Ethics</b> <i>Dr Ming Keng Teoh, MPS</i> • What happens when a claim is made • MPS claims management principles • Safeguards and governance • Ethics and examples of ethical dilemmas • Appeals and judicial reviews
11.15am – 11.45am	<b>Instructions and Writing an Expert Report</b> <i>Selvamalar Alagaratnam, Skrine &amp; Co</i> • Letter of instructions to experts • What lawyers need: opinions on breach, causation, status and prognosis, damages, apportionment, evidence • How to prepare good expert reports – example of a good report • Relevant provisions and rules of Court – duty to court / disclosure / privilege • Reference MPS factsheet on Preparing Expert Reports <a href="https://www.medicalprotection.org/malaysia/casebookresources/factsheets/factsheets/mal-a-guide-to-writing-expert-reports">https://www.medicalprotection.org/malaysia/casebookresources/factsheets/factsheets/mal-a-guide-to-writing-expert-reports</a>
11.45am – 12.30pm	<b>Case Study Group Exercise</b> <i>Dr. Ming Keng Teoh, MPS; Darryl Goon, Raja Darryl &amp; Loh; Sagadaven Thangavelu, Shearn Delamore &amp; Co.</i>
12.30pm – 1.15pm	LUNCH
1.15pm – 1.35pm	<b>A Medical Expert in MMC Inquiries, Coroner's Inquests and Other Situations</b> <i>Puan Maidzura Mohammed, Raja Darryl &amp; Loh</i>
	<b>Malaysian Medical Council</b> • Functions and responsibilities of the Medical Council • The investigation process for complaints • When expert evidence is needed and what is expected of experts
	<b>Coroners Inquests</b> • Objectives of coroner's inquests • The rules; cause of death and findings • What is expected of an expert
	<b>Role of experts in other situations</b> • Mediation and ADR • General Personal Injury Claims • Probate cases (Mental Capacity) • Criminal cases
1.35pm – 2.35pm	<b>Expert Reports – The Good, The Bad and The Ugly</b> <i>Raja Eileen Soraya, RDL and Nurulhuda Mansor, Shearn Delamore</i> • Breakout groups: critical review of three expert reports • Presentation by spokesman from each group
2.35pm – 3.00pm	<b>An Expert's Perspective</b> <i>Datuk Dr. Abdul Aziz Yahya, Consultant O &amp; G, Prince Court Medical Centre</i> • Interpreting lawyer's instructions and complying with experts' briefs • Providing an objective opinion – challenges and experience • Personal experience as an expert in the courtroom • Required skills of a medical expert • What medical experts need – checklist • Preparing an expert report – the challenges and useful tips • Concerns and benefits about acting as medical experts
3.00pm – 3.15pm	AFTERNOON BREAK
3.15pm – 3.45pm	<b>Appearance in Court</b> <i>Darryl Goon, Raja Darryl &amp; Loh</i> • In the courtroom – the layout, who's who in court, witness box, video links • Court protocol and etiquette – the oath, dress, language, punctuality • Evidence in chief, cross examination, re-examination • Survival tips from Counsel's perspective
3.45pm – 4.30pm	<b>Challenging claims decisions – an interactive session</b> <i>Dr. Ming King Teoh / Raja Eileen Soraya / Sagadaven Thangavelu</i> Interesting and challenging claims cases involving complex issues will be presented. The audience and panel will engage in debates about the most appropriate balance of ethical, commercial and fair decisions in each of these cases.
4.30pm – 5.00pm	<b>Panel Q&amp;A Session – all afternoon speakers and Dr. Uzair, Ministry of Health</b>
5.00pm – 5.20pm	<b>Quickfire Quiz</b> <i>Charlaine Chin, Raja Darryl &amp; Loh</i> This will be a fun but tricky quiz to test your understanding of the material in the day's lectures as well as your opportunity to win the prizes!
5.20pm – 5.30pm	PRESENTATIONS & CLOSING REMARKS