

## **Malaysia Medical Experts Training Course 2017**

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** and **Prince Court Medical Centre**

Date: Saturday 25 November 2017

Time: 0800 – 1800

Venue: The Auditorium, Prince Court Medical Centre, Kuala Lumpur

### **PROGRAMME**

0800 - 0830 Registration

0830 – 0840 Welcome address  
**Ministry of Health speaker (TBC)**

0840 – 0900 **Role of Medical Experts**  
**Dr Ming Keng Teoh, MPS**

- 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

0900 – 0945 **Principles of Medical Negligence**  
**Darryl Goon & Puan Maidzura Mohammed, Raja Darryl & Loh**

- 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

0945 – 1015 **Litigation Process in Malaysia**  
**Dhinesh Bhaskaran, Shearn Delamore**

- 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

1015 – 1030 Q & A

1030 – 1045 Morning Break

1045 – 1130 **Claims management and challenging decisions – an interactive session**  
**Dr Ming King Teoh / Raja Eileen Soraya / Dr Harpreet Sarna /**  
**Sagadaven Thangavelu**

- Interactive discussion based on real claims cases to identify important issues experts are often asked to comment on, to explain how decisions are made and to highlight challenging dilemmas when trying to negotiate or resolve a claim.
- The audience and panel will engage in debates about the most appropriate balance of ethical, commercial and fair decisions in each of these cases

1130 – 1200 **Instructions and Writing an Expert Report**

**Selvamalar Alagaratnam**, Skrine & Co

- 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  
<https://www.medicalprotection.org/malaysia/casebook-resources/factsheets/factsheets/mal-a-guide-to-writing-expert-reports>

1200 – 1230 **An Expert's Perspective**

**Datuk Dr Hassan / Dr Abdul Aziz / Dr Rajesh Singh**

- 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

1230 – 1315 Lunch

1315 – 1345 **Claims Handling Ethics**

**Dr Harpreet Sarna**, MPS

- What happens when a claim is made
  - MPS claims management principles
  - Safeguards and governance
  - Ethics and examples of ethical dilemma
  - Appeals and judicial reviews
-

- 1345 – 1445 **Expert Reports – The Good, The Bad and The Ugly**  
**Raja Eileen Soraya**, RDL and **Sagadevan**, Shearn Delamore
- Breakout groups: critical review of expert reports submitted
  - Presentation by spokesman from each group
- 1445 – 1505 **Mediation and Alternative Dispute Resolution**  
**Dhinesh Bhaskaran**, Shearn Delamore
- Types of ADR available in Malaysia
  - Use of mediation and ADR in medical negligence litigation and pre-action protocol
  - Mediation in complaint resolution
- 1505 – 1520 Afternoon Break
- 1520 – 1550 **Medical Experts in MMC Inquiries, Coroner's Inquests and other situations**  
**Puan Maidzura Mohammed**, Raja Darryl & Loh  
*Malaysian Medical Council*
- Functions and responsibilities of the Medical Council
  - The investigation process for complaints
  - When expert evidence is needed and what is expected of experts
- Coroners Inquests*
- Objectives of coroner's inquests
  - The rules; cause of death and findings
  - What is expected of an expert
- Role of experts in other situations*
- General Personal Injury Claims
  - Probate cases (Mental Capacity)
  - Criminal cases
- 1550 – 1630 **Appearance in Court – cross examination role play**  
**Darryl Goon / Raja Eileen Soraya**, Raja Darryl & Loh; **Dhinesh**, Shearn
- 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
- 1630 – 1700 Panel Q&A Session – all afternoon speakers and **Ministry of Health speaker**
- 1700 – 1720 **Quickfire Quiz**  
Raja Darryl & Loh and Shearn Delamore Associates  
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 top prizes!
- 1720 – 1730 Prize presentations and Closing Remarks
-

Please come and register to secure your seat by submitting your details below to this email **insurance@mma.org.my** or call **Mr Andrew at 03-40411375** :

MPS membership number (if you are a MPS member)

MMC registration number

Given name(s)

Family name

IC number

Mobile number

Email address

Professional status

Hope to see you at the event.

Thank you.

@@@@@@@

---