

CLINICAL NEGLIGENCE AND ACCESS TO JUSTICE

**THE MEDICAL EXPERT'S
VIEWPOINT**

Roger V Clements

THE MEDICAL EXPERT'S VIEWPOINT

Why Me?

- 1.No local experts available**
- 2. I am retired from clinical practice**
- 3. There are benefits for me**

THE MEDICAL EXPERT'S VIEWPOINT

What Are the Benefits for Me?

- 1. Oral evidence**
- 2. Trial by Ambush**
- 3. Cross Examination**
- 4. The court ambience**
- 5. The judiciary**

THE MEDICAL EXPERT'S VIEWPOINT

What Are the Disadvantages?

SI 391

THE MEDICAL EXPERT'S VIEWPOINT

What Are the Disadvantages?

- 1. Impossible timetables**
- 2. Massive waste of time and money**

THE MEDICAL EXPERT'S VIEWPOINT

Is justice accessible?

THE MEDICAL EXPERT'S VIEWPOINT

**Is the response to patient harm
appropriate?**

Cessation of Care

Denial

Cover-Up

Adverse Outcome reporting?

THE MEDICAL EXPERT'S VIEWPOINT

**Is Society's response to patient
harm appropriate?**

Dr Michael Neary

Symphysiotomy

THE MEDICAL EXPERT'S VIEWPOINT

What needs to change?

The Law:- Procedural Reform

The Government:-

Prosecution of Deliberate Harm

Equitable redress for victims

THE MEDICAL EXPERT'S VIEWPOINT

What needs to change?

The Profession:-

Honest and open adverse incident reporting

**Acknowledgement of responsibility for
patient harm**

Continuing to care after injury.