

NEWS LETTER

IN PURSUIT OF EXCELLENCE



Issue 1 /2024

February 2024

Empowering Excellence, Advocating Integrity. SAMLA - Shaping the Future of Medico-Legal Standards in South Africa.

www.medicolegal.com

Non-Profit Company reg No 2005/013822/08

NEWS LETTER

Issue 1/2024

CONTENTS

Note from the Editor	Page 3
Highlights of SAMLA 2023	Page 4
Upcoming Events (Training)	Page 5
Recent Judgements	Page 6
Fireside Talk	Page 7

IN PURSUIT OF
EXCELLENCE

Dear SAMLA Members,

Greetings to all our esteemed members! As we step into the promising year of 2024, it brings me great pleasure to welcome you to the first issue of the SAMLA Newsletter for this year.

I hope this message finds you well and in good spirits. Our SAMLA community has always thrived on the spirit of collaboration, knowledge sharing, and a passion for advancing the field of medic-legal practice. As we embark on a new year, let us continue to build on these foundations and foster a sense of camaraderie among our members.

In this issue, you can look forward to insightful judgment and more about upcoming events and education and training courses. We are committed to bringing you content that reflects the growth of our members.

Thank you for being an integral part of SAMLA. Your enthusiasm and commitment drive the success of our organization, and I am confident that together we will make 2024 a year of continued growth and achievement.

Wishing you all a productive and fulfilling year ahead!

Warm Regards,



Maryke Pienaar

Editor, SAMLA Newsletter

HIGHLIGHTS 2023

4

CONGRATULATIONS

Congratulations to **Prof Stellenberg**, elected by the Board of Directors for the 3rd term of office as SAMLA National Chairperson.

A special acknowledgment goes to **Prof Henry Lerm** SAMLA's Non-Executive President, who designed the description and content of the Foundation course modules.

The Chairperson of the Education and Training committee, **Dr Natalie Benjamin Damons** is applauded for her role in ensuring that the programme was implemented and executed without a problem, but she ensured that the Foundation course in Medico Legal Practice worked perfectly.

PROGRAMMES

The Certificate in Medico Legal Practice Foundation course was implemented on 12 August 2023 and ended on 18 November 2023. The programme consisted of eight modules which were offered by excellent presenters.

FINANCIALS

SAMLA has shown a positive financial balance for 2023. Details of the financial situation are captured in the Treasurer's report.

106 New Members

Since January 2023, SAMLA has a total of **584** Members.

UPCOMING Training Events



2024

MONTH	COURSE/CONFERENCE	SPEAKER
12 March 2024	Virtual platform 19h00 - 20h30 (Effect of NHI on the economy)	Prof Alex van den Heever
6 April 2024	Virtual platform 09h00-12h00 (Report Writing)	Details to be confirmed

SAMLA conference is being planned for 25 & 26 October 2024. Members are welcome to inform the Organising committee if they have any suggestions which may add to the success of the conference.

MONTH	FOUNDATION COURSE	MODULE
18 MAY 2024	Introduction to M-L Practise	Module 1
22 JUNE 2024	Introduction to Medical Law	Module 2
13 JULY 2024	Interaction between Medical Law & Ethics	Module 3
3 AUGUST 2024	Alternative Dispute Resolution vs Litigation	Module 4
24 AUGUST 2024	Procedural Issues	Module 5
14 SEPTEMBER 2024	Court Procedure and Conduct	Module 6
5 OCTOBER 2024	Mediation, Role play	Module 7
2 NOVEMBER 2024	Quantification of Damages	Module 8

RECENT JUDGEMENTS



Jayiya v Member of Executive Council for Department of Health, Eastern Cape {2023} 4 ALL SA 72 (ECB)

The appellant had instituted a medical negligence claim against the respondent (MEC). The claim was brought in the appellant's own name and on behalf of her newborn child, who had suffered cerebral palsy as a consequence of a hypoxic ischemic encephalopathy during the birth process. The appellant alleged that the employees of the respondent, including the medical practitioners who had treated her at the clinic, were negligent.

The court a quo found against the appellant. On appeal, the appellant contended that the court had erred in not attaching enough weight to the joint minutes of experts. It was submitted that the court had erred in not finding that, in view of the agreement reached by the experts in the joint minutes, it was not necessary for the appellant call further witnesses on the agreed issues and that the court was bound to adjudicate the matter based on such agreement by any of the parties.

The appellant also submitted that the court erred in its assessment of expert evidence and by substituting the direct uncontradicted expert evidence with its own logic and in that regard, it had committed a misdirection.

In a claim for delicta damages, the Plaintiff must prove, on a balance of probabilities, that the acts or omissions of the defendant were wrongful and negligent and caused loss. An expert witness must not omit to consider the material facts that should detract from his concluded opinion. It is not expected of the court to simply accept the opinions of experts. The expert's evidence must be logical and his conclusions must be reached with knowledge of all the facts.

Having regard to the evidence, the court a quo erred in rejecting the evidence of the appellant solely based on contradictions in her evidence and where no version was put to her by the respondent. The present court upheld the appeal.

LEADING THE WAY

17
FEBRUARY
2024

SAMLA FIRESIDE TALK

FIRESIDE

TALK

SAMLA invites you to our upcoming Fireside Talk, where we discuss NSI - National Health Insurance.

SAMLA explores the Bill for the members highlighting the implications it may have for individuals and healthcare professionals and Constitutional rights of individuals which the NHI may violate

NEWS LETTER

Issue 1/2024

CONTACT

Christa Koelewyn

Email: info@samla.org.za

Non-Profit Company reg No
2005/013822/08

IN PURSUIT OF
EXCELLENCE