

THE ROYAL FACULTY OF PROCURATORS IN GLASGOW

MEDICAL NEGLIGENCE THE GP EXPERT
PERSPECTIVE

THE LETTER OF INSTRUCTION

- AM I THE RIGHT PERSON?
- IS THIS WITHIN MY AREA OF EXPERTISE?
- IS THERE ANY CONFLICT?
- DOES THE LETTER OF INSTRUCTION REFLECT THE LETTER OF CLAIM?
- WHAT IS THE JURISDICTION?
- WHAT IS THE RELEVANT TEST?

THE LETTER OF INSTRUCTION

- DO I HAVE ALL THE RECORDS?
- CAN I OPEN THEM?
- ARE THEY LEGIBLE?
- IS ANYTHING MISSING?
- A CHRONOLOGY HELPS
- ARE REFERENCES AVAILABLE TO SUPPORT MY OPINION?
- IS THE TIME SCALE ACHIEVABLE?
- T&Cs !!!

CONSULTATION WITH COUNSEL

- HELPFUL TO CLARIFY KEY ISSUES/CHECK FACTS
- DISCUSS BACKGROUND ISSUES
- FURTHER INFORMATION
- OPPORTUNITY TO TALK THROUGH OPINION AND REASONING
- FURTHER INVESTIGATION/INFORMATION REQUIRED (“I HAVE NOT SEEN...”)

MEETINGS WITH COUNSEL

- OPPORTUNITY TO TEST/ASSESS EXPERIENCE AND EXPERTISE – CORRECT EXPERT?
- COMMENT OTHER SIDE'S EXPERT REPORT – EXPLANATION FOR DIFFERENT FINDINGS OR OPINION/ANY BASIS FOR CRITICISING
- EVIDENCE TO SUPPORT OPINION – PUBLISHED/PEER REVIEWED
- THEY MAY SUGGEST REFORMATTING OR CHANGES TO IMPROVE CLARITY
- THESE ARE OFTEN MATTERS OF STYLE

JOINT MEETINGS OF EXPERTS

- DESIGNED TO IDENTIFY AREAS OF AGREEMENT AND KEY AREAS WHERE THERE IS DISAGREEMENT BETWEEN EXPERTS
- COUNSEL AGREE AGENDA – INPUT TO THIS?
- NEVER IN PERSON – USUALLY TELEPHONE
- PREPARE THOROUGHLY
- REVIEW PAPERS, REPORTS AND EVIDENCE REFERRED TO
- DRAFT ANSWERS TO QUESTIONS

JOINT EXPERT MEETINGS

- TRY TO REACH AGREEMENT WHERE APPROPRIATE
- DIFFERENCES OF OPINION SHOULD BE EXPLICIT – WITH REASONING
- WHO WRITES THE REPORT?
- OFTEN SEVERAL DRAFTS BEFORE MINUTE IS AGREED

DOCTOR, IS IT YOUR EVIDENCE THAT THE CLAIMANT IS A MALINGERER?

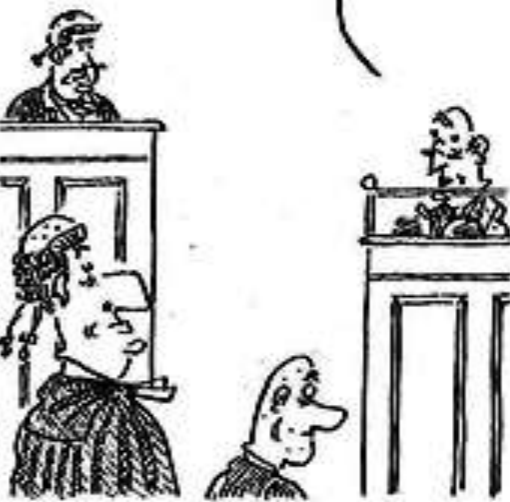
WITHOUT A DOUBT.



I CERTAINLY WOULD NOT BE TESTIFYING HERE IF I THOUGHT OTHERWISE.



UNLESS OF COURSE I WAS GIVING EVIDENCE FOR THE OTHER SIDE...



...IN WHICH CASE IT WOULD BE POST-TRAUMATIC STRESS DISORDER.

