

Registration Form

SEMINAR – MEDICAL ERRORS & MEDICAL NEGLIGENCE LITIGATION: THE UNITED STATES EXPERIENCE & IMPLICATIONS FOR AUSTRALIA

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University of Sydney ABN 15211513464

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Cost Seminar:

Full registration : \$125.00 (GST Free)

Students (full-time)/unwaged: \$25.00 (GST Free)

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Please return registration form to:

Continuing Legal Education

Faculty of Law, University of Sydney

173-175 Phillip Street, Sydney, 2000

DX 983 Sydney

Ph: (02) 9351 0238 Fax: (02) 9351 0200

Email: cle@law.usyd.edu.au

Note: Legal practitioners attending this seminar will be entitled to 2 MCLE/CPD units if this particular educational activity is relevant to their immediate or long term needs in relation to their professional development and practice of the law

Are you interested in studying Health Law?

The Sydney Health Law Program

- The Health Law Program at the University of Sydney is on the web. Visit us to find out about:
- The Master of Health Law (MHL) and Graduate Diploma in Health Law (GradDipHlthLaw) and the Graduate Diploma in Public Health Law (GradDipPubHL)
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Or contact the coordinator of the Health Law Program,
Associate Professor Belinda Bennett on 9351 0213 or by
e-mail belindab@law.usyd.edu.au

The Australian & New Zealand Institute of Health Law & Ethics (ANZIHLE)

The Australian & New Zealand Institute of Health Law & Ethics (ANZIHLE) is an independent organisation with branches in both countries. The purpose of ANZIHLE is to promote discussion and debate, education and research at the intersection of medicine and health care, law, and ethics. ANZIHLE brings together medical practitioners, nurses, practising health lawyers and legal academics, philosophers, members of the allied health professions, representatives of government, professional bodies and consumer groups, and students.

For further information about ANZIHLE, upcoming events, and the benefits of becoming a member, please visit our webpage at <http://www.anzihle.org/> or e-mail Ms Caroline Dol, Executive Officer, at Caroline.Dol@utas.edu.au or phone (03) 6226 2081; Fax: (03) 6226 7623.



FACULTY OF LAW
HEALTH LAW SEMINAR SERIES 2005



THE AUSTRALIAN &
NEW ZEALAND
INSTITUTE OF
HEALTH
LAW &
ETHICS

Medical errors and Medical negligence litigation: the United States experience and implications for Australia

Keynote Speaker:

A/Professor David Studdert, Harvard
School of Public Health.

Commentators:

Professor Marcia Neave AO,
Chairperson, Victorian Law Reform
Commission.

Professor Clifford Hughes AO,
CEO, Clinical Excellence Commission.

Chair:

Professor John Dwyer AO, Prince of
Wales Medical School.

Convenor:

A/Professor Roger Magnusson,
Faculty of Law, The University of Sydney.

Venue:

Faculty of Law, 173-175 Phillip St, Sydney

Cost:

(includes papers and refreshments)

Full registration \$125.00 (GST free)

Students (full time/unwaged) \$25.00 (GST free)

Date:

WEDNESDAY 20 APRIL 2005,

5.45 - 8.00 pm

Faculty of Law, University of Sydney
173-175 Phillip Street, Sydney 2000

Medical errors and medical negligence litigation: the United States experience and implications for Australia

The Faculty of Law at the University of Sydney and the Australian & New Zealand Institute of Health Law & Ethics (ANZIHLE) are delighted to host a seminar on medical errors, medical negligence claims, and their implications for law reform. The seminar features Associate Professor David Studdert, an expert on medical errors and medical negligence litigation from the Harvard School of Public Health, with commentary by experts in both law reform and clinical governance.

Debate over medical negligence litigation continues to rage in the United States, Australia and other countries. Advocates of "tort reform", including the Bush administration, see medical malpractice lawsuits as an important contributor to the rising costs of health care. Patient interest groups, by contrast, point to the high rate of medical errors as justification for the current level of legal claims. Research in the United States has revealed a great deal about the medical negligence system, and the kinds of injuries it is designed to compensate. This seminar reviews findings from this body of research in the light of current proposals for law reform. How does the tort law system work in the United States, and how well is it performing? What are the implications for current law reform proposals? What can Australia learn from the American approach to medical errors and medical malpractice litigation? What should law reform efforts be focusing on?

Keynote speaker: A/Professor David Studdert, Harvard School of Public Health

Commentators:

- Professor Marcia Neave AO. Professor Neave recently chaired the Australian Health Ministers' Advisory Council (AHMAC) Legal Process Reform Group which produced a reform package on patient safety, quality improvement and law reform.
- Professor Clifford Hughes AO. Professor Hughes, a distinguished heart surgeon, was recently appointed CEO of the Clinical Excellence Commission announced by the Carr Government.

The seminar will be chaired by Professor John Dwyer AO, an immunologist and champion of clinical governance within the health care system. There will be opportunity for questions and discussion.

Speaker Details:

David Studdert

David Studdert is Associate Professor of Law and Public Health at the Harvard School of Public Health, where he teaches courses in health law and medical ethics. Before joining the School of Public Health, he held positions as a policy analyst at RAND, as a policy advisor to the Minister for Health in Victoria, Australia, and as a practising lawyer. Dr Studdert's research focuses on legal and regulatory issues in the health care sector. He has authored more than 70 articles and book chapters, and his work has appeared in leading journals including the Journal of the American Medical Association, the New England Journal of Medicine, and Health Affairs. Dr Studdert is currently involved in projects investigating medical injury, contractual relationships between academic medical centres and industry sponsors of research, dispute resolution in managed care, and the medical malpractice "crisis" in Pennsylvania. He holds degrees in law, public health, and health policy. In 2004, A/Prof. Studdert received the Alice S. Hersh New Investigator Award from AcademyHealth, an award given annually to an outstanding health services researcher in the United States under 40 years of age.

Professor Marcia Neave AO

Professor Marcia Neave AO is the Chairperson of the Victorian Law Reform Commission. She recently chaired the Legal Process Reform Group, which was commissioned by the Australian Health Ministers' Advisory Council (AHMAC) to produce a reform package aimed at improving patient safety, reducing legal claims, and providing fair compensation while ensuring affordable medical indemnity insurance premiums. The report was called: *Responding to the Medical Indemnity Crisis: An Integrated Reform Package (2002)*. Professor Neave is a fellow of the Academy of Social Sciences in Australia, and was President of the Commonwealth Administrative Review Council from 1995-9. She has served as a part-time Commissioner of the NSW Law Reform Commission, and until 1995 was a member of the Victorian Law Reform Advisory Council. Professor Neave was a member and later Deputy Chair of the Australian National Council on AIDS and chaired the Commonwealth Government's Working Party on Legal Issues and HIV/AIDS. She has published several books and many journal articles in the area of property law, family law, trusts and administrative law. In 1985 Professor Neave chaired an Inquiry into Prostitution for the Victorian Government. As Chair and full-time Commissioner of the Victorian Law Reform Commission (reappointed until the end of 2007), Professor Neave is on leave from Monash University where she holds a personal chair in the Faculty of Law.

Professor Clifford Hughes AO

Professor Clifford Hughes AO is the newly appointed CEO of the Clinical Excellence Commission of NSW. A cardiac surgeon by training, Professor Hughes was previously head of the Department of Cardiothoracic Surgery at Royal Prince Alfred Hospital. Professor Hughes was previously a member of the Board of Studies in Cardiothoracic Surgery for the Royal Australasian College of Surgeons and a councillor and Senior Examiner in Cardiothoracic Surgery for the same college. He holds fellowships in the Royal Australasian College of Surgeons, the American College of Surgeons, the American College of Cardiology and the American College of Chest Physicians as well as the Cardiac Society of Australia and New Zealand. Professor Hughes has had a wide involvement in quality issues. He is a member of the Australian Council for Safety and Quality in Health Care, and was the Foundation Chairperson of the NSW Special Committee Investigating Deaths Associated with Surgery. Professor Hughes is the founding Medical Director of the Australia New Zealand Heart Valve Registry, the first device-specific medical register of its kind in Australia. He holds the rank of Lieutenant Colonel in the Army Reserve.

Professor John Dwyer AO

Professor John Dwyer AO is an immunologist by training, and a past Head of the Department of Clinical Immunology at Yale University. His research interests have concentrated on mechanisms associated with the control of the human immune response. In 1982 he developed a Clinical Research Unit for the study of patients with AIDS at Yale University. He returned to Australia in 1985 as Professor of Medicine and Head of the School of Medicine at the University of New South Wales and Director of Medicine at the Prince of Wales hospital, in Randwick. Professor Dwyer has published 200 original articles in the scientific literature and his book explaining the functioning of the immune system for a general audience (*The Body At War*) was an international best seller and has been translated into eight languages. Professor Dwyer is a consultant to UN AIDS and has travelled to more than 21 countries in the Asia Pacific region advising on the establishment of prevention and treatment strategies related to the HIV epidemic. He was the founding President of the AIDS Society for Asia and the Pacific which hosts international conferences on the subject. He was awarded an Order of Australia in 1991 for his services to Medicine. Professor Dwyer is a frequent commentator on clinical governance issues and has been heavily involved in efforts to create structural reform within Australia's health care delivery system. He is a member of the NSW Department of Health's Clinical Council and Chairman of the Medical Staff Executive Council of NSW. For eleven years he has written a weekly newspaper column on health matters. He currently serves as Clinical Dean and Chairman of the Division of Medicine of Prince of Wales Hospital.