

A New Role for Legal Medicine

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Editorial

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The concept of evolution shows that the final phenotype is often the result of numerous attempts by the forces of nature to create that which can survive better. The same reasoning has applied to various disciplines, medical or not. Thus, out of the study of Philosophy there evolved numerous subjects which took a life of their own and which then successfully survived and proliferated. It is my view that it is time to realize and recognize that the specialty of Legal Medicine has elements which if recognized and nurtured, may endow the specialty with an important secondary *raison d'être* in addition to its obvious primary one. I refer here to the role of Legal Medicine as a major and primary medium of teaching medicine in all of its specialties at both under as well as post-graduate levels.

One may argue that introducing concepts related to the legality of medicine and its specialties with a legal flavoring, is not a healthy way of approaching medical teaching. It might alarm and scare off medical students by stressing the litigation element of medicine. My answer to this is that a medical student is not conscious and ready to face litigation, he might as well retire at student level. Litigation, sometimes with financially life-long incapacitating effects is a daily truth which must not be hid from the student of the profession. In fact this may be drawn in parallel with the post-2015 ruling in *Montgomery v Lanarkshire Health Board* [2015] UKSC 11, which has made it clear and mandatory that all risks of any proposed treatment must be fully discussed and disclosed with the patient. It is not acceptable to "spare" the patient by leading him into a false utopia. Things may go wrong and the patient needs to be fully conscious of what he or she is undertaking. *Montgomery* has opened up a new world which is called reality, with many implications including many involving medical education.

Such involvement of Legal Medicine at under and post-graduate education may also be the best antidote to the monster of defensive medicine. For by exposing the student to actual legal cases will bring home that protection lies in knowing one's facts and documenting such awareness appropriately in any specific case. It removes the obfuscation surrounding legal liability and shows, in a clear and factual case the concept of reactive practice versus defective practice. It is only through such means that a doctor-to-be learns that respecting evidence-based medicine (EBM) is the surest way to defend oneself in a world where Court action is not only resorted to by the genuinely hurt patient but also by the bounty hunter opportunists. However, the student will also learn that such knowledge is not some magical mantra which will keep him/her out of Court for the mantra for such is one: know well your craft.

One may give numerous examples. Thus, for example one may look at Court action involving caesarean section. Cases abound in all legal jurisdictions, the commonest claim involving brain damage leading to cerebral palsy. Legal Medicine will yield the information that most cases involve obstetric mismanagement of labour leading to felt intra-partum hypoxia. Many of these cases involve mismanagement of intra-partum cardio-tocographic monitoring (I-P CTG). This, in turn, often involves basic misinterpretation of such CTG tracings. In learning this, the student is already given a serious motivation to learn about CTG interpretation. It does not displace the need to learn to provide better care for patients, but it adds a new dimension and pressing reality what may have been considered a boring aspect of obstetric care has now suddenly attained a most serious motivation to think again. And motivation is paramount to student success.

There is no doubt that Legal Medicine can effect improvement in learning any aspect of medical education in any medical discipline. Furthermore it lays the basis for prevention or diminution in medical litigation. Knowledge

is power and by teaching what goes on in the foreboding halls of any Court, a new self-empowerment is laid open for all who seek to practice correctly and provide vastly superior patient care.

