CONTINUING LEGAL EDUCATION

MEDICAL NEGLIGENCE – STANDARD AND CAUSATION

BY
Professor Kumaralingam Amirthalingam

WEDNESDAY, 22 JULY 2015
5.00PM TO 7.30PM
SEMINAR ROOM 3, LEVEL 3, BLK B
FACULTY OF LAW, NUS (BUKIT TIMAH CAMPUS)

ABOUT THE SEMINAR
This seminar will review the law on medical negligence, focusing on recent Singaporean and Malaysian jurisprudence, which have diverged on the application of the Bolam test. Perceived to perpetuate medical paternalism, most jurisdictions, including Australia, Canada and Malaysia, have long ago abandoned the Bolam test with respect to the duty to inform. The United Kingdom, in the landmark decision of Montgomery v Lanarkshire Health Board [2015] 2 WLR 768 handed down earlier this year, has followed suit. Recent Malaysian decisions, following the landmark decision in Foo Fio Na v Dr. Soo Fook Mun & Ors [2007] 1 MLJ 593 rejecting Bolam, suggest that Bolam no longer applies to all aspects of medical negligence, and not just the duty to inform. In Singapore, the Bolam test was recently reaffirmed and applied in Tong Seok May Joanne v Yau Hok Man Gordon [2013] 2 SLR 18 to the doctor’s duty to inform, leaving Singapore very much an outlier when it comes to the law on medical negligence and patient autonomy.

In addition to analysing the jurisprudence on the standard of care, the seminar will also consider how courts resolve complex causation problems using the material increase in risk approach. This is especially relevant to medical negligence claims with respect to loss of chance (Gregg v Scott [2005] 2 AC 176), disclosure of risks (Chester v Afshar [2005] 1 AC 134) and the duty to refer (Wright v Cambridge Medical Group [2011] EWCA Civ. 669). Underpinning these aspects of the doctor’s duty is the patient’s right to autonomy or to a fair chance of a good outcome. Singaporean decisions applying the material increase in risk approach will be considered, including Surender Singh s/o Jagdish Singh v Li Man Kay and Others [2010] 1 SLR 428.

ABOUT THE SPEAKER
Professor Kumaralingam Amirthalingam obtained his LLB (Hons) and PhD in law from the Australian National University where he commenced his academic career. He joined the Faculty of Law, National University of Singapore in 2000 and over the years has served as Vice Dean (Academic Affairs), Vice Dean (International Programmes) and Director, Asian Law Institute. He is presently the Chair of the NUS Teaching Academy and a member of the University Committee on Educational Policy. From 2012 to 2014, he was on secondment to the Attorney-General’s Chambers, Singapore as a Deputy Public Prosecutor and Senior Director (Research & Policy). His research is primarily in the areas of criminal law and justice, and tort law, with a special interest in medical negligence and economic loss.

PROGRAMME
16:30 – 17:00 : Registration
17:00 – 19:00 : Seminar on Liability for Medical Negligence
19:00 – 19:30 : Networking

REGISTRATION FEES*
Public (Including GST) : $149.80
Academics : $74.90
NUS Students (Non-Law) : $10.70
Faculty of Law Staff and Students : Complimentary

* includes 7% GST, refreshment and materials

To register, please click here and you will receive an automated message upon submission.
For enquiries, please contact Ms Poova at Tel: 6516 3644 or email us at clemail@nus.edu.sg

Closing date: Wednesday, 15 July 2015
Directions to the law school may be found at http://law.nus.edu.sg/about_us/location.html