

BOOK REVIEW

Doctor in the Dock

by Ariza Mohamed

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In her memoir, "Doctor in the Dock," obstetrician Dr Ariza delivers a candid account of her journey through a four-year medical malpractice trial that profoundly changed her life.

The story begins in 2003 with an emergency admission to a private maternity hospital of a 26-week pregnant patient in pre-term labour. After attending to the patient, an urgent transfer was done to a tertiary hospital where the patient gives birth to a premature newborn. The infant is later diagnosed with cerebral palsy. Fifteen years later, Dr Ariza finds herself in the defendant's seat, along with a colleague and the maternity hospital.

Dr Ariza ponders on her decision to stop clinical practice in 2015 and cease paying medical indemnity insurance - a choice that leaves her without medical indemnity coverage when the litigation is initiated. Her anxiety is tangible - without insurance protection, she will be bankrupt if found liable.

The trial illustrates the complex nature of legal proceedings. While the trial itself lasted 10 days, the book reveals the challenges of a four-year ordeal faced by the defendants. The author highlights the legal environment in Malaysia, wherein patients with cerebral palsy can pursue legal action for birth-related complications without being bound by a statute of limitations. The incorporation of legal principles, notably the Bolam and Roger v Whitaker standards employed by the judiciary provide readers with insights into the legal framework guiding medical negligence cases. In the Bolam principle, a physician is not considered negligent if their treatment adheres to the standards deemed acceptable by

their peers. The principle established in Roger v Whitaker stresses the importance of informing all potential risks to a patient before obtaining consent for a procedure.

The book's climax arrives with the High Court's verdict - the defendants are deemed liable, resulting in an RM8.9 million in compensation awarded to the plaintiff - the highest amount awarded in a medical malpractice suit in Malaysia. After appealing to the Court of Appeal, Dr Ariza and her colleague were absolved of liability. The final compensation amount was reduced to RM6 million, leaving the hospital to bear the burden.

Underlying the narrative lies lessons for health professionals. Dr Ariza emphasizes the importance of careful documentation and the safekeeping of medical records - without proper records, defending medical decisions becomes difficult. The book also highlights how crucial it is for doctors to understand what medical indemnity insurance covers.

"Doctor in the Dock" raises important issues about medical malpractice and legal complexities. This book is a must-read for both doctors and anyone interested in how medicine and the law are connected.

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