



LAW SOCIETY
OF SOUTH AFRICA
PRESS RELEASE

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**LAW SOCIETY CONCERNED AT MOVES TO LIMIT THE RIGHT TO
COMPENSATION FOR MEDICAL NEGLIGENCE VICTIMS**

The Law Society of South Africa (LSSA) voices serious concern at the recent sweeping statements made by the Minister of Health, Dr Aaron Motsoaledi and other organisations in the healthcare sector, regarding the possible limitation of the right to fair compensation of medical malpractice victims and the role of lawyers in these claims.

'It cannot be that victims of medical malpractice – who are often the poor and vulnerable – should be expected to have the specialist knowledge, money or power to take on the State through an “administrative process” if they have suffered life-changing and critical damage at the hands of the healthcare system and healthcare practitioners. Such victims have the right to legal representation and to be compensated fairly for their losses. They must have parity or arms if they are going to challenge the very institutions that caused their loss in the first place. That is the duty of lawyers. The Minister must focus on addressing the dire skills shortages and poor conditions as well as the duty of care owed by healthcare professionals and medical facilities to patients, rather than on removing the right to fair and legitimate compensation from victims of malpractice,' say LSSA Co-Chairpersons Max Boqwana and Etienne Barnard

They add: 'Legal practitioners cannot “manufacture” malpractice injuries – these are substantiated by experts. If there is alleged collusion between medical professionals and legal practitioners as well as a downgrading of standards to create an opportunity for collusion, this must be reported to the relevant statutory provincial law society and to the law enforcement agencies. If attorneys are found to be overreaching or overcharging, the law societies have assessment committees that investigate the allegations and assess the fees charged. This is regarded as serious misconduct by the profession and by the courts.'

'We would have expected the Minister to raise his concerns with the LSSA before going to the media and to include the legal profession in recent discussions and in the way forward. Both the medical profession and the legal profession exist to serve the public and it is in the best interest of the public that they cooperate to ensure that members of the public and victims of medical malpractice are treated fairly and professionally,' say Mr Boqwana and Mr Barnard.

ISSUED ON BEHALF OF THE CO-CHAIRPERSONS OF THE LAW SOCIETY OF SOUTH AFRICA, ETTIENNE BARNARD AND MAX BOQWANA

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Editor's note:

The Law Society of South Africa brings together its six constituent members – the Cape Law Society, the KwaZulu-Natal Law Society, the Law Society of the Free State, the Law Society of the Northern Provinces, the Black Lawyers Association and the National Association of Democratic Lawyers – in representing South Africa's 22 900 attorneys and 5 500 candidate attorneys.