

INFORMATION AND RESOURCES REGARDING LITIGATION STRESS

These resources were compiled by members of the ACEP Well-being Committee, May 2015

WEBSITES

[Physician Litigation Stress Resource Center](#)

The Physician Litigation Stress Resource Center is a central clearinghouse and resource for physicians and other healthcare professionals who are interested in the stress associated with medical malpractice litigation and in the changing climate of malpractice litigation. This site provides lists of articles and books in the medical and popular literature as well as lists of links to other sites that may offer support to physicians.

[Center for Personal and Professional Well-Being](#)

The Center for Professional Well-Being offers workshops and seminars, as well as individual assessments and telephone consultations.

BOOKS

[Physicians Survival Guide to Litigation Stress: Understanding, Managing, and Transcending a Malpractice Crisis.](#)

James JM, Davis W. Lafayette (CA): Physician Health Publications; 2006

This 270-page paperback provides evidence-based practical information needed to understand and respond to the stress of being a physician defendant in a medical malpractice case. It examines the personality patterns of physicians that make them vulnerable to emotions such as guilt and shame when errors are committed or a back outcome occurs. It also discusses the five phases of the litigation experience and then presents proactive steps that physicians can take to effectively handle the crisis and return to their normal lives.

[The Health Care Providers Guide to Facing the Malpractice Deposition](#)

Uribe CG. CRC Press (FL); 1999

The deposition is the most important piece of evidence in a medical malpractice lawsuit and the facts elicited often play a major role throughout the remainder of litigation. This short, but comprehensive, book includes excerpts from actual depositions and addresses topic such as law and legal thinking, the standard of care, preparing for the deposition, and common forms of interrogation.

[The Jurisprudent Physician: A Physician's Guide to Legal Process and Malpractice Litigation](#)

Dean M. Legis Press (AZ); 1999

This exhaustive 404-page medical-legal primer provides an illuminating look at issues, problems, and situations that often intimidate medical practitioners. This book covers the basic structure of our legal system, why patients sue doctors, how to reduce the likelihood of legal claims, the physician's role as an expert, testifying in depositions, hearings, and court, and follows the course of a medical malpractice case from beginning to end.

[The Medical Malpractice Survival Handbook](#)

American College of Legal Medicine. Mosby (PA); 2007

This plain language 500-page handbook written by a team of physicians attorneys addresses the issues surrounding the growing incidence of medical malpractice. It examines the scenarios that can result in a malpractice suit, the best course of action during the litigation process, and the most effective way to minimize any liabilities.

ARTICLES

OVERVIEW OF LITIGATION STRESS

[How to handle the stress of litigation](#)

Charles SC. *Clin Plast Surg.* 1999;26(1):69-77.

Although most physicians experience emotional distress during the litigation process, there are certain factors that contribute to increased stress vulnerability, including commonly shared personality features. Social support is important during this time and there are both general and specific measures that may help with coping.

[Coping with the stress of medical professional liability litigation](#)

Committee Opinion No. 551. American College of Obstetrics and Gynecologists. *Obstetrics & Gynecology* 2013;121;220-2.

Defendant physicians may experience a wide range of distressing emotions and increased stress, which can disrupt their personal lives and their relationships with patients. Guilt and shame are typically the primary feelings that should be recognized and addressed during and following liability litigation. Despite the advice to speak to no one regarding any aspect of a medical liability case, physicians need to express their emotional responses to being sued and literal adherence to the advice can result in isolation, increased stress, and dysfunctional behavior. Physicians may need help from professionals or their peers to cope with this stress.

[Coping with the stress of being sued](#)

Brazeau CM. *Fam Prac Manage.* May 2001. p. 41-44.

Having familiarity with the litigation process and the emotional experience ahead of time can help manage stress. Being sued can be broken down into four stages—the summons, discovery, the trial and settlement, and the aftermath. Each stage is accompanied by its own mix of feelings and there are specific strategies available to cope with each step of the litigation process.

[The nightmare of litigation: a survivor's true story](#)

Bub B. *OBG Management.* 2005: p. 21-27.

This is the true story of David, as told by his physician mentor, who suffered disabling litigation stress and eventually reclaimed his sense of empowerment and control as he became aware of the nature of litigation stress. During his counseling sessions, his trauma was acknowledged and named, his losses were identified and mourned in safety, and his isolation was relieved in a healing supportive relationship.

STUDIES ON LITIGATION STRESS

Physician's psychologic reactions to malpractice litigation

Martin CA, Wilson JF, Fieblman ND 3rd, et al. *South Med J*. 1991;84(11):1300-4.

A questionnaire administered to both sued and non-sued physicians demonstrated clusters of symptoms in sued physicians including psychologic trauma, job strain, shame, doubt, and active coping. Stress decreased with time, but did not return to baseline after two years, and also decreased with winning a case and increased age. Even in non-sued physicians, being in a high-risk specialty led to great job strain and active coping, regardless of litigation experience.

Sued and non-sued physicians' self-reported reactions to malpractice litigation

Charles SC, Wilbert JR, Franke KJ. *Am J Psychiatry*. 1985;142(4): 437-40.

A random sample of both sued and non-sued physicians in the Chicago area reported changes in professional behavior and emotional reactions to the threat and actuality of litigation. However, sued physician reported significantly more symptoms and were more likely to stop seeing certain types of patients, retiring early, and discourage their children from entering medicine.

Appraisal of the event as a factor in coping with malpractice litigation

Charles SC, Warnecke RB, Nelson A, et al. *Behav Med*. 1988;14(4):148-55.

Fifty-one physicians who had been sued for medical malpractice were interviewed to explore their attitudes regarding litigation stress, their appraisal of the situation, coping mechanisms, and the impact on their future practice. Those who identified litigation as their most stressful life event (n=11) experienced significantly more physical and emotional symptoms and used more emotion-focused coping mechanisms compared to those who identified some other life event as being more stressful (n=39). These findings may help inform future efforts to design more effective support programs for physicians experiencing litigation stress.

AREAS FOR FURTHER RESEARCH AND DEVELOPMENT

- More current research on litigation stress in medicine in general.
- EM specific litigation stress research
- Research of an application of a supportive intervention