Like all health professionals, veterinarians go into medicine to help and heal. And yet, doctors are human and medicine doesn’t always have good outcomes.

Even with full conformance to the applicable standard of care, unfortunate results still occur. Given these realities, the specter of medical malpractice haunts the best of us.
What do you do if you find yourself in the midst of a malpractice claim? Research in human medicine has found that navigating malpractice suits and litigation can be one of the most disruptive experiences encountered by a physician. Although corresponding research has not been conducted in veterinary medicine, anecdotal evidence indicates the potential for a similar destructive impact on the lives and psyches of veterinarians. Swift and consistent management of the resultant emotional distress can make all the difference in your personal resilience.

Because each malpractice case has its own particular circumstances, those in the midst of a suit share common feelings and reactions. Although the universality of responses doesn’t mitigate the pain they represent, a better understanding of normal responses and how to best cope with those feelings can make the experience more manageable.

The Emotional Cost

More than 95% of physicians react to being sued by experiencing periods of emotional distress throughout all aspects of litigation. As with any major traumatic life event, the initial feelings often are surprise, shock, outrage, anxiety, and dread. Physicians describe feelings of intense emotional disequilibrium throughout the entire litigation process. Lawsuit survivors portray bouts of self-doubt, shaken confidence, and loss of enthusiasm for their practices and their work.
What about malpractice suits is so damaging? First and foremost is the assault to the self-image of the veterinarian. Doing your best and practicing a high standard of care is an ingrained reality of the profession. Veterinarians and MDs who are sued report feeling accused of failing, of not being a “good doctor.” This accusation is central to the resultant symptoms and responses that accompany a malpractice suit. Veterinarians are high-achieving, accomplished, hard-working individuals who pride themselves on their competence and dedication. The shock of a malpractice suit can invoke feelings of failure. As a first step, lawyers and insurers often recommend that those in the midst of a lawsuit resist taking the accusation personally and attempt to view it as a cost of doing business.3 This depersonalization allows you to better view the incident from an objective standpoint.

The 3 Pillars of Coping with Malpractice Litigation

Obtain Social Support
✓ Surround yourself with trusted people who can support and affirm you and your worth as a veterinarian.
✓ Don’t hesitate to seek the help of a counselor or a support group to keep you on track.
✓ Make sure those around you know what you are going through.

Regain Control
✓ Ask your legal team to keep you informed and guide you through each stage of the process. Do not hesitate to contact your lawyer if you do not believe you are being fully apprised of the status of your case.
✓ Make sure you feel comfortable with your legal team and their defense. Request a change if necessary.
✓ Take an active role in your own defense. Tell your attorneys what you believe are the medical “issues” in your case. Remember, your lawyer rarely has your medical knowledge. Do not be afraid to advise your counsel if you feel they do not have a firm understanding of the medical issues relevant to the lawsuit.
✓ Allow yourself adequate time to prepare and participate in the proceedings. Let your lawyer know if you feel you are not properly prepared to take part in proceedings that require your appearance.
✓ Identify areas of your practice that may cause anxiety and find ways to diminish them.
✓ Engage in activities that will enhance your competence; take courses, read medical journals, or seek mentors.
✓ Participate in workouts, family events, and enjoyable activities.
✓ Be assertive about what you can and cannot do during this time.
✓ Keep your thoughts focused on what you do right and your value as a professional.

Change the Meaning of the Event
✓ Manage your perceptions. Nourish your conviction of yourself as a “competent” veterinarian.
✓ Recognize that this event is a small occurrence in a positive career.
✓ Work to review the event in question objectively.
✓ Be kind to yourself throughout the process.

Social Support

The apprehension and embarrassment of a malpractice suit often cause doctors to retreat and isolate themselves. First and foremost, it is important to seek emotional support from family, friends, and colleagues. Although attorneys will advise against discussing details of the case with anyone outside the legal team, it is important for the veterinarian to let others know what is going on from an emotional standpoint. The trauma of a lawsuit is a burden that should not be carried alone. Find a trusted person or seek the assistance of a professional who can ensure confidentiality. Talk about your personal feelings while restricting discussion of legal and technical details. Support from those who respect and value you helps restore feelings of esteem and worth.

Although you cannot control the realities surrounding the malpractice suit, you can exercise some control over how you let the events impact your life. Be aware of the common pitfalls and do all you can to avoid the negative traps.

Regaining Control

**Be an active participant.** Informing yourself about all aspects of the legal process will help decrease feelings of helplessness. Talk with your attorney about how you can be involved and prepared for each step along the way. Dr. Charles finds that feelings of self-esteem and control are restored by taking your case seriously, preparing well, and working closely with your legal team throughout the entire litigation. Most attorneys welcome the assistance and medical knowledge that the client can provide.

**Self-care.** Litigation disrupts the order of daily life, so generating a schedule of healthy life flow assists you in creating a more comfortable backdrop. Taking charge of your emotional and physical health helps ease the disruption to your life and reduces the stress response—exercise, eat well, get adequate sleep. Take part in family activities and enjoyable distractions.

**Watch your thoughts.** In the midst of trauma, we are often our own worst critics. Controlling your thoughts is one major coping strategy. Recognize that even though a malpractice suit is a painful experience, it must be kept in perspective with the totality of a medical career. Keep in mind that one case does not make you an “incompetent” doctor and that a malpractice suit is not an indictment of competence. Coaching yourself through the ups and downs that accompany the litigation process and understanding your own normal responses are antidotes to the cognitive distress that accompanies a lawsuit.

Change the Meaning of the Event

Because a lawsuit or complaint potentially jeopardizes the way you view your work and your worth as a doctor, it helps to recognize that a malpractice suit is often about the claimant’s quest for compensation, as opposed to the competence of the doctor. Objectively review your career and your role in the incident at hand. Recognize that good veterinarians find themselves in the midst of unfortunate situations; many survivors of this experience believe they are better doctors for having navigated a lawsuit. They refused to let the litigation steal their love of medicine and their patients. In the book *Adverse Events, Stress and Litigation*, Dr. Mary Santos emphasizes that not allowing negative distractions associated with her case to interfere with her focus or from her patient care during her trial were important lessons. By participating actively and assertively throughout the process, you can master the experience, enhance your pride in your work, and reinforce your positive feelings about all other dimensions of your career. Although painful, a lawsuit can provide valuable information for practitioners and medical teams. Being the target of a lawsuit often educates the doctor as to what situations he or she may want to avoid in the future.

See Aids & Resources, page 36, for references and suggested reading.