

## Managing Medical Malpractice Stress

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#### **Mechanisms for Successful Management of Medical Malpractice Stress**

##### **1. Use of support/self-help groups**

Some in the medical community have recognized a need to deal with and reduce the isolations, negative emotional consequences, and costs of ignorance about the lessons of litigation. They have begun support groups that foster mutual aid, discussion in a safe environment, and true collegiality. Impetus for these groups came from patient-inspired support groups and the initial efforts of the Illinois and Pennsylvania Medical Society pilot programs on litigation stress support and education.

Support groups are not widespread, but may be found in local or state medical societies, individual residency programs, hospital wellness/"Balint" group programs, or in employee assistance programs. Advantages of self-help/support groups:

- Physicians are given a sense of some emotional security - even when they perceive their practice to be falling apart, or perhaps experience trial in the press.
- The fear of financial insecurity is lessened.
- Successful role models are provided in the group. Valuable advice and insight, i.e. "I have been there and survived", is provided by group members.
- There is an opportunity to establish a new network of friends to replace those who either shun or who have been advised not to speak with the sued physician. Support groups can provide the physician with an emotional outlet, as well as a way to positively channel the negative energy by speaking with and helping others. Although attorneys will caution against sharing details, they may either be unaware, or fail to suggest how priceless it is to share feelings surrounding the case.
- Groups confer an educational forum. They provide some aspects of education and coaching on litigation, legal processes and arcane requirements, family stress, and individual coping skills.
- When family members are permitted and encouraged to attend, self-help groups offer support to all involved.

##### **2. Establishing a Personal Survival Tool Kit**

Successful coping with medical malpractice stress requires developing and practicing the following attitudes and activities.

- The ability to distance your core identity from both the suit and the process. Recognize that you are only an actor involved in a drama, which is not of your making and not under your control. The summons and the legal process are scenes in a legal action, the arcane script written by long dead "poets", and only part of your professional persona is (involuntarily) involved. Other facets of your personal and professional identity need to be untouched, but usually are offered as a kind of sacrifice. The attitude, "I will not allow the intrusion, and I will not give away my power (my self-esteem)," is crucial in successful coping.

- After assuring yourself that your legal team is competent, leave the legal maneuvering to them. You will not have time to learn to be an expert in malpractice law. Nonetheless...
- You must schedule time for you and your legal team to work on whatever is necessary to build and conduct a strong case. This may require reducing your patient load or shifts worked during certain phases of the case.
- After the initial shock wears off, do not allow yourself to dwell on or ruminate about the case. Instead of obsessing, work with your team, but delegate to them and stay connected to and present for the most important parts of your life.
- It is imperative that you add more buffering (support) to your life during this period. Please ask for support from colleagues beyond your family, even though it requires risk-taking. There is no toxic dose of support, counseling, or coaching during the stress of medical malpractice litigation.
- Remind yourself frequently that the threat of litigation is a well-established occupational hazard of practicing medicine. Physicians prevail in over 60% of cases. In the long run, the suit itself most probably will not harm you irreparably, and will probably teach you something useful. The suit will be a substantial distraction in the short run. The trick is to find the learning during the process.
- We believe you need to maximize pleasurable downtime activities during this experience. It has been shown that the risk of a second malpractice claim in the early period after learning of the first is high. This is believed to be the result of stress-related behaviors. The strain of a malpractice case can be taken as a prescription for more ease-producing activities.
- Use reframing techniques to maintain a positive perspective on the stresses of the litigation experience. For example, preparation for testimony before a jury can teach you to improve your ability to communicate with families or audiences.
- Regularly ask, "How can I use this crisis to enhance my survivorship skills and techniques?" Are you pleasure deficient? Increase your pleasure-producing experiences. These experiences are the internal pharmacy of your brain. (Read *Healthy Pleasures* by Robert Ornstein, PhD, and David Sobel, MD, 1989, Addison-Wesley.)
- If you continue to experience serious anger and distress, concentrate on what needs may be unmet. Are you exercising? Boxing might feel very appropriate. Do you feel symptoms? Get that long overdue physical. Anxiety, insomnia, or symptoms of depression? Use this opportunity to get counseling for one of life's most stress-provoking experiences. Take time to rest more, play more, treat yourself kindly, count your strengths and accomplishments, etc. Self-care is now a priority, not a luxury.

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