



MEDIA STATEMENT

ISSUED ON BEHALF OF SIMI MEDIA & SHA Inc

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PERSONAL INJURY CLAIMS: THE BIG QUESTIONS

It is a well known fact that South Africa is besieged with the big and continuously growing challenge of medical negligence and other personal injury claims. The country is however not alone in battling with this challenge, many other countries such as Australia, United Kingdom and the United States of America, amongst others, are also seized with same.

Week after week the South African public reads articles and watches TV shows about cases of medical negligence, challenges regarding payment of settlements by the Department of Health, obstetricians abandoning the service of delivering babies for fear of being sued, and general mistrust in the public healthcare system. The claims per province as published in the October 2016 medico legal declaration by the Department of Health are startling. There are several efforts made by the Minister including the formation of the Ministerial Advisory Committee in 2016 that seeks to address improved quality of healthcare, patient safety and medical accountability and reduction in medico legal litigation.

As established consultants in the personal injury field **SIMI Healthcare Solutions** and **SHA Inc** believe that this matter needs serious and committed cross industry engagement. Such engagement would be done with a view to lift to the fore some of the critical variables that influence the direction, outcomes and consequences of litigation of personal injury cases. They believe that it is high time that these personal injury litigation issues are closely scrutinized and discussed so that solutions are found.

The importance of a symposium of this nature cannot be overemphasized. As Andiswa Gowa states, "In order for us to see a change in how personal injury claims are resolved, whether arising from Road Accidents or Medical negligence, there is a need to think beyond the established way of resolving these cases and find creative solutions. We firmly believe that such creative solutions are born out of a deep engagement and discussion. We, as practitioners in the field, should not only look to the establishment, but we have to try and find our own unique solutions, through dynamic community engagement. Until all key thinkers and stakeholders from the different professions come together to interrogate these issues, these creative solutions will continue to evade us".

One of the crucial variables deserving such deep engagement is life expectancy. The question of Life Expectancy is relevant to the determination of the settlement values in medical negligence, Road Accident Fund and other personal injury claims. The extent and value of awards for future medical expenses, general wellbeing and ongoing care of claimants, future loss of earnings, education and others are very dependent on life expectancy projections.

Explaining the complexity South Africa faces with regards to life expectancy projections, Shivesh Haripersad says, “Typically, life expectancy of people with severe disabilities are determined by consulting foreign statistical databases. In South Africa we do not have a unique database of this kind and this results in us having to look to foreign databases to settle South African personal injury cases. If the key variables utilized in foreign statistical databases are not identified and properly understood, then this can result in inaccurate settlements for cases”.

It is for this reason that SIMI Healthcare Solutions (through its subsidiary SIMI Media) and SHA Inc have partnered together to host the “**Life Expectancy Symposium – Personal Injury Claims: The Big Questions**”. The symposium brings together, under one roof, international and local practitioners in personal injury litigation, doctors, insurers, therapists and other health professionals, in addition to statisticians, actuaries, case managers and government officials.

Background on SIMI Healthcare Solutions

SIMI Healthcare Solutions is a fully integrated medico legal services firm offering:

- Comprehensive medico legal case management service covering all aspects important to management of litigation and medical well-being of the claimant. These services include facilitating the assessment, planning, implementation, coordination and evaluation of care services to the client ensuring quality and cost-effective solutions are achieved. This also includes expert coordination, compilation of case management reports and coordination of joint legal and related expert teams.
- Advice on medico legal case merit and liability prior to litigation. Thorough investigation and analysis of cases could result in narrowing down the issues for litigation, reduced number of cases for litigation and more well considered and objective settlements. SIMI Healthcare Solutions aids this process by arranging all necessary medico legal expert assessments and reports to help the legal teams come to conclusions regarding the merits of the case as early as possible. Information gathered during this phase also helps in exploration of alternative dispute resolution or other early settlement mechanisms.

Background on SHA Inc SHA INC (SHIVESH HARIPERSAD & ASSOCIATES INC) is a law firm that deals primarily with personal injury litigation. SHA Inc. has built its reputation by combining its knowledge of the law with research and investigation into many other fields, i.e. Medicine, Statistics, etc. It offers this service to entities engaged in the personal injury sphere, whether that be private individuals/companies or larger institutions.

The Firm works closely with key medical, legal and financial persons to break down and assess whether claims that arise within the spectrum of the personal injury sphere, can establish key questions of negligence and causation and, if so, what are the appropriate amounts of damage to be awarded. Answers to these questions require identifying and working with experts and information that span varying professions and jurisdictions.

What sets **SHA Inc.** apart, as a unique player in this field, is its ability to identify those key issues, determine the level of multidisciplinary expert integration required and connect those varying players in a way that is meaningful and beneficial to parties on all sides in reaching and receiving justice.

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