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## Medical litigation and the care of newborns

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**Purpose:** Recently, legal disputes resulting from medical accidents have been increasing annually. The purpose of this study is to determine the causes and characteristics of medical disputes brought as a result of neonatal accidents and to suggest measures to reduce the number of medical malpractice suits.

**Methods:** Twenty-eight medical malpractice lawsuits brought as a result of neonatal accidents between 2005 and 2009 were analyzed.

**Results:** The average time taken to resolve these lawsuits was approximately 4.4 years. The average gestational age and birth weight of the newborns in these cases were 35.3±4.2 weeks and 2,668±931 g, respectively. Twelve cases (42.9%) were concluded partially in favor of the plaintiffs, while in 10 (35.7%) cases the plaintiffs lost. In 11 of the 12 cases that were concluded partially in favor of the plaintiffs, the defendants were found guilty of violating their duty of care. Medical accidents resulted in death in 10 cases and physical disability in 18 cases, and cerebral palsy and blindness were the most common physical disabilities. The average compensation amount ordered as damages were KRW 161,389,291±12,636,454.

**Conclusion:** In medical litigation, the standard of judgment is whether appropriate medical practices were performed based on the patient's symptoms. Thus, to comply with the medical treatment, rules are paramount in securing patients' safety and protecting doctors themselves. Individual effort is necessary, but not sufficient to prevent medical accidents; multilateral, systemic reform is also required, if the number of neonatal medical accidents are to be reduced.

## Biography

Dong Yup Lee completed his Pediatric Residency Training at Severance Children's Hospital, Yonsei University. And, he earned his Master's in Public Health at Graduate School of Public Health, Yonsei University in 2014. He is currently working at Pyeongchang Health Center & County Hospital as a Pediatric Doctor.

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