Scientists and Engineers Expanding Diversity and Success (SEEDS)

“You Choose” Award Application

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Abstract

Residents and fellows in surgical specialties are focused on developing examination skills, learning surgical techniques, and managing a multitude of life-threatening diagnoses when, out of the blue, a nondescript white envelope appears in the mailbox with a subpoena inside. Without fail, panic sets in and the question is raised “Now what do I do?”

Medical trainees do not receive adequate instruction on the structure and purpose of the subpoena, what their responsibilities are, and how to prepare for and execute a deposition. This lack of training and familiarity creates an environment of fear and anxiety, going so far as to potentially affect career choice. As women struggle to equalize the balance in surgical specialties, any barrier to entry will serve as a deterrent and encourage interest in other fields with a lower risk of legal involvement. This two part seminar series will instruct residents and fellows on the appropriate steps once the subpoena is delivered to avoid a “ticking time-bomb” that may end up costing them their careers.

Activity goals

One in fourteen physicians receives a malpractice claim each year across all specialties, ranging from 19.1% in neurosurgery to 2.6% in psychiatry. This divide between the surgical and non-surgical specialties exists even early in training and careers, as 88% of physicians in surgical specialties have their first claim within the first fifteen years of practice. In comparison, only 36% of physicians in non-surgical specialties were subjected to a claim during the same time frame.

The overall goal of this project is to demystify the legal system to the residents, fellows, and junior faculty in surgical specialties. The project would be divided into two seminars – one on the subpoena and deposition and the second on malpractice. Each seminar would consist of a lecture session provided by a distinguished attorney, followed by a case study in which the information would be applied to real-life situations. We would conclude with the participants role playing and subsequently critiquing themselves during a mock deposition with one of the attorneys.

Items to be covered during the lecture include: the definition of a subpoena, how to determine the HIPAA compliance of a records request; whether a physician is obligated to give a phone consult to an attorney; the difference between fact testimony, expert witness and malpractice cases; how to determine disability; the mechanics of a deposition; and the rights of the physician to seek financial compensation for his/her time. During the self-assessment portion, the participant would be given three real subpoenas and asked to determine the validity of the subpoena, the nature of the case, his/her role (fact, expert, malpractice), timeline for response, and to whom they should respond. During the final part of the seminar, we would role-play with the participant to perform a mock deposition. There will be examples of poor technique and good technique, and advice would be offered to improve future performance.
The attorneys invited to participate would be from underrepresented groups, such as minorities and women. This will enhance the diversity of thought brought to the discussion, as well as to provide a unique perspective from our legal colleagues.

The seminars would be held at the Berrocal Auditorium at the Bascom Palmer Eye Institute at the University of Miami medical school campus. It would be held in the evening, so as to not interfere with clinical duties. This will provide an opportunity for all trainees and junior faculty at the medical campus to attend.

**Personal goals**

After receiving subpoenas and performing depositions as a treating physician during residency, fellowship and first years as a faculty member, this knowledge early in training would have been extremely useful in alleviating my fears as well as serving to protect myself against the potential of legal action. The importance of this material is paramount in high volume residencies where the trainee participates in the care of hundreds to thousands of patients per year and is often named among the treating physicians for the patient in question. Delving into the material with an expert will also further my own knowledge and create an open forum in which these challenging situations can be discussed. As I progress from junior to senior faculty, my expertise may be called upon to serve as an expert witness for a case. Knowing the mechanics of the legal system, the progression of a case, and good techniques for depositions and testimony are critical. Additionally, these sessions will also facilitate interaction with female and minority attorneys who can relate to the high stress environment, thus shaping an environment of collegiality between attorneys and physicians.

**Budget and budget justification**

Honoraria $250/session/person (2 speakers) - $1000  
Food/non-alcoholic beverages $500/session (2 sessions) - $1000  
Room/AV equipment - $250  
Advertisement/Promotions - $250  
Total $2500