ACCMA Litigation Stress Program

The Litigation Stress Committee of the Alameda-Contra Costa Medical Association (ACCMA) provides moral and emotional support to physicians who are experiencing stress related to medical malpractice or a medical board investigation. It is confidential peer review committee of the ACCMA, and the supportive services offered by the program are intended to complement the support physicians receive from their personal legal counsel and professional liability insurance company.

How the Program Works

**Moral and Emotional Support for the Physician and their Family.** Any physician who is threatened with or sued for malpractice, or whose license to practice medicine is being challenged by government regulators, may request a consultation with a member of the ACCMA Litigation Stress Committee (LSC) by calling 510-654-5383. The LSC member will arrange a personal meeting or a telephone consultation to offer moral support to help the subject physician cope with the stress of litigation or a regulatory investigation. If a personal meeting is arranged, the subject physician will be encouraged to have a spouse or family member participate, as it is well-recognized that litigation can have an adverse effect on the defendant physician's family.

**Focus is on Supporting Physicians in Coping with Stress.** The primary purpose of the meeting or phone consultation is to inform the subject physician of ways to cope with the stress of litigation or investigation and to apprise the physician of support resources available from the ACCMA, the physician's liability insurer and from other sources. LSC members provide moral and emotional support, but are not permitted to give legal advice or make recommendations about the management of the liability claim, and may not agree to testify as an expert on the colleague's behalf or participate in other peer review activities regarding the physician's claim.

**Confidentiality and Discoverability Protections.** Discussions and any meeting with the LSC member will be confidential. LSC members do not report the substance of these contacts to the ACCMA, the physician's liability insurer or defense attorney unless the physician authorizes such disclosures. No written record is made of an individual physician's contacts with an LSC member. To ensure that meetings and discussions with an LSC member are not discoverable in litigation or interfere with the successful defense against allegations, **LSC members will not discuss any details** of the medical care that is the basis for the actual or threatened litigation or regulatory investigation. LSC members are not permitted to discuss or comment on the subject physician's liability for the incident that gave rise to the actual or threatened litigation or investigation, or review or discuss medical records, depositions, pleadings or other documents associated with the litigation. Although the proceedings of the LSC are confidential under California law, only discussions that a physician has with his or her defense attorney, personal physician, clergy or liability carrier representative about the facts of a specific case receive the highest level of legal protection from discovery by outside parties.

Request a Consultation – Call 510-654-5383

**Call the ACCMA at 510-654-5383 to Request a Confidential Referral.** Physicians who wish to avail themselves of these services are encouraged to call the ACCMA at (510) 654-5383 for a confidential referral to an LSC member. ACCMA membership is not required to utilize these services.

**Consult Your Liability Carrier.** MIEC is a cosponsor of the ACCMA Litigation Stress Program, and physicians may also request a referral from MIEC's Loss Prevention Department at (510) 428-9411. Physicians who are insured by another carrier may also participate in this program, and other professional liability insurance carriers are invited to cosponsor this activity and to help publicize it to their policyholders. Liability carriers may also have access to similar or supplemental resources to assist physicians with litigation stress.