

Special Feature

Should medical accidents be judged in criminal court?—Establishing a new patient safety system in Japan

Comments

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Robert B LEFLAR*¹

Thank you very much for allowing me to attend this symposium and inviting me this morning to make a comment.

After listening to the presentations of Professor Higuchi, Mr. Kitamura, Dr. Sato, and the other speakers, and from my experience of more than ten years researching the Japanese health care system, I must say the informational value of this symposium has been excellent.

However, the content of Professor Higuchi's speech left something to be desired. (We are old friends, by the way.) Despite his fame as an expert on the American legal system, unfortunately Professor Higuchi scarcely touched on the situation in the U.S. (Laughter) I will add a few words to fill that gap.

In the United States, as in New Zealand and Great Britain, criminal cases concerning medical errors are rare. They do exist, but they are rare. To give one example, take the case of Michael Jackson's death, which Mr. Mizutani touched upon.

Michael Jackson's physician had given him large quantities of habit-forming drugs, and that was a cause of Jackson's demise. The physician was arrested and charged with involuntary manslaughter. His trial will take place this September. [Jackson's physician was convicted of involuntary manslaughter in November 2011, and was sentenced to four years in prison.—Ed.] There are a few other similar cases. But the main point is, under American law, criminal punishment for medical acts is limited to extreme cases such as this.

As both Professor Higuchi and Dr. Sato stated so eloquently, it is of the highest importance to have a medico-legal system that promotes patient safety and the prevention of medical accidents as its prime objective. It is my hope that in both the United States and Japan, not only physicians but also legal professionals are coming to recognize the importance of this goal. In my view, it would be a terrible shame for both nations if the legal systems governing medical accidents were not improved.

*1 Professor, University of Arkansas School of Law and University of Arkansas for Medical Sciences, Arkansas, USA (rbleflar@uark.edu). This article is based on the presentation made at Japan Medical Association Research Institute Symposium "Trust in Medicine — Learning from the criminal cases that are found not guilty" held on July 20, 2011.