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Summary of the Doctoral Dissertation

Title: *The Evidence Procedure in the Context of Medical Error Claims*

The topic undertaken in this doctoral dissertation represents a current research area. The development of medical law, a discipline at the intersection of law and medicine, combined with the growing legal awareness of society, has prompted me to explore this issue more deeply within the Polish legal system.

The dissertation aims to comprehensively discuss the civil law aspects of the evidence procedure in medical error cases. This analysis is essential, considering the complexity and specificity of medical cases, which are distinct from other types of tort claims. This work focuses on a broad legal analysis, taking into account current laws, jurisprudence, and literature, with the aim of identifying potential gaps and proposing appropriate legislative changes. The current investigation adopts a mixed-methods research methodology, combining quantitative and qualitative approaches. The use of method triangulation allows for more reliable and objective results by integrating data from various sources and perspectives. Statistical analysis provides quantifiable evidence to support the hypotheses, while case studies and qualitative analysis offer deeper insights into the understanding of complex legal phenomena.

This scholarly work is divided into two main parts: the material law part, discussing the theoretical foundations of medical law, and the procedural part, focusing on the practical implementation of law in judicial realities.

Chapter One introduces the reader to the basics of medical law, emphasizing its interdisciplinary nature and diverse sources. It discusses the definition of medical law, its main sources, and characteristics, which lay the foundation for further legal and ethical considerations. It also examines the principles governing this branch of law and addresses legal issues related to medical practices. The chapter concludes with a discussion on medical errors and their typologies.

Chapter Two provides a comprehensive analysis of tort liability in the context of medical errors. It focuses on the theoretical foundations and practical implications of such liability,

starting with the discussion of the definition of fault in medicine and moving on to complex issues related to causality, such as the *conditio sine qua non* criterion and the lost chance doctrine. Various claims that can be filed by victims and their families are also discussed, highlighting the complexities involved in determining the amount of compensation and the statutes of limitations.

Chapter Three thoroughly examines the structure and principles governing the evidence procedure in civil cases, particularly medical malpractice cases. It defines key concepts and explains the mechanisms of the evidence procedure, from the right to evidence through the rules for evaluating evidence to the procedures for securing evidence. The importance of the evidence procedure in effectively and fairly resolving civil cases is emphasized, particularly in medical cases.

Chapter Four focuses on the tools and legal mechanisms used in situations of uncertain causality, which are common in medical cases. It discusses various aspects of the burden of proof, *prima facie* evidence, presumptions, and the significance of the standard of proof. It also proposes legal changes to improve the evidence process in these challenging situations.

Chapter Five offers a detailed analysis of the evidence tools used in civil proceedings, with an emphasis on their roles in cases of medical errors. It includes a classification of evidence types, discussions on the roles and statuses of experts, the use of documents, and the specifics of personal evidence. The chapter underscores the complexity and procedural requirements associated with using these evidence tools in a medical context.

Chapter Six presents the practical aspects of conducting the evidence procedure within civil processes, especially those involving medical errors. It describes the dynamic nature of the evidence procedure and the key procedures that determine its effectiveness and fairness. It considers various stages of the process, from evidence management to the protection of parties' rights, and discusses the responsibility for misuse of legal rights and the importance of vigilance at each stage of the procedure to achieve a fair resolution.

Each chapter contributes significantly to the understanding of the complexities of medical law and evidence processes in the context of medical errors, offering in-depth analyses and proposing directions for further research and possible legal reforms.

The final conclusions of the doctoral dissertation summarize the analysis of the legal mechanisms regulating the evidence procedure in medical error cases. These considerations focus on key areas that are crucial for both legal theory and judicial practice. They respond to the hypotheses set out in the introduction, considering medical case statistics, and suggest legislative changes.

24.09.24. Marek Zaprawa
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