

## Should You Be Concerned about Being Sued If You're Not Outgoing and Personable?

**You provide excellent medical care and keep up to date on the latest techniques, clinical research and trends. Should you be concerned if a patient comments that you're not a "warm, fuzzy type of doctor"?**

While excellent clinical care is a primary goal of any physician, it is smart not to overlook the importance of a positive "bedside" manner. Research has shown that physicians who are considered "warm" and "personable" are less likely than their standoffish counterparts to be sued.

In the bestselling book, *Blink: The Power of Thinking Without Thinking*<sup>1</sup>, author Malcolm Gladwell said that the risk of being sued for malpractice has very little to do with how many mistakes doctors make. His analyses of medical malpractice lawsuits showed some highly skilled practitioners were sued often, while others who make lots of mistakes were never sued.

"Patients file lawsuits because they've been harmed ... [and] how they were treated, on a personal level, by their doctor," said Gladwell. He pointed to findings by medical researcher Wendy Levinson who recorded hundreds of conversations between a group of physicians and their patients. Levinson found the surgeons who had never been sued spent more than three minutes longer with each patient than those who had been sued did (18.3 minutes versus 15 minutes).

The practitioners who were not sued also helped patients understand what would happen during the exam. They would give the patient a sense of what will transpire in the visit and provide reassurance with comments like, "First, I'll examine you, and then we will talk the problem over." Levinson also found the physicians who were not sued were more likely to engage in active listening and laughter.

The analysis was taken a step further by psychologist Nalini Ambady who had the tapes evaluated for intonation, pitch and rhythm to discern qualities of warmth, hostility, dominance and anxiousness. She found with those ratings alone, she could predict which surgeons got sued and which ones didn't. Surgeons with voices that were judged to be dominant tended to be in the sued group. Those who sounded less dominant and more concerned tended to be in the non-sued group.

On its surface, an allegation of malpractice seems like it would be driven by many intricate factors, and many cases do become complex by the time they go to court. But there is a very simple thing you can do to reduce your chance of a malpractice allegation: **Focus on the time you spend with your patients, making sure your demeanor and tone of voice reflects the caring and concern you feel.**

<sup>1</sup> Gladwell, M. (2005). *Blink: the Power of Thinking without Thinking*. New York: Bayback Books/Little Brown and Company.