

Guest Editorial *Things They Don't Teach You in Dental School*

All dental schools teach the fundamentals: Anatomy, Biochemistry, Histology, Physiology and Microbiology, to name a few. They also teach Fixed and Removable Prosthetics, Operative, Endo, Radiology and Perio in the curriculum, along with Pediatric Dentistry, Ortho, and Occlusion. All pre-doctoral programs are quite similar. Some even have excellent practice management courses, but most students are so concerned about clinical requirements that not as much attention or appreciation is given to those courses. When most of us graduated we were reasonably adept at basic clinical procedures. Many of us started practice right after school. Others had residencies or specialty training, and some went on to graduate school.

All of us were lacking sophistication about accountants, financial planners, insurance agents, stockbrokers and lawyers. We aren't taught much about these other professions during dental school. We learn about these people as we get started on our professional journeys. We utilize their services mostly on an "as needed" basis. Just like dentists, there are good, bad and ugly members of these professions, and as we get older, we become smarter and more worldly in selecting our representation. But we seem especially unprepared to deal with lawyers.

After serving on jury duty during the summer of 1997, and for the last seven months preparing to be an expert witness in a dental malpractice case, I have now truly had my eyes opened about lawyers. Previously I was rather ambivalent about lawyers, feeling that the ones I knew and utilized, and had as social friends were the exceptions to the plethora of lawyer jokes.

First the "good." While preparing for this case, I had the opportunity to work with a thoughtful and dedicated young attorney. His passion for his defense work, and the thoroughness with which he prepared his arguments and cogently presented the facts, left me amazed and delighted. He represented the defendant with skill, knowledge of the law and enthusiasm.

The "bad" was how totally unprepared I was for the cunning, guile and shrewdness of the plaintiff's counsel. While the job of that attorney is to represent the client as well as possible, the underhanded and generally offensive manner was unpleasant, at best, and downright unscrupulous, at worst. In building the case for the plaintiff, no strategy was "off limits." Exaggeration—trying to make facts from theories and intimidation—were all parts of a master plan to win at any cost.

Now the "ugly." Imagine my surprise when I learned that there actually are dentists who will make statements under oath for which little or no factual evidence exists, where basic clinical decisions are second-guessed in an attempt to discredit the treating dentists. Rarely read textbooks, some with outdated concepts, are brought into the picture as serious evidence.

Articles written for one purpose have their meaning turned around, and things are taken out of context in order to establish guilt. All tactics, no matter how unfair or truth-stretching, are used to prove that the standard of care was not followed. What astounded me as the ugliest of the ugly was what the attorneys called "hired guns." These are retired or semiretired dentists who willingly testify against a colleague in situations where they'll say almost anything in order to help the attorney win the case. Sometimes these dentists testify in areas where they have no expertise, or where their knowledge is limited in regard to the matters being discussed.

It would be naive to believe that dentists never make mistakes. But, a bad outcome is not necessarily malpractice. Every case we do, simple or complex, has plenty of room for error to creep in. It, therefore, behooves each of us to practice within what we believe to be the standard of care. Selecting your patients carefully, and only doing that which you are capable of and competent to do, ranks very high on my list of things I learned from this experience. Taking the time to explain all treatment options, both pro and con, to each patient and documenting that information in the chart is absolutely essential. Don't begin any treatment without any and all diagnostic aids you need, and do a complete diagnosis for each patient. Beware of patients your sixth sense tells you will be impossible to please. These can easily become potential adversaries. Lastly, write everything in the chart in greater detail than you imagine you'll ever need. Someday down the road, even when you did nothing wrong, you may need those notes to defend yourself from lawyers who are your worst nightmare and dentists who are an embarrassment to the profession. Settling a case out of court is the lawyers' middle ground. Dental education is mostly in black and white terms. Settling a case where there is no guilt runs counter to science, which is more exacting. Even the person who is not wrong, who is within the standard of care, is penalized emotionally and financially.

The seven months of involvement in this case taught me many lessons about things I never thought I'd have to know or want to know in order to practice my profession. I'm now a little older and maybe a little wiser.

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