

SHAME IN MEDICINE: THE LOST FOREST

EPISODE GUIDE

EPISODE 7. ON TRIAL

the
NOCTURNISTS



How to Use This Guide

Though shame is everywhere in medicine, the topic is taboo, which can make it difficult to discuss. To help, we've prepared discussion guides for each episode of our audio documentary series, *Shame in Medicine: The Lost Forest*, to facilitate conversations between friends, colleagues, and leaders.

This discussion guide is for **Episode 7. On Trial**

You'll find:

- Episode summary
- Notes from behind the scenes
- Discussion questions
- Additional resources

Lastly, talking about shame can be challenging, emotionally and interpersonally. Please feel free to use our **facilitator toolkit** for leading and organizing conversations around shame. You can find additional resources at thenocturnists-shame.org/engage.



Illustration by Beppe Conti



Episode 7. "On Trial" Summary

1 in 10 physicians will get sued at some point in their career – but physicians rarely discuss this, much less prepare for it. How do we bring litigation, and all the stress and shame associated with it, out of the shadows?

Behind the Scenes

In October 2021, Emily came across a post from a physician on social media describing a time she had been so overworked that she would trap her ponytail in her car window in order to keep herself from falling asleep while driving home. Emily reached out to this physician to see if she would be willing to submit a story for our series, and in her response, she told us she had actually started her own podcast, “The L Word,” which focuses on helping physicians navigate the practical and emotional challenges of malpractice litigation. Dr. Gita Pensa was such a compelling storyteller that the entire episode came to rest on her personal story, with some additional contributions from other clinicians who have faced lawsuits.

Discussion Questions

1. Which parts of this episode did you connect with, and why?
2. To what extent have you received education in your medical training about malpractice and lawsuits? What kind of education?
3. How does the messaging about lawsuits impact the way you view yourself, your colleagues, and your patients?
4. In the episode, Dr. Gita Pensa talks about the gray areas that healthcare workers inhabit in every day, despite the culture's expectation of perfection. How do you navigate this gray area?
5. What would it take for physicians to feel psychologically safe discussing litigation, and the stress and shame associated with it?



Resources

The resources below are specific to episode 7, “On Trial.” To learn more about shame in medical culture generally, you can find recommended resources [here](#). For more information on Dr. Gita Pensa’s work, head [here](#).

Listen:

- “Doctors and Litigation: The L Word” podcast with Dr. Gita Pensa

Read:

- Dodge AM. *When Good Doctors Get Sued: A Practical Guide for Physicians Involved in Malpractice Lawsuits*. 2015.
- Mehlman MJ. *The shame of medical malpractice*. *Journal of Legal Medicine*. 2006.
- Ofri D. *Owning Up to Medical Error*. *Health Affairs Journal*. 2010.

Get Support:

If you are a clinician in need of help, you can call the [Physician Support Line](#) — a free, confidential support line where volunteer psychiatrists provide peer support for physicians and medical students — at [+1-888-409-0141](#).

You can also [call or text 988](#) to reach the [Suicide & Crisis Lifeline](#) 24/7.

And, as always, please take good care of yourself, whatever that may mean for you.

