



Litigation Education Video Series: Course Outline

About the Course

The Litigation Education Program is accredited for 11 hours of CME credits and is designed to teach physician defendants how to navigate medical malpractice litigation with skill and resilience.

Medical malpractice litigation is often an unparalleled stressor for physicians. Much of this arises from the anxiety of the unknown – most of us were never taught about litigation during medical training. Some distress may be linked to the medical events themselves, shame over the public accusation of negligence, or fear over the outcome of the litigation. You may even judge your distress if anyone ever gave you the advice to ‘think of it as just business’ – and it somehow doesn’t work for you.

Unaddressed litigation stress is known to contribute to depression, burnout, and career abandonment. It tends to spill over into our personal lives, affecting our relationships and personal health and well-being. Unprepared, fearful, or emotionally reactive defendants also do not perform as well at deposition or trial, which can negatively impact the outcome of a lawsuit.

In this informational series, we will address the two main – and separate – goals of the effective physician defendant:

1. To become a capable member of your defense team, gain a better understanding of the legal system and your role in it, and learn how to execute that role with skill and strategy
2. To understand, accept, and begin to move through the emotional and psychological impact of litigation and adverse medical events.

Meet Gita Pensa, MD, FAAEM



Dr. Pensa is an Adjunct Associate Professor in the Department of Emergency Medicine at Brown University and is widely recognized as one of the nation’s leading experts on malpractice litigation stress and physician litigation support. After enduring litigation herself as a defendant in a twelve-year-long malpractice case, including two high-stakes jury trials, Dr. Pensa’s career took a transformative turn. Her open-access podcast curriculum, “Doctors and Litigation: The L Word” is an introduction to the practical and psychological training necessary for malpractice litigation defendants. It is now used as a teaching tool in medicine, law, and the malpractice insurance industry. Dr. Pensa works as a consultant to medical malpractice insurance companies and defense attorneys and also is a well-being and performance coach for defendants in litigation.

Dr. Pensa is the editor of the Academic Emergency Medicine journal’s monthly research podcast and a managing editor at Emergency Medicine Reviews and Perspectives (EM: RAP). She was named the Emergency Medicine Residents’ Association’s National Faculty Mentor of the Year in 2018, and in 2019 she was awarded a Special Service Recognition Award from Rhode Island ACEP for “courageous public advocacy of Rhode Island Emergency Medicine Colleagues.” In addition to traditional speaking engagements, Dr. Pensa has been featured discussing malpractice litigation on stage at the SXSW Festival, in the documentary film “A World of Hurt,” and on podcasts such as “Knock Knock, Hi” with the Glaucomfleckens and The Nocturnists’ “Shame in Medicine” series. She has been a guest on Doctor Radio and published in Time Magazine. Learn more at doctorsandlitigation.com.

Program Outline

The information and recommendations provided in this video series are intended for informational purposes only. They do not serve as a substitute for medical advice or medical assessments or treatment. The recommendations do not constitute medical care, and no patient-provider relationship is established. If medical services are needed, please seek out a professional.

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Module One:

- Introduction and Course Overview
- The Litigation Roadmap: Getting Oriented
- Your Two Big Goals

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Module Five:

- Deposition Dynamics
- Applying Self-Coaching Skills in Deposition

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Module Two:

- Basic “Legalese”
- The Players and Their Roles
- Playing the Long Game
- Introduction to the Coaching Model

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Module Six:

- Next-Level Legalese
- Litigation as Catalyst

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Module Three:

- The Aftermath of an Adverse Event
- Two Physician Stories
- Applying The Coaching Model

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Module Seven:

- Trial vs. Settlement? Practical and Emotional Considerations
- Overview of a Trial
- Jury Considerations
- Introduction to Effective Trial Testimony

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Module Four:

- Self-Coaching Strategies for Performance
- Approaching D-Day (Deposition Day)
- The Expert Edge: When it Cuts Like a Knife

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Module Eight:

- Making Sense (When it’s Not Easy to Find)
- Love it or Leave It: Your Medical Career
- Remember Your Tools: Integration and Practice

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