

GU Extension and Advisory

The Role of an Expert Witness in Urology

In medical malpractice litigation, an expert witness serves as the essential bridge between complex medical science and the legal system. Because judges and juries lack specialized clinical training, they rely on the expert's testimony to understand the medical facts and determine whether negligence occurred.

The primary responsibilities of a urological expert witness include:

- **Establishing the Standard of Care:** The expert must clearly define what a reasonably prudent, board-certified urologist would have done under the same or similar clinical circumstances.
- **Determining Breach of Duty:** By meticulously reviewing medical records, operative notes, and depositions, the expert evaluates whether the defendant's actions (or inactions) deviated from the accepted standard of care.
- **Proving Proximate Cause:** The expert must establish or refute a direct causal link between the alleged breach of the standard of care and the patient's resulting injury or morbidity.
- **Interpreting Clinical Data:** They explain complex diagnostic tests, such as urodynamics, renal ultrasounds, or CT scans, in a manner that is understandable to a lay jury.

While it is statistically common for urologists to face malpractice litigation during the course of their careers, the majority of cases that proceed to trial result in a verdict in favor of the physician (Sobel et al., 2006).

Pertinent Pediatric Urology Cases

In pediatric urology, litigation often centers around time-sensitive emergencies, surgical complications, and delayed diagnoses. The following are common examples of cases where a pediatric urology expert witness is utilized:

- **Testicular Torsion:** This is one of the most frequently litigated pediatric urological emergencies. Lawsuits typically involve allegations of delayed diagnosis or the misinterpretation of imaging (Gaither & Copp, 2016).
- **Urethral Catheterization Injuries:** Claims often arise from traumatic catheter insertions or improper removal, resulting in severe pain, urethral strictures, or severe urinary tract infections. (Awad et al., 2016).
- **Undescended Testicles (Cryptorchidism):** Litigation in this area frequently involves claims of delayed pediatric referral for orchiopexy, surgical complications leading to testicular atrophy, or the failure to diagnose associated conditions, such as incarcerated inguinal hernias.
- **Hypospadias Repair Complications:** Due to the delicate and highly specialized nature of pediatric urethral reconstruction, lawsuits may stem from postoperative complications such as urethrocutaneous fistulas, meatal stenosis, or unsatisfactory cosmetic outcomes.
- **Missed Congenital Anomalies:** Cases can involve the failure to diagnose or properly manage conditions like posterior urethral valves (PUV) or vesicoureteral reflux (VUR), particularly if the delay in treatment results in irreversible renal damage or the need for a kidney transplant.

References

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- Gaither, T. W., & Copp, H. L. (2016). State appellant cases for testicular torsion: Case review from 1985 to 2015. *Journal of Pediatric Urology*, 12(5), 291.e1–291.e5.
- Sobel, D. L., Loughlin, K. R., & Coogan, C. L. (2006). Medical Malpractice Liability in Clinical Urology: A Survey of Practicing Urologists. *Journal of Urology*, 175(5), 1847–1851.