



## Lessons Learned

*Susan Schmerler*

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No one wants to be sued. A lawsuit is an assault on one's self-image, reputation, and livelihood. It is physically, mentally, and financially draining. Professionals get sued because an individual believes she has been harmed or thinks there is enough evidence to convince a jury that she has been harmed. An accusation of harm can be expressed in different legal terms, such as breach of contract or negligence. The profession of genetic counseling has developed within the field of medicine, so that a medical model usually applies. Therefore, a formal complaint by a patient about a genetic counselor would come under the laws that apply to medicine as opposed to business. Most commonly, these complaints take the form of a malpractice lawsuit that claims malpractice or negligence. The purpose of this book is (1) to provide genetic counselors with varying levels of experience and expertise with heightened awareness of the sources and processes of the law as it can affect their practice; (2) to offer them strategies for minimizing the potential for their being named in a lawsuit; and (3) to provide guidance for the management of current and emerging situations. The book discusses the day-to-day practices of genetic counselors and identifies areas in which possible causes of liability can be found. It looks closely at a negligence lawsuit as it would concern a genetic counselor, so that readers may learn where the potholes hazards and how to avoid them.

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