



Williamson v. Liptzin, 539 S.E.2d 313 (N.C. App. 2000)

Topics Covered: Abusive Litigation Against Physicians

Outcome: Very Favorable

Issue

The issue in this case was whether a psychiatrist, who prior to his retirement was unsuccessful in persuading a mentally ill patient to continue psychiatric treatment with another physician, was liable for that patient's subsequent psychotic episode during which he wounded and killed others in a shooting incident.

AMA Interest

The AMA seeks to avoid the expansion of liability theories against physicians, which can lead to abusive litigation.

Case Summary

Williamson was a student at the University of North Carolina Law School. The law school dean referred him to Dr. Liptzin, a psychiatrist at the university's student health clinic. Dr. Liptzin saw Williamson for six sessions, which appear to have been the maximum allowable under the rules of the student health clinic. He prescribed medication for Williamson, but the course of treatment was generally unremarkable. In fact, as a result of the treatment sessions, Williamson's grades improved substantially. It was apparent, though, that Williamson was delusional and probably psychotic.

The treatment sessions drew to a close at the end of the semester, and Dr. Liptzin mentioned to Williamson, as he had done previously, that he was retiring and could no longer continue as his psychiatrist. Dr. Liptzin recommended to Williamson that he continue the medication and that he see another psychiatrist. He offered to suggest a referral, but Williamson said that he was unsure of where he would be spending the summer and did not pursue this.

Williamson did not follow Dr. Liptzin's advice. He discontinued his medication, and he did not see another psychiatrist. Eight months later, he became profoundly psychotic and shot four people, killing two of them. He was arrested after a shoot-out with police. Ultimately, he was found not guilty by reason of insanity. He is now committed to a state-run psychiatric hospital.

Williamson sued Dr. Liptzin, contending that Dr. Liptzin abruptly and unreasonably terminated the relationship without sufficiently stressing the need for continuing treatment and medication. He claimed that, as a result of his involuntary commitment, he is unable to practice

law and has thus suffered an impairment of his normal activities. He also sought damages for a minor bullet wound in his leg, incurred during his gunfight with the police before his arrest.

The jury awarded Williamson \$500,000, and the lower court entered judgment on that verdict. Dr. Liptzin appealed.

The North Carolina Court of Appeals entered an order that sent the case back to the trial court, directing it to enter a judgment for the defendant. The Court of Appeals reviewed the expert testimony rendered at trial and determined that Williamson had failed to prove that defendant could have foreseen the injuries to others, and to plaintiff, in the course of treating defendant. In the absence of proof that the injuries were foreseeable, the court held, plaintiff had failed to prove that defendant was negligent.

Litigation Center Involvement

On appeal before the North Carolina Court of Appeals, the Litigation Center joined an amicus brief of the American Psychiatric Association, the North Carolina Medical Society, and the North Carolina Psychiatric Association on Dr. Liptzin's behalf.