

## **ABSTRACT**

Thesis Title : The Problems Concerning the Burden of Proof in the Case of  
Medical Malpractice

Student's Name : Mr. Pongthon Somran

Degree Sought : Master of Laws

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Advisory Committee :

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|---------------------------------------|-------------|
| 1. Assoc. Prof. Nattapong Posakabutra | Chairperson |
| 2. Prof. Dr. Vithoon Eungprabhanth    |             |
| 3. Dr. Chanvitaya Suvarnapunya        |             |

In a court trial on wrongful act case, a defense which is raised by the defendant to deny the charge with efficient effect is "the plaintiff cannot prove that the defendant committed an act considered as negligence in accordance with the nature and circumstances of the case" especially for a wrongful act case committed by a doctor who treated a patient with negligently, causing patient's disability or death while material evidence or witness is under the supervision or possession of the doctor doing such wrongful act. This causes the difficulty for the injured person to prove such wrongful act insofar as in some cases it is beyond the capability of the injured person to prove the negligence of the defendant and thus, in most cases, the defendant being a doctor doing such wrongful act will be released from his or her wrongful act responsibilities.

As a result of this, it would be appropriate to modify or improve the provisions of law so as to shift the burden of proof to a medical professional for the purpose of creating more justice to injured person or patient.