

# book reviews

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## Medical evidence – a handbook for doctors

**By Roger Clements, Neville Davis, Roy Palmer and Raina Patel. London: Royal Society of Medicine, 2001. 136pp. £17.50.**

A concise handbook, likely to be of some use to the clinician giving evidence for the first time, either in a written report, or orally at an inquest or court hearing. The focus of the book is on providing practical guidance when giving evidence at different tribunals. Separate chapters are devoted to specific areas, including: inquests, mental health review tribunals, criminal courts, and civil courts. A helpful chapter deals with 'The Doctor as Defendant', and provides practical advice; any doctor facing a prosecution or disciplinary hearing may be well-advised to read it.

There is also an outline of the possible function of the medical practitioner as an assessor appointed by the court. Further, the book provides a basic and useful outline of the relevant law, and there is a helpful glossary of legal terms.

The Chapter dealing with Civil Courts, comments on some important aspects of the Civil Procedure Rules (1998), and sets out Rule 35 (Experts and Assessors) in its entirety. However, the book's value might have been strengthened by further and better reference to these rules, and the manner and extent to which they made an impact on the evidence giving medical profession. For example, in Chapter 1, it is stated that when preparing medical evidence, the doctor owes a duty of care to 'the person who commissions the evidence', but there is no mention of the Civil Procedure Rules, in which it is made clear that the duty of an expert to the court overrides any obligation to the person from whom he has received instructions or by whom he is paid, and the report is to be addressed to the court (rather than to the party from whom the expert has received his instructions). The expert's impartiality is reinforced by his right to ask the court for directions at any time.

Further, the book could have made specific mention of the sanctions for making a false statement in a report without an honest belief in its truth (for example, in the chapter on 'The Doctor as Defendant'); the Civil Procedure Rules allow for proceedings for contempt of court to be brought against the expert, by the Attorney General or with the permission of the court.

A further, albeit minor, criticism of the book is that most of the citations of the legal authorities are not of the best reports; but overall, this is a useful source of practical information for the doctor who is inexperienced at giving evidence, and provides basic guidance for a variety of topical issues.

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