

BOOK REVIEW



INTRODUCTION INTO MEDICOLEGAL EXPERTISE IN CIVIL LAWSUIT
UVOD U MEDICINSKO VJEŠTAČENJE U GRAĐANSKIM PARNICAMA,
 by *Živko Gnjidić, Ranko Bilić and coworkers.*
 Medicinska naklada, Zagreb, 2008, 276 pages.
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This excellent book published by Medicinska naklada from Zagreb offers many answers in the field of medical expertise and is primarily intended for undergraduate and postgraduate medical students as well as for physicians engaged as medical expert witnesses in civil lawsuit.

In legal proceedings, it has long become usual to seek assistance of experts from other professions or fields of science, when expert knowledge exceeding the level acquired by the judge in the respective field through his education, training and experience is required; then

the assessment has to be made by a court appointed expert (Lat. *expertus*).

Apart from this, there is an increasing need for medical professionals to take the legal aspect of their decisions and procedures in consideration, while jurists need to enrich their knowledge in medical professions.

This book offers an interdisciplinary approach, encompassing both medical and legal sciences, since current medicolegal expertise and expert opinions require greater knowledge and thorough understanding of certain legal institutes and regulations.

The contents of the book are extensive and rich indeed. The first, general section consists of 16 chapters, each of them discussing a strictly defined and specialized problem in detail. Chapter one begins with the history of medicolegal expertise, followed by the legal and economic aspects of damage and insurance; discussion on the term of expert witness and expertise; on ethics and deontology of court appointed experts; on professional responsibility of the physician; and on the terms from insurance medicine. The first section also tackles the procedure of consequential damage evaluation, various aspects of traffic accidents, intangible property damage/consequential damage, reduction in the claimant's general life activities, disfigurement, pain and fear, and criminal proceedings.

The second section of the book has 20 chapters dedicated to medicolegal expertise according to particular fields of medicine and medical specialties. Medical expertise of locomotor system injuries and sports injuries, spinal injuries and permanent sequels of craniocerebral injuries with neuropsychological deficit is discussed in detail. Special chapter deals with mental disturbances consequential to central nervous system lesions and their psychosocial consequences, and with most common psychiatric entities in medicolegal expertise in claims for intangible property damage.

Another chapter is dedicated to peripheral nerve injuries that are increasingly evaluated for their perma-

ment sequels associated with reduced general life activities and work abilities. In spite of the highly sophisticated methods of diagnosis and treatment currently available, these lesions result in severe disability and disfigurement.

The next chapter deals with medicolegal expertise in case of injuries involving the eye, ear, nose and throat, face, mouth, jaws and teeth.

Chest trauma appears to have grown to an epidemic, especially due to the increase in traffic density and traffic accidents, as well as to the use of some preventive methods such as airbag, safety belt, etc. Because of the growing incidence of chest injuries, this entity is tackled in a separate chapter, followed by the one on abdominal injuries.

Until recently, medicolegal expertise was rather rarely used in urology because genitourinary tract injuries are recorded in only 10% of the injured persons and in only 2% as isolated trauma. However, the development of civil society and the increasing implementation of the medicolegal practice of western countries has entailed the need for expertise in liability and evaluation of indemnification for consequential loss (fear, physical pain, mental anguish for reduced life activities, disfigurement, etc.), or personal loss according to the new Act on Mandatory Relations, including consequences of a potential error in medical diagnostic or therapeutic procedures for injuries and diseases.

The chapter on medicolegal expertise in gynecology and obstetrics describes a variety of medicolegal issues related to perinatal medicine, birth trauma, paternity suit, the issue of artificial abortion, etc. Expertise on complex injuries and polytrauma, and the field of burns and chilblains are discussed in a special chapter.

As an expert witness is expected to be properly educated in many segments, animal stings and bites, their

effects and consequences are thoroughly described in a special chapter. Medical expertise in osteology is presented in an attractive manner in a separate chapter.

Thoroughly prepared expertise helps the court in deciding on fair indemnity as well as in the assessment of fear and mental anguish for reduced life activities and disfigurement. This book will definitely prove useful on issuing medical finding and expert opinion. All fields of medical expertise discussed in respective chapters are presented in a clear, comprehensible and logical way, using a uniform and appropriate style. All relevant aspects of medical expertise and the entire body of knowledge in the field of civil law are covered.

An expert witness should possess good knowledge of the respective issue, should be objective, precise, and able to assess the potential endpoints of his expert opinion; this book will help him find answers to the possible dilemmas or ambiguities. In this book, the authors have provided answers to many questions encountered by the court appointed medical experts in civil lawsuit when assessing medical documentation, the impact on claimant's difficulties, the possible association between the findings and the event as the lawsuit case, etc. The book will help them present to the court a reasoned and thoroughly elaborated opinion on the respective documentation.

The use of comprehensive and integrated knowledge on evaluating permanent consequences of an accident and expertise on various forms of consequential damage according to the principles of indemnity law and Act on Mandatory Relations will enable the readers acquire due knowledge in the field of insurer and insured rights and liabilities. The book offers true examples from daily practice encountered by a physician-expert witness, censor physician, and physician in compulsory health insurance.

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