

BOOK REVIEW

D. H. Mills,¹ M.D., J.D.

A Review of *Law, Medicine, and Forensic Science*

REFERENCE: Curran, W. J. and Shapiro, E. D., *Law, Medicine, and Forensic Science*, Little, Brown, Boston, 1982, 1132 pages, no price listed.

This is an excellent course book on legal medicine and scientific evidence, written, as expected, by renowned experts. This is the third edition of a book first published by Curran in 1960. Since then the subject has grown immensely—and so has the book, both in coverage and quality. It is remarkably up to date, containing appellate decisions that are less than a year old.

The book is a teaching instrument, directed primarily to those in legal training. It is not a source book for determining the precise status of a particular medicolegal issue; one would not use it for reference. On the other hand, those not in legal training might find it interesting to see how legal reasoning is developed. Most of the book is devoted to medicolegal topics in civil law: hospital and professional liability, patients' rights, medical innovations, and the like. But there are substantial sections dealing with the forensic sciences and medicolegal investigative systems both here and abroad. The authors treat current problems involved in bite mark evidence and in psychiatric testimony. They also report on *U.S. v. Stifel* (433 F.2d 431, 1970), which was the first appellate decision to recognize the authenticity of neutron activation analysis. This decision showcases the reasoning necessary to resolve the admissibility issue related to a new form of scientific evidence.

The authors' format is to present a series of appellate decisions (quoted verbatim), articles, legislation, and other quotations, tied together with notes and questions designed to take the student into the farthest reach of the topic under discussion. The book is laden with references to other sources for further information.

Many of the quoted judicial decisions are landmark cases, the ones that others often look to both in and out of court. The 1980 case of *Truman v. Thomas* (165 Cal. Rptr. 308) is included. It is an example of labored reasoning that finally requires California physicians to warn women who refuse Pap smears that their refusal could cause a fatal delay in diagnosing cervical cancer. This decision weaves a littered path through the concept of informed consent to establish a new role of "informed refusal." It is no longer permissible for physicians to allow patients to refuse recommended treatments or procedures and walk away; they must now warn these patients of the consequences of their refusals. The impact of this case is great, at least in California. But the concept might prove enticing to other states' courts, so watch out!

If you are interested in seeing how law and medicine are inextricably intertwined, you will like this book. It may not make you an expert, but you will certainly come away better informed.

¹Consultant in legal medicine, 600 S. Commonwealth Ave., Los Angeles, CA 90005.