

Book Reviews

Malpractice: A Guide to Avoidance and Treatment
K.E. Brooten, Jr., S. Chapman. Grune & Stratton, Inc.,
 Orlando, Florida (Harcourt Brace Jovanovich, Canada,
 Don Mills) 1987 ISBN 0-8089-1849-4 \$42.95

Canadian physicians who note the address of publication and the United States origin of the authors might conclude that, given the very different medico-legal situations in Canada and the United States, the contents of this book might not be relevant for Canadians. This conclusion would be seriously in error and would prevent access to the very excellent advice contained in this topical publication.

The Introduction begins: "The purpose of this book is to help you avoid being sued for medical malpractice." The authors, one an attorney in Washington, D.C. and the second an Editor of a New York-based medical journal combine to provide a very readable text which can be considered as having two main components. The first, consisting of nine chapters, begins with a chapter providing a lucid definition of malpractice. The subsequent eight chapters examine various aspects of medical practice with a view to identifying and avoiding situations which are likely to be associated with legal liability of some form, including medical malpractice. The second component, consisting of the remaining nine chapters, emphasizes the mechanics of the litigation process, as it relates to medical malpractice suits. Although this latter component is based almost exclusively on the American legal system, many of the principles outlined are either relevant to the Canadian system or are at least of general interest for the Canadian reader. All in all, this timely text, despite its American origin, deserves to be available to every physician in Canada.

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The Law & Medicine in Canada, Second Edition
G. Sharpe. Butterworths, Toronto, 1987.
 ISBN 0-409-86590-7 \$85.00

This is the Second Edition of a classic! The First Edition was published under the title "Doctors and the Law" with co-author Dr. G. Sawyer. The revised title of the Second

Edition correctly reflects the more general contents of this edition, and emphasizes that it will have relevance for both the legal and medical communities.

The author is Legal Counsel to the Ontario Ministry of Health and a Professor in the Faculty of Health Sciences, McMaster University, Hamilton, Ontario. He is the Editor of the periodical "Health Law in Canada" and a contributor on the topic of medicine and the law in Canada to a number of other publications.

This second edition has expanded to 704 pages, in an attractive hard-cover presentation and is divided into 22 chapters and 13 appendices. In order to assist readers whose background is in law, the various legal cases referred to in the text are listed alphabetically at the beginning of the book.

The appendices contain summaries of various codes of ethics, federal and provincial legislation, and a variety of other information related to the general topic. The information contained in the appendices should be of interest and assistance to all readers.

The full scope of this text can perhaps best be illustrated by a listing of the chapter titles: Historical Highlights; Introduction to Relevant Legal Concepts and Terms; The Standard of Care Required of a Medical Practitioner; Consent to Medical Treatment; Limitation Periods Affecting Physicians; Hospital Liability; The Physician as a Witness; Alternate Methods for the Presentation of Evidence in Malpractice Suits; The Medico-Legal Report; Medical Records; Confidentiality; Professional Ethics; Licensing and Regulation of the Medical Profession; Hospital Medical Staff Privileges; The Physician as a Good Samaritan; Seat Belt Legislation; Determination of Death; Organ Transplants; Experimentation; Abortion; Law and Psychiatry; Medico-Legal Education.

This book is not without its faults. The introduction to legal concepts and terms is inappropriately brief for those without a background in law. Important concepts are dealt with elsewhere, and sometimes in unpredictable locations. For example, the doctrine of *res ipsa loquitur* is explained only in the chapter examining alternate methods for the presentation of evidence in malpractice suits.

The chapter on Consent to Medical Treatment is somewhat disappointing. The key concepts are difficult to follow and the reader is, in my opinion, not provided sufficient guidance, in working through all of the information presented, to come to logical conclusions. A more detailed presentation of the medical facts associated with the hallmark cases of *Reibl v. Hughes* and *Hopp v. Lepp*

would have helped physicians understand the importance of the Supreme Court decisions in these cases.

A final criticism is that the review and discussion of provincial laws and regulations tends to emphasize the situation in Ontario, at the expense of the other provinces. Perhaps future editions will provide the opportunity for the addition of more information from across Canada.

Regardless of any minor criticisms, it is important to recognize this book as an absolutely essential source of current information about Canadian laws for every physician in Canada. It will undoubtedly be very widely read, and deservedly so. Anaesthetists should petition their department or their hospital to acquire a copy of "The Law & Medicine in Canada" and they should consult it frequently.

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