

Medico-Legal Radiology

by WSC Hare

By Sarah Atkinson

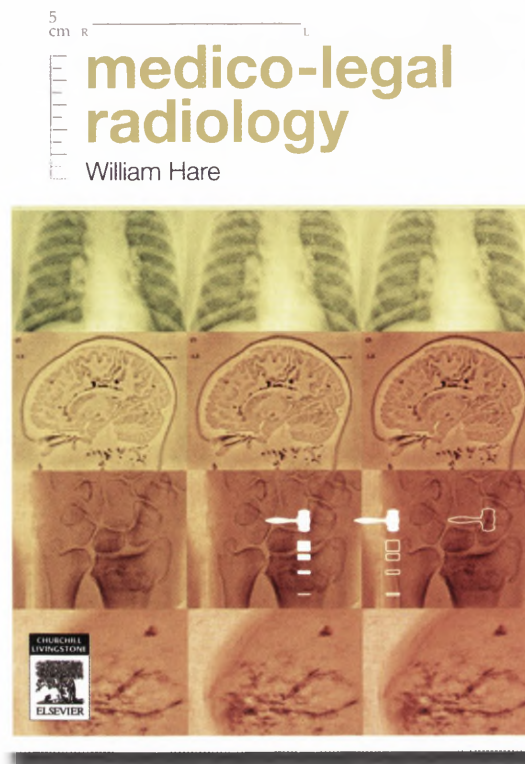
I had not heard of Emeritus Professor William Hare before reviewing this book. However, his formal qualifications and medical experience and, perhaps more importantly, his significant experience of medico-legal claims, certainly make him very well qualified to write it. Between 1990 and 2000, he provided opinions in 228 cases, and these form the database for his book.

In the Preface, he states that the aim of the book is 'to be helpful to radiologists, and, perhaps, lawyers involved in medico-legal work in two ways: first, to recommend ways of reducing the frequency with which radiologists are involved with the law by recording some of the circumstances in which this has occurred, especially through malpractice claims; second, drawing on the case material to offer suggestions to make the contribution of radiological services more appropriate to the legal process.' In my view, the author fulfils this aim very well; it is perhaps the database of cases and his frequent referral to them that makes the book most useful to lawyers.

The book is aimed mainly at radiologists, and the first three chapters provide a basic but well thought-out guide to the Australian legal system, concentrating on the areas in which radiologists are likely to be involved. These chapters also contain information about complaints, medical boards and interesting observations on the reasons why patients sue. Absent from these chapters is any explanation about the pre-court procedures that are now a major part of claims in a number of states, and it would probably help radiologists to include some information about these.

These opening chapters are followed by a chapter on the interpretation of diagnostic images and a chapter on writing reports. The report writing advice relates to reports regarding interpretation of scans rather than medico-legal reports, and is again clearly aimed at radiologists, not lawyers, but I found the advice in this chapter interesting and helpful to me in my own medical negligence practice.

The remaining ten chapters each follow the same structure. Each chapter covers a different type of radiology or part of the body. There are chapters on breast cancer, the lungs, obstetrics and



gynaecology, bones, joints and soft tissues, back pain, the neck, the brain and spinal cord, the abdomen, the circulation and finally, necroradiology (that is, radiology on a dead body). Each chapter describes the different areas in which litigation may arise both in relation to diagnosis and procedures. For example, the breast cancer chapter discusses clinical failure, mammographic failure, and communication failure. With regard to procedures, Professor Hare discusses consent, injuries suffered during percutaneous biopsy (for example, fine needle aspiration) and issues regarding whether there should be a biopsy or follow up. What is particularly useful is his frequent reference to cases in which he has been involved, and the detail he provides on each case, including the outcome of the litigation. Each chapter concludes with a list of suggestions that are clearly aimed at radiologists to help them to avoid claims, but lawyers may also find them helpful in identifying areas where advice and treatment from radiologists can go wrong.

As a plaintiff medical negligence lawyer, I detected a slightly defensive bias, which is perhaps not surprising, given that the book is mainly aimed at radiologists and helping them to avoid litigation. Nonetheless, I am confident that I will refer to it when assessing and litigating cases in the future, and the style certainly retained my interest. ■

Sarah Atkinson is Senior Associate at Maurice Blackburn in Queensland. **PHONE** (07) 3016 0327
EMAIL SAtkinson@mauriceblackburn.com.au