

Doctors and the Law

Simpson's Forensic Medicine. 13th ed.

Arranged by

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Introduction

- Be charged with a criminal offence
 - Be sued thru the civil court
 - Be a witness to a criminal act
 - Required to give evidence in court
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- Professional witness
 - Expert witness

Professional witness

- Give factual evidence
- Equivalent to a simple witness of an event
- No comment or opinion, only findings
 - A leg was broken
 - A laceration was present
 - Diagnose epilepsy

Expert witness

- Express an opinion about the facts
 - Cause
 - Duration of care
 - Prognosis
 - Etc.

Expert witness

- Impartial and unbiased assessment and interpretation of the evidence
- State facts or assumptions on which his opinion is based
- Make it clear when an issue falls outside his area of expertise

Expert witness

- Give an objective, unbiased opinion
- Be able to state the facts or assumptions on which it is based
- If there is a range of opinion on an issue, you should summarise the range of opinion and explain how you arrived at your own view.

Expert witness

- Opinion which is not properly researched or based on inadequate factual information must be stated explicitly
- Be ready to reconsider and change his opinion when receive new information

Daubert v Merrell Dow

- Testable and has been tested
- Subjected to peer review and publication
- Known or potential error rate
- Standard for using the technique
- Methodology generally accepted

Attending court

- If a citizen is asked to appear as a witness for the court, it is the duty of all to comply

Attending court

- Dress and demeanour compatible with the role of an authoritative professional
- Polite
 - Not hostile
 - Not angry
 - Not rude
 - Not bluff, bloat or bombast

Attending court

- Undergo some formality to ensure that he will tell the truth
 - Taking the oath
 - Swearing in requires touching a religious text
 - The New Testament
 - The Koran
 - Public declaration

Attending court

- Whoever has called the witness will be the first to examine. (Examination in chief)
- Cross-examination
- Re-examination
- The judge may ask questions at any time

Attending court

- Speaking in a clear voice and loud enough to reach across the court room
- Look at the person asking the questions, look at judge when giving the answers
- Take time in responding for judge record

Attending court

- Clear, concise and complete should be the watchwords when answering questions
- Keep answer to the point of the question and as short as possible

Attending court

- Not only answer “yes” or “no” if not adequate for a complex questions
- Ask judge for explain the complex questions

Attending court

- If he does not know the answer to the question he should say so
- The question is outwith the area of expertise, say so and decline to answer the question

Attending court

- Opinion
 - Based on medical knowledge
 - Based on a set of facts that surround a case
 - New information may change previous opinion

Attending court

- Remain alert to the proceedings
- Should not lounge or slouch
- Remain business-like and be polite at all times