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Book Review

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Recommended Citation

Forest A. Norman, *Book Review*, 19 Clev. St. L. Rev. 638 (1970)
available at <https://engagedscholarship.csuohio.edu/clevstlrev/vol19/iss3/25>

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medical reports and various records of the doctors who appeared as the expert witnesses in the actual trial demonstrations that comprised part three of the book. Included among the reports were those of the attending doctor, pharmacologist, physical medicine specialist, pathologist, and psychiatrist.

A transcript of the trial demonstrations at the Institute comprises part three of the book. Actual direct and cross examination of each medical expert witness involved in the sample malpractice case is given. Each trial demonstration is followed by a panel discussion and evaluation of the particular witness just examined.

A very well-organized and practical transcript of what must have been a successful and stimulating and educational adventure, this book enables those not in attendance to benefit from the opinions and the techniques of the many noted medical and legal experts involved in the preparation and presentation of this program. This book should be included in the library of any attorney who anticipates being involved with medical testimony in court.

*Reviewed by Forrest A. Norman**

HOSPITAL LIABILITY LAW: LECTURES AND TRIAL DEMONSTRATIONS, by Nordin, Sugarman, Rice & Lemon (eds.), (Institute of Continuing Legal Education, Ann Arbor, Mich., 1968) 389 pp.

A Quaker saying states that "A hospital is a bettering place." Any institution that can be a home, a store, a factory, a school, a laundry, a restaurant, a laboratory, an employment agency, a training ground and a bettering place, can also be a *defendant* in a personal injury lawsuit. Indeed, as every lawyer knows, and as attendant publicity has made manifest, hospitals, with increasing frequency, find themselves cast in this role.

It is this role that receives the attention of *Hospital Liability Law: Lectures and Trial Demonstrations*. This unusually readable book is a transcript of the highly successful Hospital Liability Law Program held in Ann Arbor, Michigan, in 1967, under the auspices of the Institute of Continuing Legal Education. The first part of the book contains lectures on many important aspects of hospital litigation, by some of the foremost educators, attorneys and doctors in this area of law. The book is quite valuable for lawyers involved in the field of hospital liability law, and the first part is to a certain extent a "do-it-yourself-kit" for such lawyers. It starts out by reviewing the historical concepts of hospital li-

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ability, and by analyzing the evolving legal theories. Although space limitations in the book preclude an in-depth analysis of this reasonably complex field, most of the pertinent cases are commented on, while a Table of Cases easily leads the researching lawyer to other cases that might be in point. Unfortunately, the subject of *immunity* of governmentally owned and operated hospitals receives very little attention. In light of the fact that nearly one-third of the registered hospitals in this country are governmentally controlled, it would appear that more than eight lines of the book should be allocated to that fact.

The book first analyzes Hospital Administration, and explains the way a modern hospital is set up and how it functions, and then delineates areas of responsibility. The sections devoted to Discovery and the uses of Standards and Codes are particularly well done, and illustrate how litigation involving hospitals should be investigated and prepared—both for the plaintiff and for the defense.

The second half of the book is devoted to a Trial Demonstration, involving a personal injury action against a hospital, in which the plaintiff, the administrator of the hospital, and the operating surgeon, all testify on direct and cross-examination. This portion of the book suffers the customary shortcomings of putting the spoken word into print. There are few things more interesting than *hearing* a vigorous cross-examination, and few things less interesting than *reading* that same cross-examination when it is reduced to printed word. Notwithstanding this inherent defect, most lawyers will be interested in observing the different techniques used by different lawyers in cross-examining the same witness. Each witness was cross-examined by three lawyers, and the reader will immediately note the difference in styles used by each of them.

The styles range from a slashing, all-out attack by one attorney, to a kind, fatherly-type approach by a different attorney. Cross-examinations using the “hard-sell,” “soft-sell,” and “medium sell” all are utilized by the attorneys effectively, depending on the basic approach of the attorney and the effect he was attempting to create.

All in all, this book is an excellent starting point for the lawyer handling his first hospital liability case. At the same time it is a worthwhile review of basic fundamentals for the accomplished practitioner in the field.