

Book Reviews

Alan R. Rosenberg, Editor

MALPRACTICE MADE EASY—CAN YOU BELIEVE THAT? By Alan R. Rosenberg, M.D., J.D., F.C.L.M. and Lee S. Goldsmith, M.D. Books for Industry. 1976. \$14.95.

Contrary to the literal meaning of the title of this book, it doesn't tell you how to commit malpractice, but explains all there is to know about the law of malpractice. In this era of litigiousness or "lawfulness" which finds at least one out of six physicians sued for malpractice, the easiest way to be sued is to practice medicine. Consequently, all practitioners are at risk, no matter how careful they are. Any help we can get which will enable us to better understand this risk and how to prevent it is of prime interest.

Drs. Rosenberg and Goldsmith have done a superior job of covering a most difficult area of law in a simple and understandable manner. Their explanations of the law, its history, *raison d'etre*, and definitions are excellent. Although I am not an attorney, I feel that I have a fairly good grasp of the law, yet the explanations and rationale for various laws, rules of evidence, etc. given by the authors have added to my understanding.

In order to help the reader grasp the significance of each area covered, the authors have included brief vignettes of important cases.

All areas of malpractice are covered: contract and abandonment, referral and consultation, informed consent and the legal doctrines of *res ipsa loquitur*, contributory negligence, assault and battery, proximate cause, etc. These are followed by chapters on Your Right to Hospital Staff Privileges, Legal Aspects of Medical Records, and What to Do, "If You Are Sued."

The last chapter, "Legal Aspects of Your Death or Retirement," encompasses most of the problems your survivors may face in managing your estate.

It is obvious that the authors have medical as well as law degrees, and that they both have a full understanding of each profession, a knowledge broad enough to allow them to simplify complex material in a manner understandable to physicians. Added to this is their fine sense of humor and recognition of the foibles and inanities of both professions. Additionally, they give sage advice on preventing suits by case example and explanation. This advice is factual and realistic—not ivory-tower.

The book reads easily and smoothly, with only minor flaws. A few of the chapters were clearly written as speeches and were not edited for reading, so that on page 47 we find "The effect has gone so far that I want to *read* you a quote. . . ."

The last chapter, "Legal Aspects of Your Death or Retirement," was obviously originally intended as a "give-away piece" to be placed with your will and insurance papers for the benefit of your survivors. (I guess you could and should Xerox it, since no one tears a book apart—at least not this excellent book.)

This is a book to be read and then passed on to a colleague to help all of us better understand the law of malpractice. This book may help us avoid being sued or, if we are caught in the web, help us at least to act rationally.

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