

**HANDBOOK OF
LEGAL MEDICINE**

REGAN AND MORITZ

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By

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FOREWORD

Law and medicine, individually, have contributed greatly to our American life. Law has provided our people with a maximum of freedom for economic, social, religious, and cultural progress; medicine has supplied higher and higher public health standards and private health conditions to permit our personal enjoyment of this progress. It is indeed strange, but nevertheless true, that when law and medicine are cast together into the administration of justice, conflict and error, rather than cooperation and truth, often result. Independently the two professions thrive; together they frequently generate incompatibility.

Through the efforts of pioneers in both professions during the past two or three decades, a start toward understanding and eliminating this conflict and error has been made. The two authors of this *Handbook of Legal Medicine* are distinguished members of this pioneering group. Any publication by them merits close attention. Their past writings on legal medicine (medical knowledge applied to the administration of justice) and medical jurisprudence (legal principles affecting medical practice) have advanced us closer to our goals of cooperation and truth. With this *Handbook* a major bridge has now been erected between law and medicine over the abyss of conflict and error. The authors have written (1) a sensibly brief and concise tool to educate both law and medical students and (2) a daily working manual—not a research work—for lawyers and physicians as well.

The mass of human knowledge available for both law and medical students is overwhelming. New techniques in education must revolutionize our imparting of this knowledge to both the prospective lawyer and physician. To extend the number of hours, courses, and years of study has been the traditional method for meeting the increased educational demands. Frankly, we educators have run out of time. Wiser use of the time available must now be made. New educational tools are therefore needed. Textbooks and casebooks

which emphasize only broad working principles and salient facts are in order. Once acquiring these principles and facts, the art of finding correct answers to new problems can be developed. This *Handbook* appears as the first such text in its field. For this reason alone, it should be warmly received by legal and medical faculties already severely harassed for time.

What is important for the student is even more important for the practitioner. To the lawyer and physician, time means service. Better use of time means increased service to the community. A publication like this *Handbook*, designed and written for daily use, will not be relegated to the practitioner's library shelf; it will be placed on his working desk—not for detailed research, but for ready reference. And yet through its bibliography, illustrations, and certain significant case studies the pathway to detailed research is also opened.

The arrangement of the *Handbook* into two major sections—medical and legal—with a detailed table of contents, alphabetical arrangement, and legal-medical glossary provides a simple easy method for use by both student and practitioner in either law or medicine.

One might tend to overemphasize the practical value of this *Handbook*. A deeper, more lasting benefit of its publication should be the better administration of justice—both civil and criminal. Since we Americans strive to administer justice democratically, we are compelled to feed into the machinery for the administration of justice two basic ingredients: *just laws* and *truthful facts*. Medical science can and should be a major source for the supplying of the latter. Personal injury claims, workmen's compensation benefits, accident and health insurance contracts, all require truthful medical facts in the administration of civil justice. Criminal justice needs truth also. It can be supplied through such widely separate fields as pathology of homicide, alcoholic determination tests, or psychiatric analysis for criminal intent. The relation of the physician to the law in his daily practice also creates the environment for his contribution as a medical-expert witness. The laws affecting his practice therefore must also be understood to assure justice and truth.

More lawyers and physicians, law students, and medical students will understand better this intimate relationship of law and medicine in the administration of justice because of

the *Handbook of Legal Medicine*. Individual clients and patients will be aided. But even more important, the whole administration of American justice will also benefit.

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PREFACE

The decision to write this small volume arose from the authors' belief that all of the existing books of legal medicine and medical jurisprudence known to them, however good they may be from the standpoint of the specialist, are too voluminous and detailed for use by the average undergraduate medical student. It also seemed reasonable that a small and concise handbook on the subject might meet the needs of a certain number of physicians, lawyers, and law students who do not have sufficient interest in, or need for, knowledge of the subject to consult a more detailed treatise.

This volume has been prepared with very little recognition of, or reference to, the work of others. Among the many medical and legal associates of the authors, whose ideas and experience have contributed much to the preparation of this book, but who are absolved from responsibility for what has been written, we make grateful acknowledgment to Lester Adelson, M.D.; Stanley H. Durlacher, M.D.; Russell S. Fisher, M.D.; Richard Ford, M.D.; Samuel Gerber, M.D., LL.B.; Milton Helpert, M.D.; J. W. Holloway, Jr., LL.B.; Timothy Leary, M.D.; Frederick D. Newbarr, M.D.; Hubert W. Smith, M.D., LL.B.; Joseph Spelman, M.D.; Irving Sunshine, Ph.D.; Joseph T. Walker, Ph.D.; and A. S. Wiener, M.D.

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