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Providing medicolegal testimony

Elliott Foucar MD ^a   ... Mark R. Wick MD ^b **Show more**<https://doi.org/10.1053/j.semdp.2007.03.004>[Get rights and content](#)

One of the major goals of residency training is to prepare pathologists to communicate effectively in a variety of clinical settings. Well-educated pathologists are able to explain medical facts and offer cogent opinions to audiences that vary from other physicians to laypersons. As would be expected, there is an overlap between the skill-set required for medical communication and the skill-set necessary to participate effectively in malpractice litigation. However, residency curricula do not specifically prepare pathologists for the unique challenges posed by legal proceedings. The resulting lack of preparation may leave pathologists poorly prepared to be confronted by the "black-and-white" world in which attorneys try to live and work, but avoidance of that world is not always possible. Lawsuits against physicians are common, and even if the unpleasant experience of being sued is avoided, there is a high probability that one will, at least, be required to serve as a "fact witness" to provide sworn testimony if a suit has been filed against a physician colleague. In addition, some pathologists voluntarily provide the professional testimony required by the tort system, when it attempts to integrate science and Law. This paper is directed at pathologists who have had little or no prior experience with the legal system. The authors hope that the information provided therein will lessen physician vulnerability in and out of the courtroom via 

therein will lessen physician vulnerability in and out of the courtroom, vis-à-vis malpractice litigation.



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Keywords

Medical malpractice; Legal procedure; Valid testimony; Frye rule; Daubert decision

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