

Kramer: The Negligent Doctor

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The Negligent Doctor. BY CHARLES KRAMER. New York: Crown Publishers, Inc., 1968. Pp. 255. \$5.95.

Charles Kramer's book begins with a brief introductory chapter vindicating the malpractice lawsuit by reasoning that the medical profession should be held accountable for its carelessness: the first principle of medicine, *primum non nocere*, "first, no harm to the patient," is the first principle of the law. Chapter II then states in simple, easy-to-understand rules the basic tenets of negligence liability in torts. Next follow eight chapters containing malpractice cases against doctors and hospitals. Brilliantly illustrated with examples of courtroom cross-examination, each case makes for entertaining as well as informative reading. They provide the lawyer with an excellent demonstration of the fruits of extensive preparation, skillful cross-examination and summation, artful questioning of medical experts, and the use of medical texts and treatises. They also expose the reader to a fascinating spectrum of malpractice: improper sterilization of instruments; failure to have blood ready for emergency transfusions; careless use of anesthetics; inexcusable death as a result of cardiac catheterization; unnecessary perforation of an esophagus during a routine examination; death as a result of an X-ray procedure; inadequate nursing care; failure to examine a patient; sloppy operative techniques; and removal of a thyroid gland resulting in brain damage.

Although the cases are drawn from Kramer's professional experience, almost every citizen has heard of or encountered situations which call into question the liability of doctors or hospitals. The very fact that such stories are so widespread emphasizes the purposes of *The Negligent Doctor* which, "quite simply, has two basic objectives: to alert the victims of medical negligence, and to remind the medical profession that it has pledged itself to expert care, wisdom, and professionalism in its treatment of those who have entrusted their health and very life to its abilities."¹ For this is a time when any licensed physician may practice outside the scope of his training, when doctors are in such great demand that their individual competence is frequently unquestioned and unknown, and when the resistance to malpractice lawsuits is so great that it is nearly impossible to know when negligence has occurred.

Just a casual glance at some of the cases handled by Kramer shows us why many untoward results must be prevented by the exercise of reasonable care and diligence. They alert us to the dangers involved in the wrongful management of the patient by doctors, nurses, and hospital personnel through dramatic examples of resultant complications, permanent disabilities, suffering, and even loss of life. As previously mentioned, the first principle of medicine, as well as the first principle of the malpractice lawsuit, is, "first, no harm to the patient." Hopefully, such an attitude will be adopted by more of the medical profession. The greatest hope is that of preventive medicine through the use of reasonable care.

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¹ KRAMER, *THE NEGLIGENT DOCTOR*, Preface (1968).

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