



Pathology Biology Section – 2003

G50 Analysis of Five Thousand Forensic Medical Expert Opinions

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The goals of this presentation are to describe and characterize the major types of forensic expert medical opinions done by forensic pathologists in Hungary and explore strategies that may help improve service.

Methods: In majority of European forensic institutions, forensic pathologists play an important role to formulate expert medical opinion, additional to their regular medico legal autopsy workload. In many places these expert opinions even outnumber the forensic autopsies performed. At the Institute of Forensic Medicine, nearly 15,000 written opinions have been prepared (non-autopsy cases) during the last four years on wide variety of cases. Although majority of these involved forensic psychiatrists and psychologists, approximately 5,000 cases were clearly completed by the Institute's forensic pathologists.

Results: Cases include medical malpractice but also homicides, accidents, disability, worker's compensation, fight injuries, interpreting toxicological results, etc. Results of expert opinions will be provided based on the type of case and authorities' requests (civil or criminal court, police, DA's office, other institutions). The major categories of cases will further be broken down and scrutinized from many aspects. Preparing the expert opinion does not necessarily require complete patient examination; the percentage of giving opinion from documentation and charts only varies widely (i.e. in 6% of civil cases and in 23% of criminal cases no patient examination was involved). The increasing number of suspected mistakes in medical treatment allowed the authors to point out recurrent mistakes, and to categorize and statistically analyze the causes of claims. (i.e., misguided allegations, error of judgment, incompetent care, failure of communications, lack of expertise, etc.). Dealing with medical malpractice cases by forensic expert sometimes require input from clinicians to overcome the gap between academic approach (theory) and the care and treatment of an individual patient (practice). The authors will present personal experiences on why and when clinicians are asked to participate in formulating an expert opinion.

Disability evaluation is an important part of forensic medical evaluation in caseloads. The Institute represents a 3rd level forum. All patients were examined twice before a civil court, specializing in disability issues, referred them to the Institute for a final opinion. Further details will be provided on cases involving temporary and permanent injuries (what is done, how is it accomplished). Additionally, the number of questions submitted and the most often asked relevant questions, which an expert opinion should answer in each of the expert opinion categories, will be discussed.

Finally, challenging the forensic medical opinion in court of law works in Hungary will be explained. A very important index of the Hungarian forensic expert's work is the acceptance rate of expert opinion in the court, which will be presented.

Forensic Expert Medical Opinion, Medical Malpractice, Disability Evaluation