

By Dr Cuthbert Teo, Editorial Board Member

Coroner's Practice in Medical Cases

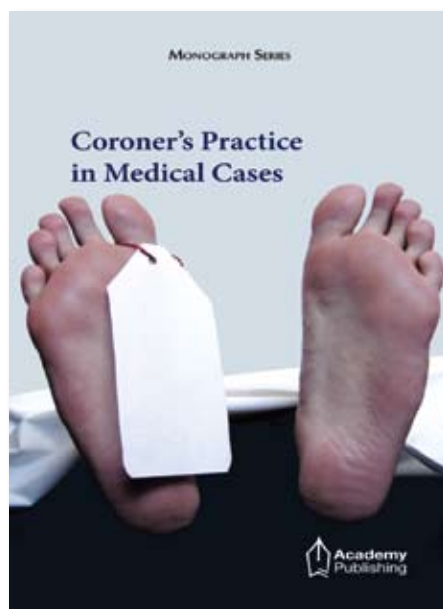
Coroner's Practice in Medical Cases. Various authors. Soft cover, 24x15x1.5cm. Foreword by the Honourable Chan Sek Keong, Chief Justice of Singapore. Academy Publishing (Singapore Academy of Law) 2008. xxv + 285 pages. ISBN 978-981-08-1484-7. List price S\$50.

If the popularity of the TV shows "CSI" and books by authors like Patricia Cornwall is anything to go by, there is a fascination with the causation of death. There has been an opening of the doors of mortuaries and forensic laboratories. In contrast to TV-land, death investigation appears to take place away from the public eye, based on practices that are not enunciated in statute, and which are often not understood by both legal and medical practitioners. This book helps to open a window to the practice in the Singapore Coroner's Court regarding medical-related deaths. With unparalleled access to information about terrorism, tsunamis, homicides and deaths caused by medical therapy (iatrogenic death) – our fears and anxieties can sometimes make us feel as if life in general poses great or unacceptable risks to our health. This book helps to make us feel less threatened with regards to medical-related deaths in particular. This book grapples with life that ended during the course of medical practice, something that rightly concerns both individuals and the State. It is a review of how the Singapore coronial system deals with medical-related deaths, from a legal and forensic medical perspective.



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The contributors to this book include 3 district judges from the Subordinate Courts,



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3 pathologists and 5 medical practitioners. The Singapore State Coroner is a district judge who looks into the causes and circumstances of certain types of deaths as defined in the Criminal Procedure Code. This includes deaths where issues of medical mismanagement might be raised. In the book preface, it is mentioned that the book is aimed at lawyers, doctors and other professionals who might be involved in the investigation. Thus, in the 7 chapters, the book takes the reader through (1) the Coroner's court; (2) preparations for the Coroner's inquiry in medical cases; (3) the Coroner's inquiry; (4) findings of the Coroner; (5) case studies of selected medical cases; (6) coronial systems in other jurisdictions; and (7) conclusion and potential reform.

In Chapter 1 (The Coroner's court), the three sections give an interesting historical account of the development of the coroner's practice in Singapore, state the statutory provisions that govern the coroner's practice and discuss the coroner's jurisdiction. In the last section, issues regarding what deaths need to be reported to the coroner, and what constitutes an unnatural death are discussed, among other issues – these are important issues for the medical practitioner to know as there are currently no statutory definitions. In medical related death, the dividing

line between what is a natural or unnatural death might not be very obvious. I would have liked to see a larger mention of the role of forensic pathologist in the death investigative process.

In Chapter 2 (Preparation for the Coroner's Inquiry in Medical cases), the first section explains the special characteristics of medical cases (for example, where the patient is likely to die if there is no medical intervention), the scope of the coroner's inquiry and areas that should concern medical experts. The second section explains the processes of the coroner's mention and pre-inquiry conference. The third section runs through the types of documents that the coroner might need for the inquiry. The fourth section deals briefly with the role of independent expert clinical opinion, sought from the Academy of Medicine of Singapore. It would have been good if there were some tips on what makes an effective medical expert. Going even further, future editions of this book might consider practice directions for expert witnesses in the coroner's inquiries, for example, in terms of disclosure of information and the use of evidence-based medicine where appropriate.

Chapter 3 (The Coroner's Inquiry) deals with the coroner's procedures; the coroner's statutory duties and powers; the role of the assisting officer (a senior police officer or a State Counsel who presents the evidence and makes recommendations on possible action); the role and right of the next-of-kin and potential defendants; and the rules of evidence.

Chapter 4 (Findings of the Coroner) explains the verdicts used by the coroner; the standard of proof for a verdict; the test of negligence in medical cases; the implications of a verdict of negligence and how a coroner's verdict can be reviewed. I recommend the very extensive section on negligence and its implication (pages 68 to 123) to all doctors who are concerned about medical negligence issues. There is an obligatory discourse on the Bolam test, modified by Bolitho (and mentions departures from the Bolam test in Australia and Malaysia). But what is more interesting is the local case law (pages 85 to 103), examining cases like *Francisco v Dr Thng*, *Vasuhi v Tan Tock Seng Hospital*, *Harte v Dr Tan Hun Hoe* and *Gleneagles Hospital*, *Pai Lily v Dr Henry Yeo Peng Hock*, *Supulechmi v Dr Tay Boon Keng*, *Gunapathy v Dr James Khoo* and *JU v Dr See Tho Kai Yin*.

Chapter 5 (Case Studies of Selected Medical Cases) is an extensive chapter (pages 125 to 265) presenting 41 diverse medical related cases, in the following format – medical history, forensic evaluation, coroner's verdict and comment. This is an invaluable resource of information, as the only other source of information about the local coroner's practice and verdicts for doctors is through reports in the media from time to time. Coroner's verdicts are not found in law reports. This book therefore serves as an immensely important outreach to medical practitioners whose practice might possibly be affected by the coroner's decisions.

Chapter 6 (Coronial Systems in Other Jurisdictions) gives an overview of the systems in England and Wales, Ireland, New Zealand, Australia, Canada, Hong Kong, France, Spain and Switzerland.

Chapter 7 (Conclusions and Potential Reform) skims in two pages the potential reform, mainly within the potential enactment of a separate Coroner's Act, which would remove the Coroner's rules from the Criminal Procedure Code. This would emphasise the inquisitorial nature (as opposed to an adversarial nature) of the coroner's proceedings. This would be an enlightened look at reform, for although the coroner's system is one of antiquity, it should not become antiquated, and if necessary, the system should be modified to meet additional contemporary needs other than fact finding – like health service quality, safety monitoring and epidemiological understanding of death. Also as Chapter 6 demonstrates, the coronial system is not the only system of judicial investigation of unnatural death. The forces of globalisation and information access may prompt the need for even more radical reform by combining the best of different forms of judicial death investigation.

I would recommend this book to medical professionals who wish to obtain a clearer understanding of the coroner's practice in medical cases in Singapore. For potential expert witnesses in the coroner's process, this book will assist you in understanding your complementary contribution to the coroner's investigation of medical cases. ■

Disclaimer: The views expressed in this review are my personal views, and do not represent the views of any institution.