

Chapter-27

How to write Medico Legal Reports

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Writing a Medico Legal report by the treating physician is sometime inevitable but sometimes unwelcome part of performing their professional duties. A practicing physician or Medico Legal Officers in designated hospitals can receive a request for preparing report for medico legal purposes from numerous sources which include the patient's themselves, insurance companies, employers, police department or the courts. Although there is no legal binding on treating physicians to provide medico legal report except those working in the Medico Legal Section of the designated hospitals but doctors have professional and ethical duty to provide assistance by way of factual information as regards patient's condition or injury.

A medico legal report may be seen by non-doctors and such reports can be used in the courts as evidence which is of course subject to close scrutiny. A structured and comprehensive medico legal report prepared by the physician could avoid or minimize the chances of their appearance in the courts to give evidence.¹

Before preparing the report it is essential that one takes permission from the patient. Medico Legal sections of the designated hospitals, use proper printed forms which one has to fill in. The information usually recorded include name of the patient and date of birth, details about the party requesting the report along with the purpose of the report, history, symptoms, findings, response to questions. The report must be signed with date.

It is important that the medico legal report is prepared within a reasonable time, check the medical record while preparing this report. The physician writing the report can be cross examined on the report. Never alter the report on the request of either patient or third party. However, if you receive additional information or you realize later on that you have made some mistake while preparing the report, provide a supplementary report. In case you have used some medical terms, it is always advisable to explain them for the benefit of non-medical persons who may be reading these reports. Describe the actual injuries suffered by the patient. Be mindful of your limitations and refrain from providing opinion which may be beyond your expertise. Refrain from acting as an advocate of the patient for whom you have prepared the report and do not use emotional language.¹ Those writing these reports must also ensure that these reports are understood and correctly interpreted by professionals and also comply with requirements of the courts.² It is essential that all those who are writing these Medico Legal reports have good understanding of the whole process and they must uphold professional ethics.³

Reasons for asking a Medico Legal reports could be many. In Dubai, medico legal scene and an overview of all cases examined during a period of six years showed that a total of 17,683 cases were examined over a period of six years from 2002-2007 at Dept.of Forensic Medicine at Dubai Police General Headquarters. It showed that on an average about 2,947 medico legal cases are dealt by them annually. This included 57.48% cases of clinical injuries, 30.56% postmortem examinations, 2.3% for estimation of age. Other reasons included medical responsibility, criminal abortion.⁴ The main objective of medico legal report is to provide the courts with an opinion on mental disorder, its medico legal consequences and any recommendations which may arise from the medical assessment. It is therefore essential that the physician writing the medico legal report is sufficiently trained in the art of preparing such reports and the trainees work under proper supervision.⁵ A medico legal report prepared by non-medical practitioners like radiographers will always be task specific and limited in scope. However, without medical training

it is unlikely that a Radiographer can be an expert beyond their current role while performing certain tasks.⁶

When I was invited to be a facilitator at a workshop on Medical Writing at Ajman, in UAE I was pleasantly surprised to find out that one of the topics during the workshop I was asked to cover was on “How To Write a Medico Legal Report”. I told the organizers that I was a Medical Journalist but not expert in the field of forensic medicine under which this subject is covered. However, they insisted that since this was a request and demand from the workshop participants, they had to cover it. Hence, I got in touch with Prof.Naseeb R. Awan, an eminent expert in this field. He was kind enough to provide some information and I also looked at the net, was able to get some material and prepared my presentations which was very well received by the workshop participants. The manuscript below is based on that presentation.

“Writing a Medico Legal report comes under the domain of Forensic Medicine which is both an Art and a Science. Forensic Medicine is a branch of medicine which deals with application of principles of medical knowledge for the purpose of law and for furthering Justice. Writing medico legal reports is a highly specialized job which should not be undertaken by someone who has no experience or training in Forensic Medicine. In case of difficulty or inability to frame opinion, it is advisable to refer the matter to senior colleagues who are well trained for advice. Final opinion in the medico legal report should contain comments about nature of causative agent, estimation of time lapsed, gravity of damage inclusive of incapacity produced by trauma or intoxication. The possibility of injury being self-inflicted, homicidal or accidental should also be recorded. Working in the medico legal section of a healthcare facility is a very dangerous job and one must be careful of all these consequences which at times could be too harsh.

The practice of forensic medicine extends beyond the premises of hospitals into the courts of law in continuation of work which has already been done in the hospital to help

further justice. A Medical Jurist has to present, authenticate, interpret and justify his work done in the hospital as factual and true. All this requires efficiency, precision, neatness and full concentration. Forensic Medicine work must reflect respect for human being victim or accused.

It is extremely difficult while dealing with dead bodies under putrefaction. Besides legal, moral consideration, the job may become hazardous endangering safety of workers while they are medically examining the injured or dead. As such it requires recognition of risk and identification of hazards beforehand. Medico legal certification is highly technical hence it should not be allocated or attempted half heartedly. Only trained, qualified forensic medicine examiners should perform and make their opinion reliable and creditable.

Despite the fact that examination of living and dead are similar but it differs in technical details and status of the examinee. Autopsy is more specific with additional objectives i.e. determining cause and manner of death, estimation of fatal and postmortem periods. Medico legal examination requires purpose built centers supported with proper and specific implements in medico legal clinics for living and autopsy suits are required for the Dead.

Workload of forensic medicine includes physical and sexual assaults, intoxication resultant from self or criminal poisoning with drugs, accidental trauma on the road, rail, air and industry. Medical certificates may also be required for life insurance, police recruits, and drivers, age certification for schooling and fitness for job, marriage, election as well as capital punishment.

There are certain pre-exam formalities. In sexual assault, one has to determine whether the injury has produced any damage to private parts of the victim, injury resulted in damage or defect in private parts. Information about weapons used, number of persons involved, circumstances i.e. place of occurrence is also extremely important in case of physical and sexual assault cases. In case of road traffic accidents, industrial accidents it is important to listen to the victim carefully and record history of

occurrence. Of course professional ethics demands that one has to take consent of the victim before starting the examination.

Physical examination of clothes has a special place in forensic medicine. They are preserved, searched to locate any foreign material present on them i.e. Stain, hair, fiber, stains of blood, semen, vomitus, excreta, oil, its position, colour and distribution should all be recorded in the medico legal certificate. Details about smell, feel, shape and texture must also be recorded. One should use naked eye as well as magnifying lens. Any damage, cut in clothes is an important finding in forensic medicine. One should note its position and relationship to the injury. Examination should include physical exam, mental status examination, clinical systematic examination, local examination of the affected part. Local examination means exam of body parts or any portion with pathology, wound caused during assault or accident. Examination also includes exam of body opening violated during sexual assault. Wound margins, walls bed whether smooth, cleanly cut or lacerated needs to be carefully noted.

Body opening of vagina and anus if violated sexually must be examined. These openings are best examined in lithotomy and knee-elbow position respectively. Adequate illumination is essential for good results. In Forensic Medicine, solely relying on victim's statement could be hazardous. As regards documentation and certification, written record, drawn sketches, photographs must be prepared and preserved. Close up photographs of injuries, damage, staining of clothes, full view of injured or intoxicated are all very essential. Fractures should be recorded with X-rays. The certificate should include result of investigations, reports on collected material and all other relevant documents such as receipts and dispatches. In case the injured is admitted to the hospital, treatment notes, duration of stay, date of discharge should be obtained and incorporated in certification to help verify full facts of the case. It is worthwhile to note that medical opinion or conclusions should only be based on observed facts. Opinions should not go beyond knowledge of the medical examiner. Sentiments, sympathy, personal theory must not influence the formulation

of opinion. It is also essential to record whether the findings are consistent with sexual intercourse or otherwise.”⁷

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