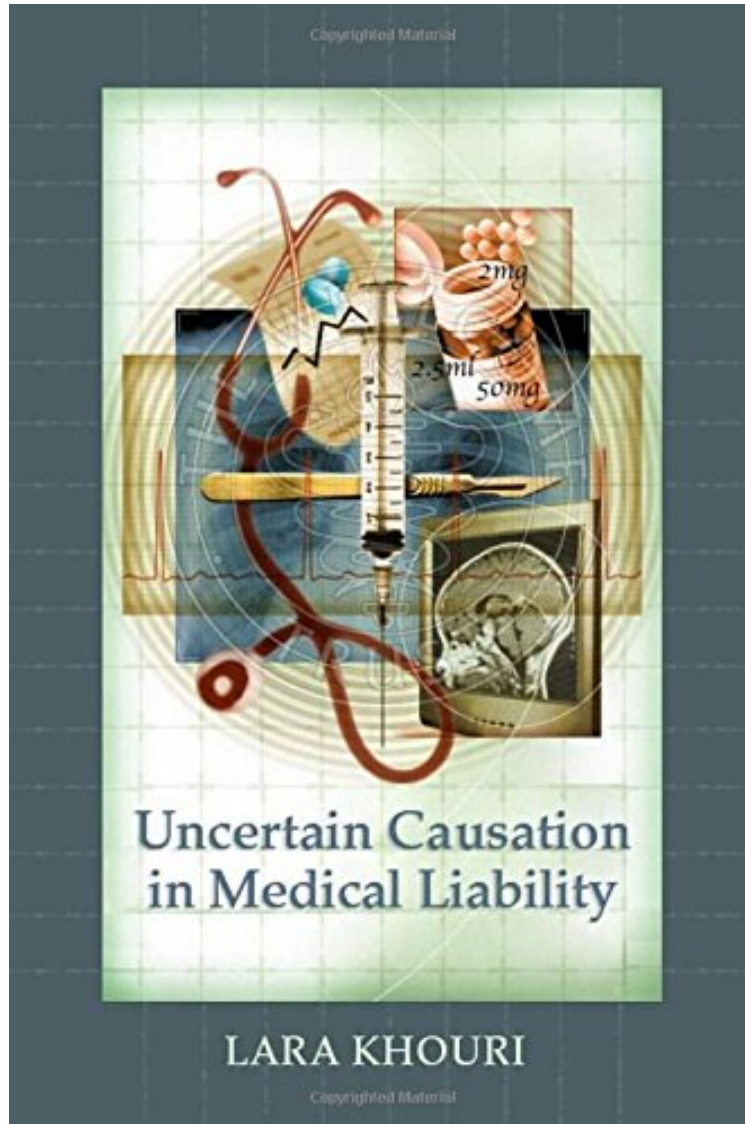


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Uncertain Causation in Medical Liability

Lara Khoury

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Lara Khoury : Uncertain Causation in Medical Liability before purchasing it in order to gage whether or not it would be worth my time, and all praised Uncertain Causation in Medical Liability:

Proving the cause of the plaintiff's injury in personal injury litigation often entails significant challenges, particularly when science cannot identify the cause of a biological phenomenon or when the nature of this cause is debatable. This

problem is frequently encountered in medical malpractice cases, where the limitations of scientific knowledge are still extensive. Yet judges must decide cases, however uncertain the evidence with regard to proof of causation. Reluctant to leave patients without compensation, courts have in some cases challenged their traditional approach to causation through recourse to such techniques as reliance on factual presumptions and inferences, the concept of loss of chance, and reversal of the burden of proof. This book analyzes and criticizes the use of these various techniques by the courts of England, Australia, Canada, France, and the civilian Canadian province of Quebec in confronting evidentiary causal difficulties caused by the uncertainties of medical science. This comparative study, examining one of the most hotly debated issues in medical liability law, has been awarded a prestigious prize—the Prix Minerve 2004—from the Lesditions Yvon Blais.

Khoury's book expertly shows and explains the attempted solutions and their shortcomings with regard to medical liability. Jens M. Scherpe *The Law Quarterly* October 2007- volume 123 This is a magisterial discussion of the complexities surrounding causal issues in medical negligence cases. It provides a detailed analysis of the courts' approach to these issues in England, Australia, Canada, France and Quebec. The scholarship is thorough and detailed. I could not find a single case or relevant article that was not referred to. The writing is clear and engaging. The reasoning is careful and deep. It is easy to see how the book won the Prix Minerve 2004. Jonathan Herring *Legal Studies* Vol. 27, No. 4, December 2007 ...thorough and informative.. Ken Oliphant *Yearbook of European Tort Law* 2007 This book undertakes a very valuable project in a detailed and thoughtful way. The comparative focus is undoubtedly a strength of the book...it is hard to imagine that anyone would fail to learn something useful from the analysis. Jenny Steele King's *Law Journal* Vol 19, Issue 1, 2008 ...Lara Khoury's book will provide lawyers with valuable guidance on proof of causation in such cases. Harold Luntz *Torts Law Journal* 2008 ...Khoury has made an interesting contribution to the never-ending academic dissection of this issue... Vaughan Black *Canadian Business Law Journal* Vol 47 About the Author Lara Khoury, LL.B (Sherb.) B.C.L. (Oxon.), D.Phil (Oxon.), Barrister and Solicitor, is an Assistant Professor of Law at McGill University, Canada.