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## Wood: A Handbook of Dental Malpractice

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## RECENT BOOKS

### BOOK REVIEWS

A HANDBOOK OF DENTAL MALPRACTICE. By *L. Brent Wood*. Springfield, Ill.: Charles C Thomas. 1967. Pp. ix, 100. \$5.50.

There is considerable doubt as to the wisdom of putting "handbooks" on legal subjects in possession of those who have not had a legal education. Some people are likely to read them, to believe what they read, and to rely on the content at an important juncture in their affairs, perhaps using their "common sense" as an auxiliary guide. A path with greater potential for legal or financial disaster is hard to envision.

Physicians, surgeons, and dentists ought to be among the first to realize the folly of attempts at self-education through handbooks. Imagine the reaction of your physician or dentist if you told him that you had just purchased a dandy little one hundred page handbook which would tell you "all the things [you] should know to prevent" medical or dental trouble and would give you "tips" on how to defend against such unpleasant developments.<sup>1</sup> Yet, handbooks of legal knowledge related to the healing arts keep coming into existence; publishers must think that there is a market for them, and apparently the medical and paramedical people purchase them.

Even if one were to put aside all his doubts as to the value of books of this kind, the volume here considered would still not measure up. Judged solely by handbook standards, it is a poor one. The organization of the subject matter is ill-suited to achieve clarity in the mind of one who has no established frame of reference. The book is divided into five parts: I. "Defensive Dentistry"; II. "Malpractice"; III. "General Conduct of the Office"; IV. "Professional Insurance for Dentists"; and V. "Examples of Malpractice Suits." The first four contain a total of sixty-five "sections" in fifty pages; some of the sections are only two or three sentences in length. The remaining forty-three pages are devoted to "examples" which are summary statements about cases that reached an appellate court. Some are only one sentence in length. For example: "A dentist was held negligent when he allowed a separator disc to cut a patient's tongue." Most Michigan negligence lawyers would probably agree that *Higdon v. Carlebach*<sup>2</sup> merits more attention than this meagre statement.

Part I—"Defensive Dentistry"—is apparently designed to ring the tocsin because "organizations of personal injury lawyers, embracing some of the finest legal minds in the profession" have com-

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1. The quoted words appear on the book jacket.

2. 348 Mich. 363, 83 N.W.2d 296 (1957).

bined to promote more and bigger verdicts and "to liberalize the laws and rules relating to negligence cases." This activity and its judicial results seem to be regarded by the author as part of "our rapidly escalating socialization" and "the process of the redistribution of wealth." If the members of the dental profession have not previously suffered from the paranoia that has afflicted certain segments of the medical profession for the last two decades, this part of the book is apparently intended to start them on the way. Yet some of the revolutionary changes spelled out in later sections are anticlimactic to say the least; thus section 13 in its entirety appears as follows: "Upon the theory that a personal suit was punitive in nature, and you cannot punish a dead person, personal injury suits terminated if the defendant died before judgment was rendered. The rule has been changed in the past twenty years, and may now be entirely obsolete."

In Parts II and III, the statements that purport to set forth rules or doctrines of law are confused and confusing; they seem almost certain to mislead anyone without background in the subject and impress him indelibly with the feeling that the law is indeed a strange product of the human mind. To some extent the confusion arises as a result of the effort to compress the material into brief epigrammatic remarks. In part, however, it seems to stem from the author's own misunderstanding of the problems and of the legal doctrines, or from his inability to express his thoughts clearly. For example, the treatment of *res ipsa loquitur* in section 14 suggests that the reason for the existence of the doctrine and its development in recent years is that juries and others mistrust medical testimony furnished by witnesses who are paid fees by the parties. The explanation in judicial opinions and in the literature, however, relates to the difficulty of obtaining medical testimony in malpractice cases. Another example of lack of clear understanding or writing appears in the laconic distinctions attempted in section 54 concerning the legal status of various persons in the dentist's office; they cannot help but leave a lay reader worse off than he was before he read the material.

Approximately ninety cases are used as examples in Part V of the book. They are poorly cited in that the dates of the decisions are not given. In the field of professional liability the year of the case is important in these times. Another deficiency is that the cases are not arranged in any readily discernible order. They seem to have been put together as they happened to appear in the notebook of the author. The subject-matter index is not thorough enough to remedy this lack of orderly arrangement nor is the table of cases by name an adequate substitute for a subject classification.

One feature of the book deserves commendation. In those sections in which the author does not purport to inform the reader on

details of the law, but only attempts to tell him what to do or not to do, there is a good measure of sound advice. Thus, from sections 35 to 65, including Part IV relating to professional insurance for dentists, the lay reader receives some helpful suggestions with respect to such things as testing his apparatus, caution in the case of broken needles, "after care," report of claims, settlement of claims, fees, and the amount of insurance to be carried. In this area the book may serve a useful purpose. Indeed this volume may illustrate a proposition applicable to all legal handbooks. If they must be published to satisfy some real or imaginary need, they are least damaging when restricted to practical advice on simple conduct. Even when so limited, there is some hazard in their dissemination. But it is far less than the disservice done by a handbook on legal theory and doctrine which leaves the reader in that most deplorable of all mental states in which he does not know what he does not know.

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