

BOOK REVIEW

Emanuel Tanay,¹ M.D.

Review of *The Litigator's Guide to Expert Witnesses*

REFERENCE: Freiman MJ, Berenblut ML. *The litigator's guide to expert witnesses*. Canada Law Books Inc., Aurora, Ontario, Canada, 1997, 438 pp.

This book is written by a partner in the prestigious Toronto law firm of McCarthy Tétrault and a partner in the well-known accounting firm of Arthur Anderson. Mr. Freiman, the senior author, holds a Ph.D. from Stanford University in English, a subject he taught for a number of years at the university level in England, the United States and Canada. Mr. Berenblut graduated from the London School of Economics and has been an expert witness, an arbitrator in connection with many issues involving economic damage quantification. Dr. Freiman and Mr. Berenblut are the editors of this multi-authored book and they also have contributed two major chapters. The book consists of 23 chapters covering general principles of expert testimony, from accounting to psychiatry.

This book was carefully edited; therefore it does not have the drawbacks of a work produced by many contributors. It offers a panoramic view of the expert witness participation in civil litigation. It is a must volume for every litigator in Canada; it is essential for any serious forensic scientist.

A chapter written by the Honorable W. David Griffith who was a judge of the High Court of Justice, Supreme Court of Ontario, and served on the Ontario Court of Appeals until 1995, is entitled

"View from the Bench." Justice Griffith reviews the Canadian law and makes practical suggestions useful to litigators and experts alike.

Mr. Freiman has written a fascinating chapter entitled "Principles of Evidence and Practice." He reviews the law, the relevant literature and leads the reader through the process of preparation and presentation of effective expert testimony.

A separate chapter is devoted to "Communications, Technology and the Courtroom." This chapter was written by Stephen W. Groo who is an expert on preparation of visual exhibits for trial including production of interactive multimedia, computer animation, etc.

The remaining chapters are written by experts in market research and surveys, accounting and economic damage quantification, statistics, economics, actuarial science, document examination, forensic financial investigation, business evaluation, real estate appraisal, quantity surveying in the construction industry, environmental testing, climatology, engineering, accident reconstruction, engineering and rehabilitation.

It was captivating to read the different suggestions for effective presentation of expert "evidence" coming from such diverse sources. It was also very interesting to learn about other branches of applied sciences that participate in the litigation process. I found it interesting that the otherwise inclusive chapter on psychiatry written by John W. McCormick, M.D., makes no reference to malpractice and does not discuss suicide. This "omission" should not be surprising in view of relative absence of such litigation in Canada. I recommend this book to the readers of the *Journal*.

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