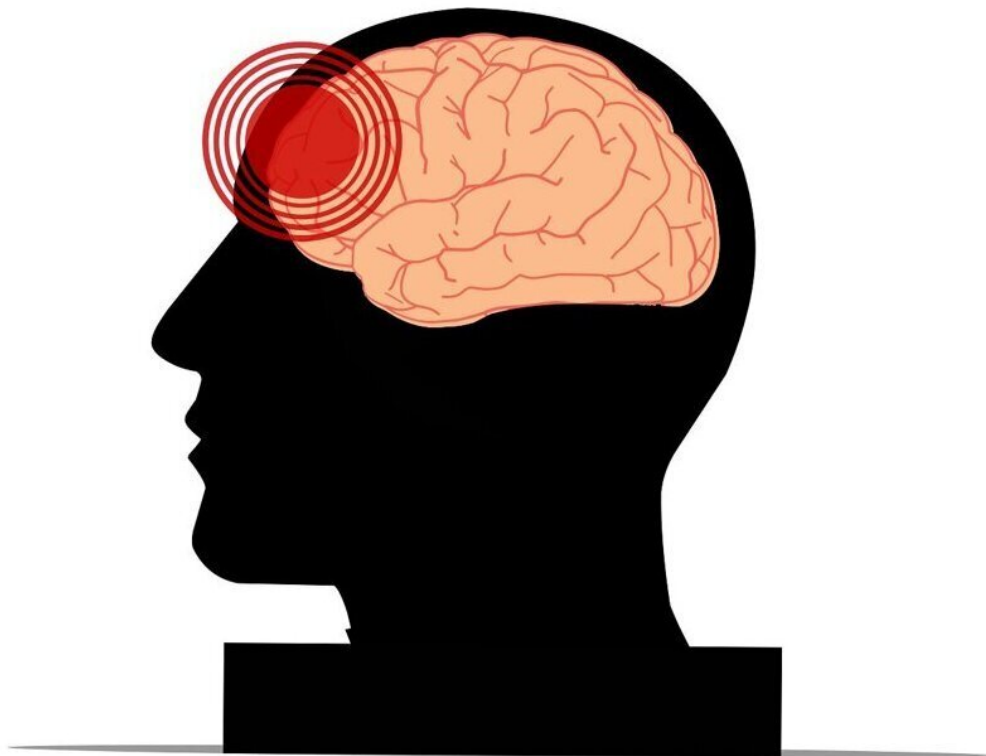


# Review addresses medicolegal issues and disorders of consciousness

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A [narrative review article](#) in a themed issue on disorders of consciousness (DoC) guest edited by Dr. Caroline Schnakers and Dr. Nathan Zasler in the journal *NeuroRehabilitation* addresses the topic of

the medicolegal challenges of litigating cases involving patients with DoC.

The article unpacks the multifaceted medicolegal science and caveats for both clinicians and neuro litigators in such cases, including terminology, nosology, assessment, prognosis, treatment, medical decision-making, patient rights, family impact, and ethics.

Serious brain injuries with disorders of consciousness (DoC) include coma, vegetative state, unresponsive wakefulness syndrome, and minimally conscious state.

Author of the article, Nathan Zasler, MD, DAAPM&R, FAAPM&R, FACRM, BIM, Concussion Care Centre of Virginia and Tree of Life, Richmond, Virginia, is a Professor in the Department of Physical Medicine and Rehabilitation at both Virginia Commonwealth University and the University of Virginia.

Dr. Zasler notes that "This topic is important for clinicians as well as attorneys, but poorly represented in the neuro medical and neuro litigation literature. The medicolegal nuances in such cases are critical for clinicians to be aware of from so many different perspectives."

According to Dr. Zasler, medicolegal aspects of clinical involvement in such cases require not only an understanding of the current DoC [scientific literature](#) but also an appreciation of how evidence-based medicine should be utilized in the provision of medicolegal opinions pertaining to, among other topics, causality and apportionment, diagnosis, treatment recommendations, and prognosis.

Clinicians need to be aware of the context of medicolegal involvement in numerous roles, including as a treating clinician, peer reviewer, case consultant, or medicolegal "independent" examiner.

"It is paramount for clinicians who are considering engaging in medicolegal work to understand that they may become involved in civil as well as criminal cases and may be asked to offer an opinion on a plethora of different issues. Such work should be taken extremely seriously as opinions provided by such testimony can have a significant impact on the outcome of a medicolegal proceeding as well as a person's future (and their family's future)," says Dr. Zasler.

He adds that it is essential that [health care professionals](#) who engage in any level of medicolegal work understand the commonly used medicolegal terminology, business aspects of such work, limitations of bedside assessment, key aspects of documentation and record keeping, caveats on providing deposition and courtroom testimony, among other aspects of such involvement.

The author has also provided a comprehensive table enumerating commonly used medicolegal terms and definitions for clinician expert witnesses.

Dr. Zasler concludes, "Hopefully, this article will serve to enhance clinician and neuro-litigator knowledge on the topic of the medicolegal challenges faced by all involved in such cases. The rapid expansion of DoC-related scientific knowledge along with the relative dearth of medical as well as legal treatises relevant to the topic make this content both timely and highly relevant."

**More information:** Nathan D. Zasler et al, Medicolegal issues and disorders of consciousness, *NeuroRehabilitation* (2024). [DOI: 10.3233/NRE-230242](https://doi.org/10.3233/NRE-230242)

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