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BOOKS RECEIVED

Informed Consent: Legal Theory and Clinical Practice. By Paul S. Appelbaum, Charles W. Lidz, and Alan Meisel. New York, N.Y.: Oxford University Press. 1987. Pp. ix + 286. Hardbound. \$27.95.

When does a medical patient know enough about his or her condition to give an informed consent? How much information must a clinician give to a patient before that patient is considered informed? What if the patient says that he or she understands the information given, but in fact does not? The focus of *Informed Consent* revolves around questions such as these. The three authors — a doctor, a lawyer, and a social scientist — have come together to shed some light upon the difficulties surrounding the informed consent issue. The authors express the notion that if the medical community understands its legal obligations more fully, the quality of patient care will improve.

The informed consent issue is a very serious one for any patient whether or not he or she is being treated for a broken arm or undergoing major heart surgery. Informed consent involves not only legal obligations but serious moral obligations as well. The volume presents discussions of both sides of the issue by dividing the book into two major parts: one concerning the evolution of legal theory and a second part concerning the practical, clinical and legal aspects of informed consent.

The authors introduce the book with a series of dialogues between a doctor and a patient prior to surgery. Their interaction raises the practical and ethical questions that the book seeks to answer. Chapter Two, entitled *Underlying Ethical Principles*, gives the reader a concise summary of relevant ethical issues sufficient to educate the reader. Chapters Three through Seven discuss the legal aspects of informed consent, including legal requirements for disclosure and consent, exceptions to such requirements, and rules governing patients' remedies in the courts. Specific litigation issues include possible causes of action, discussion on how the choice of the

cause of action or expert witness can affect the lawsuit, and problems regarding causation issues.

Informed Consent also gives an overview of the major critiques of the law of informed consent. These critiques represent two major conflicting values: individual values which support autonomous decision making and values supporting health. One interesting topic raised is informed consent in the research setting. Do the legal or ethical rules governing consent change when a doctor is introducing a new surgical procedure intending to use the information from surgeries as a larger body of data? How should consent be obtained in these situations? This book explores these questions. There is also a good discussion on informed consent in the practical setting. Furthermore, the authors present a list of references after every chapter which is helpful for anyone wishing to further explore the particular subject matter.

The book raises many thought-provoking questions surrounding informed consent. The book is very well-written, is methodical in its approach, and is very interesting reading. *Informed Consent* is both sensitizing and enlightening.

Debt Collection Practice in California. By The Regents of the University of California. Berkeley, CA: California Continuing Education of the Bar. 1987. 2v. Hardbound \$160.00.

This is an excellent two volume presentation on debt collection matters. These books replace the old CEB publication entitled *California Debt Collection Manual*¹ from 1978. The books are primarily concerned with the collection of unsecured commercial and consumer debts, with a heavy emphasis on procedure and practical considerations. This set is essentially a step-by-step guide to collection.

Each chapter includes a general or master checklist which an attorney can follow to assure that nothing has been overlooked. Additionally, sample forms and sample letters abound in each chapter. Along with the basic procedural discussions, the set includes discussions on handling possible tort claims relevant to debt collection. Attorneys dealing with credit matters often have both debtors and creditors as clients. *Debt Collection Practice in California* addresses the needs of both attorneys representing debtors and those representing creditors.

1. THE REGENTS OF THE UNIVERSITY OF CALIFORNIA, DEBT COLLECTION PRACTICE IN CALIFORNIA (1978).

CEB publications are usually used by the practicing attorney to assist with problems concerning client matters. This publication, however, can and should be used by the attorney for his or her own use in the event that a client owes fees for the attorney's past services. Chapter One presents a helpful discussion on law office management for effective debt collection and emphasizes the merits of computerized collection practice. The provisional remedies are discussed in two chapters, one on attachment and the other on claim and delivery. A general overview of bankruptcy is given in Chapter Ten.

The set does not delve into the substantive issues regarding debt collection. For more information, the practitioner should look to the recommended sources provided in each chapter. Note also that the book does not cover material concerning collection under the Commercial Code.

Debt Collection Practice in California is very comprehensive and detailed. With the abundant use of samples and guidelines, the attorney is given all the practical tools necessary to practice effective debt collection.

California Real Property Financing: Basic Loan Documentation. Edited by Gordon L. Graham. Berkeley, CA: California Continuing Education of the Bar. 1988. Pp. xiii + 487. Hardbound. \$ 90.00.

This book is the first of a three-part series on real property financing. This book presents the elements of loan documentation, emphasizing commercial transactions and real property development. It does not seriously address mortgage and deed of trust practice.

Like most CEB publications, this book is of great assistance to the practicing attorney in California. This particular volume is detailed and concise. The book introduces brief definitions of the terms used in real property financing and briefly discusses the types of loans made by different lending institutions. Sample loan agreements are found in the appendices. There is also a sample construction agreement and a sample permanent loan commitment.

Considering the technical and complex area of this law, previous exposure to real property financing is helpful. In addition, this book should not sit alone on the shelf, it should be accompanied by volumes two and three when they become available.

ADDITIONAL BOOKS RECEIVED

Employment Termination Law: A Practical Guide for Employers. By Maureen E. McClain. Berkeley, CA: California Continuing

Education of the Bar. 1987. Pp. 42. Softbound. \$ 8.00.

Corporate Practice Series: Guide to Products Liability. By Alvin G. Greenwald & Roy M. Brisbois. Washington, D.C.: Bureau of National Affairs, Inc. 1987. Pp. xi + 200. Softbound. \$ 92.00.