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Select one of the following questions and discuss it in the light of the work covered this semester. You are expected to use both legal principles and your own initiative and to present a well reasoned argument. It is, therefore, suggested that you spend approximately one third of the allotted time planning your response.

1. The increase in the quantum of malpractice litigation, the growing distrust that the public is showing toward the medical profession, and the millions of dollars awarded by juries in damages to injured plaintiffs indicate that traditional principles of tort law and rules of evidence have shown themselves to be not capable of maintaining a manageable equilibrium between damage and reparation. Malpractice actions should, therefore, be taken from the jurisdiction of the courts and transferred to an administrative agency staffed by experts, not tied down by restrictive rules of evidence and guided by good sense and reason.

2. The reaction of the judicial system to the admissibility of expert and scientific evidence, and weight to be given to it, has resulted in one legal scholar stating:

   The courts are likely to be liberal when evidence can only be supplied by the source at hand despite the lack of accuracy of such evidence when compared to the standard normally set. On the other hand, the accuracy of evidence may not justify its admission when such accuracy is not supported by a sense of fairness to the parties and an urgency of need, and requires the courts to admit evidence which they fear will replace, to some degree, the traditions of the courtroom. According to these indications, the problem of seeking judicial recognition of scientific evidence cannot be expected to end merely by increasing its accuracy.

3. The failure of the law to come to grips with a number of medico-moral issues has resulted in the elevation of the medical profession to a position in the community which greatly exceeds its qualifications. The law is quite content to let this situation persist until a "mistake" is made or publicity demands some action because it is not capable of resolving the problems when acting within its allotted framework.