DRUG AND MEDICAL DEVICE LITIGATION

Class Actions: The Supreme Court’s 2015–2016 Term Marks a Turning Point page 20

Construction Law: Blasting Claims 101 page 36

DIVERSITY AND INCLUSION page 78

ALSO IN THIS ISSUE
- New Leaders to Be Elected in Boston Next Month page 12
- Writers’ Corner: Legal Writing and the Business of Law page 91
- Think Globally: Product Liability Law in Argentina page 92

AND MORE
Medical illustration was first used in the early third century B.C. These illustrations were intended to educate the reader on anatomy, surgery, obstetrics, and plants that had medicinal properties. See History, Present and Future of Medical Art, Karger Gazette, http://www.vesaliusfabrica.com/en/related-reading/karger-gazette/medical-art-through-history.html. During the Renaissance period in the late fourteenth century, a talented artist by the name of Leonardo da Vinci became known as the first medical illustrator in the contemporary sense. His attention to detail...

Andreas Versalius is known for the publication of “De humani corporis fabrica” in 1543, which has influenced medical illustration for centuries. The set of books covers the complete structure of the human body. This would not have been possible without the many advances that had been made during the Renaissance period. See De humani corporis fabrica, Wikipedia (Aug. 1, 2016) https://en.wikipedia.org/wiki/De_humani_corporis_fabrica.

History of Medical Illustration for Litigation
Medical illustrations have been used in litigation for decades, and they have been used in a variety of ways to edu-
cate the audience on anatomy, pathology, surgical procedures, medical device, injury mechanics, personal injury, and the understanding of diagnostic imaging. These visual aids can be extremely effective in the courtroom but they can also play a key role in reaching settlement negotiations. Working with a medical illustrator improves communication to, and comprehension by, the interested parties, as well as the judge (and the jurors) to understand the complex medical issue or issues germane to each specific situation. Medical visuals have evolved just as the medical industry itself. Long past the hand-drawn pen and ink illustrations of da Vinci, the advances in technology and medicine have allowed experts to present graphics in ways that were not previously available. CT and MRI images can now be converted into 3D models and volume renderings that can be used in 3D animations and printed by 3D printers. 3D scanners are used to create 3D models as minute as screws in a prosthetic device to the entire human body. Interactive presentations are able to deviate from the traditional sequential practice and therefore better keep an audience’s attention by working in a nonlinear fashion.

**What Makes a Medical Illustrator?**

Medical illustrators are storytellers, artists, and scientists. Most medical illustrators have achieved a master’s degree from an accredited two-year graduate program in medical illustration. There are currently three programs in the United States and one in Canada that are accredited by the Commission of Accreditation of Allied Health Education Programs (CAAHEP). See Ass’n of Medical Illustrators, http://ami.org/. There are some practicing medical illustrators who did not attend an accredited graduate school. The difference is the experience and knowledge gained during a specialized course load that includes advanced study of human anatomy with dissection and a combination of other biomedical science courses. Medical Illustration graduate students attend lectures with first-year medical students studying clinically oriented anatomy and perform in depth dissections that later serve as reference for weekly anatomical illustration critiques. Courses in histology and pathology give medical illustration graduate students full knowledge of cellular processes that make each body system work and what could happen if any of those systems went awry. Visual problem solving is a crucial skill for the professional medical illustrator. See id.

These skills are put to the test by working alongside surgeons in the operat-
ing room to create detailed and accurate illustrations depicting the key steps in a surgical procedure. Professional medical illustrators acquire skills that make them desirable for a variety of positions. Some work alongside medical professionals to create illustrations for textbooks that are designed to educate the reader on a specific part of anatomy or physiological process. Some work alongside attorneys, doctors, and engineers to take on the role of creating illustrations for litigation purposes. These illustrations are designed to tell a story and educate a lay audience on a specific medical scenario. Medical visualizations are used beyond traditional anatomical and surgical cases. Visual aids are extremely effective in helping explain biomechanical scenarios dealing with an injury to an individual in which the presence or lack of a causational mechanism is involved.

**Why Should You Work with a Medical Illustrator?**
You should consider a medical illustrator as part of your litigation toolbox. You get one opportunity to present your case in trial. That means it needs to be compelling and memorable. Pictures and images are more likely to be remembered than words. See Picture superiority effect, Wikipedia (July 25, 2016), https://en.wikipedia.org/wiki/Picture_superiority_effect.

Medical visualizations (illustrations, animations, 3D models, volume renderings) are communication tools to help your litigation team convey the complex medical details of your case in a graphic and comprehensible manner. Certainly the use of a medical visualization demonstrates one’s preparedness for the case and helps provide a clear understanding of the medical scenario. Some cases benefit from the use of stock medical visuals. But most cases require the use of custom visualizations to depict more accurately and effectively the details that are specific to each case.

**Conclusion**
Medical illustrators play a crucial role in the understanding and resolution of medical cases. When deciding if you should hire a medical illustrator, make sure that you do a little homework. Have the members of the illustration team attended an accredited graduate school? Does the illustration group know how to create accurate and engaging visual solutions? Are the illustrators employed with a credible company that includes scientists, engineers, and appropriate technicians? Do you have high confidence and trust in the illustrators’ firm? By keeping these questions in mind you are sure to acquire an effective communication tool and achieve greater success.