

Canterbury V. Spence [1972] 464 F 2d 772, U.S. Court of Appeals, District of Columbia Circuit :

A minor child suffered from severe back pain and after examination the doctor suspected a ruptured disc. The doctor told the mother a laminectomy was needed and that the operation was serious "but not more than any other operation". During surgery he noticed that the minor's spinal cord was swollen and in poor condition. During his recuperation, the unattended minor fell from his bed and thereafter experienced paralysis of the bowels, urinary incontinence, and required crutches.

The minor then sued the doctor for negligence and failure to inform beforehand, the risks involved. Later in evidence he stated that the probability of paralysis was about 1% and that he did not normally inform his patients of the risk so as not to deter them from undergoing the surgery. The trial court dismissed the minor's claim.

The US Court of Appeals reversed the trial court's verdict and it was held :-

1. that consent is the informed exercise of a choice;
2. that every adult human being of sound mind has a right to determine what shall be done with his/her body;
3. that the doctor must disclose all "material risks" based on the "prudent patient" test; and
4. that the doctor can withhold information from the patient concerning the risk only if it can be shown that the disclosure would result in serious adverse psychological consequences to the patient.