

January 29, 1940

Mr. C. V. Porter
Taylor, Porter and Brooks
Louisiana National Bank Building
Baton Rouge, La.

Dear Mr. Porter:-

Thanks for your letter of January 16th concerning the [REDACTED] case, and for the copies of your letters written to the various doctors.

You have raised one question which I think is of importance, and you have also mentioned this matter in your letter to Dr. Jones, namely the matter of the use of internes at the Charity Hospital as witnesses in this case. I should not wish to oppose your judgment or that of Dr. Jones. However, it is my feeling that it would be inadvisable to have any of the internes as witnesses in this case. My reasons are as follows:

1. The diagnosis of lead poisoning was apparently originally made by the interne or internes and not by the visiting physicians. Under these circumstances the internes will have to reverse their position and explain the reason therefor, or else they will have to contend for their own point of view. The latter would be embarrassing to the case, and the former would be embarrassing to them since they would then be an easy mark for a hostile cross-examination.

2. They are likely to be inexperienced as expert witnesses, and as such are likely to do more harm than good.

3. They will merely confuse the issue since the visiting doctors at the Charity Hospital will be in position to blame the internes for the diagnosis, and will thereby be able to explain the record which is in opposition to their point of view.

Since then these internes will not be able to testify as to matters of fact which will be of any importance in the case, I do not see where they can be

of any value. Their testimony will prolong the case, will, in all probability, provide opportunity for controversy, and may very well produce the impression that the doctors themselves are in complete disagreement among themselves as to the cause of [REDACTED] disability. In my opinion the more precise and the more direct is the testimony in this case, the more clearly will it point to the fact that a mistake in diagnosis was made, and that [REDACTED] is not and never has been suffering from lead poisoning.

With kindest personal regards,

I am

Cordially yours,

RAK:is

Robert A. Kehoe, M.D.