

October 5, 1937

Mr. Abe L. Roberts
Attorney at Law
Commerce Title Building
Memphis, Tenn.

Dear Mr. Roberts:-

I have noted the correspondence which took place between you and my associate Dr. Machle while I was on a vacation. I did not reply to it further when I returned because, in my opinion, Dr. Machle had given you the right answer.

Having received your letter of September 28th in which you raise the question again, I hasten to assure you that it would be practically impossible for me to make a deposition concerning a hypothetical situation such as you have in mind. The issue in a case of this sort can not usually be covered by a general summarization of the facts with regard to occupational lead exposure. It would be necessary to examine into the facts regarding the exposure, and also to know something of the specific case in question before one would be justified in expressing an opinion as to the merits of the case. Perhaps you will feel that this is the usual unwillingness of scientific workers to express themselves in precise terms. I wish to assure you that this is not the case. On the contrary, in situations of this type, it is not possible for a layman ordinarily to get together the information which is necessary to enable a physician to arrive at a sound conclusion. The judgment which is required to answer such a question must be augmented by a considerable degree of professional skill in acquiring the facts. In my opinion, therefore, to accept a fee for making a deposition in response to a group of hypothetical questions which may or may not have meaning in relation to a specific case, is in effect an acceptance of money under false pretences and is as likely to lead to injustice as to a proper decision.

I realize fully the importance of these cases in relation to hygienic development within a plant, and also in relation to legislation. However,

Mr. Abe Roberts

one can not decently arrive at a conclusion in cases of this sort without having the necessary facts at hand. I regret, therefore, that I can not comply with your request.

Very truly yours,

RAK:ls

Robert A. Kehoe, M.D.