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**MEDICAL-FORENSIC REPORT: LEGAL AND GENRE-
STYLISTIC ASPECTS OF STUDY**

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Abstract

The article is devoted to the analysis of medical-forensic report peculiarities and the problems that may arise in respect of its legal, linguistic and stylistic regulation. The linguistic and genre features of the text of an expert opinion are defined in terms of the use of language means. The authors regard an expert report as a genre of regulated official communication that includes elements of a dialogue, a question-answer session between the customer for whom the expertise is conducted and the contractor. The fact that an expert report shall meet the demands of some specific addressee makes it a kind of actual communication and influences its content and structure. Particular attention is paid to the compositional and structural organization of an expert report, its division into strictly structurally determined parts and irregular realization of different language functions in each text part: influencing, cognitive, communicative and contact-establishing one. Forensic medicine is characterized by its discursive specificity: it combines elements of business, legal and medical speech (special vocabulary, terminology, and reference to persons). In its legal aspect, expertise procedure and expert report drafting are regulated by the rules of law (the law concerning expert activity), which must be considered, when conducting linguistic analysis.

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1. Introduction

With the obvious demand for expert services, there is the question of document quality, which depends on many factors: the accuracy of the questions articulated by investigators or parties in court, the completeness and correctness of the original data presented for examination, and the competence of a forensic expert who makes this document. The professional competence of forensic experts not depending on their specialization includes a range of linguistic lore and skills, including mastery of official business style, language norms, writing skills, and document communication culture.

A number of contemporary scientific studies pay special attention to the trends in language development of forensic examination theory (Panarina, 2018; Radbil & Yumatov, 2014; Yumatov & Nesterova, 2012). Forensic science is synthetic in nature and includes terms from technical, natural, chemical, cultural, economic and other sciences. Studying the current state of forensic language and the prospects of its development, the authors of scientific publications note the tendency for its increasing sophistication: more various definitions are used; the number of complex terms and abbreviations is growing. Regarding the above-mentioned processes, legal scholars believe that the main task of forensic science theory is to streamline and systemize terminology, provide its inventory and unification. Thus, these language development trends in criminalistics and forensic science should be examined by linguists.

The study of available publications showed that in the last decade, the range of linguistic analysis techniques, theories, and ideas applied by linguists significantly expanded and reached beyond Russian studies only. Many linguistic methods and theories are in demand in law, in particular, in such a dynamically developing field as forensics. Some researchers consider expert reports from the perspective of speech act theory (Bosov, 2015) and determine language theory development directions in forensic examination based on speech expert evaluation (Radbil & Yumatov, 2016). Other scientists pay attention to relevant issues of legal and linguistic interpretations of the "insult" concept in law enforcement practice (Mageramova, 2018) and emphasize the importance of linguistic expert methods in complex sound recordings' studies in order to find out the facts of phonogram falsification (Kaganov, 2021). Some authors also underscore the need to analyse ethnolinguistic factors in forensic examination (Ondar, 2018; Sadovoy, 2017).

An expert opinion is an entrenched speech informational genre that has a clear structure, partly determined by law, and linguistic specifics (Vladimirova, 2021). The main linguistic features of an expert opinion are official, scientific and colloquial styles of speech combined (Radbil & Yumatov, 2016).

2. Problem Statement

Firstly, the problem of expert opinion study lies in its demand set by modern judicial practice, which strictly regulates not only the way any type of forensic examination is conducted, but also medical-forensic report making process. Federal Law 73-FZ, dated May 31, 2001, "On State Forensic Expert Activities in the Russian Federation" determines an expert activity legal basis, the principles of its organisation and its main areas in civil, administrative and criminal proceedings, requirements for forensic examination, the procedure for conducting expert examinations in state forensic institutions. The structure and content of an expert report are regulated by the requirements outlined in a number of legal

acts, namely Article 25 of the above-mentioned law on forensic expert activities, Article 86 "Expert opinion" of the Arbitration Procedural Code of the Russian Federation, Article 204 "Expert opinion" of the Criminal Procedural Code of the Russian Federation.

According to the Federal Law and the articles of the Codes mentioned above, an expert opinion shall include the following data: the specific date, time and place, the grounds for forensic examination; the information about the official who requested for this forensic examination; the full name of the expert and all details of his or her education and experience. It is also necessary to specify the expert institution and provide a brief description of the circumstances of the case. The information on the objects and materials of the expert examination, methodology, content and results of the examination is also included. An expert shall estimate the findings and give conclusions what concerns the issues he or she had to analyze. An expert shall be warned about liability for deliberately false conclusions, and sign the appropriate document that is to be attached to an expert report as well.

Secondly, the expansion of the document sphere in modern business life requires high-quality document drafting, including proper genre structural organisation and business style tools. Thorough, comprehensive, and complex research of different document genres, including an expert report, is necessary to develop appropriate drafting rules that could help effectively perform the main social functions of medical-forensic reports: legal (being factual evidence during trial or investigation), documentary (fixing the results of investigation) and professional (practical implementation of special knowledge in various professional fields, including medical).

3. Research Questions

1. Examination of medical-forensic reports from communicative judicial-legal perspective.
2. The analysis of expert opinions in terms of them showing specific language functions.
3. The analysis of expert opinions what concerns their discursive and compositional-structural specific nature.

4. Purpose of the Study

The aim of the article is to consider a medical-forensic report in the context of the communicative situation model, to reveal what is specific about linguistic expressed functions, to determine the correlation of these functions in different structural parts of the document.

5. Research Methods

The authors use the communicative and pragmatic method of research, which involves the analysis of medical-forensic report texts in legal, stylistic, functional and compositional aspects.

6. Findings

The process of making an expert opinion is a specific collective judicial-legal communication situation. It is advisable to consider a medical-forensic report within the communicative situational model

that includes context (circumstances), an addresser, an addressee, a communication channel, a message, and a code.

An expert assessment is prepared for some specific criminal case, when there are some questions requiring special knowledge in various fields of science, technology, art, or craft. Expertise shall be arranged in accordance with the above-mentioned laws.

An addresser is a state forensic expert or an expert who has special knowledge. An addressee is a group of persons who do not have special knowledge required for expert investigations, for instance, an investigator, court officers, and the persons who get familiar with case facts through medical-forensic report only, as they had no opportunity to learn the observations the report contains earlier. Specific nature of this communicative situation an expert works in is that medical-forensic report is made and conclusions are reached on the basis of other participants' findings, which could also influence the effectiveness of the final expert assumptions.

The information contained in expert testimony (concerning case circumstances, victim's state, data about an expert and a victim, regulatory documents, dates and time) is factual by nature and has forensic testimony status. Being a source of information about crime circumstances, victim's state, etc., the expertise conclusion is an additional means of persuading the parties in court.

An important communicative situation component is the code (national language, social dialect, style). It is necessary to emphasise that medical-forensic reports could belong to different styles. The expert report as a legal procedure document should meet the requirements of an official business style. An introductory part is standardized and formalized. As a rule, elements of scientific language are widely represented in an investigatory part, for example, terminology typical for a particular field of special knowledge. Some examples of such terms are *diagnosis, acute subdural haematoma, subarachnoid haemorrhage, cerebral edema, bone-plastic skull trepanation, hypotonia, tracheostoma, coagulation, ischaemia, abdominal cavity, soft tissue of parietal cortex, right forearm scars, right hand bone*.

The final part of the document can include both an official business style and a conversational style with a moderate amount of terms already used and explained in an investigatory part, as the addressee of those expert opinion conclusions can be the persons who have no special knowledge, in this peculiar case, concerning medicine.

The strict official business style is expressed in use of derivative prepositions (*on the basis of the forensic medical examination, in accordance with the questions asked*), standard conversational turns (*considering the circumstances of the case*), naming research objects (*citizen Alexei Vladimirovich Manukin*), rubrication, use of forensic and medical terminology (*bodily harm, soft tissue oedema, right forearm scars*), nouns in genitive case form (*mechanism of damage formation*), passive syntactic units complicated with homogeneous members (*bodily harm was found*) and participle constructions.

Communicative situation components correlate to the communicative language function and its derivatives.

Establishing contact is one of the most important aspects of communication, regulating the interaction between an addresser, an addressee and the text. Expert opinions lack "direct" or "explicit" contact-establishing means, the most common of which is addressing (Button & Casey, 1988; Kolyadov, 2020; Maynard, 1980). The entire composition of the document is subject to necessity to exercise this

function step-by-step. The introductory part of an expert report fulfils the contact-establishing function as it provides information about the body and the person who arranged about expertise, its legal grounds, the name of the expert institution, and data about the expert and research object. It is the introductory part that lays the foundation for professional communication between the expert and the parties in court. Maintaining contact is the task of the research, which describes the state of expertise objects, the stages and methods of the research process, and findings. Maintaining contact is facilitated by such qualities of the document text as compliance of its content with the style, sphere of usage, structure, linguistic, communicative and ethical norms of speech culture.

Since the expert conclusion is a source of information about crime circumstances, and it could serve a proof and persuade the parties in court, it is legitimate and appropriate to talk about its impact function. A specific feature of expert opinion texts is that in most cases they have an implicit impact on the addressee, as if hidden behind an outwardly objective description of the objects, facts, results and conclusions described in some expert study. The impact is exerted by stating the facts and research objects' state. Questions put clearly and conclusions formulated logically, precisely (in accordance with the subject matter), reasonably and objectively would affect jury deeply.

The means of factual influence in the expert report text may also include estimating terms used in court proceedings and confirming how serious the crime is: *severity, contusion, serious bodily harm, life threatening*. Graphic emphasis (e.g. capital letters or bold font) can also cause additional influence.

The cognitive function of the language allows to fix the results of cognitive activity of a profile specialist and to use them in the expert report. The expert, when writing the text of the conclusion, applies special knowledge in certain professional fields like law, legal procedure, medicine and fixes that kind of knowledge in different compositional parts of the document. In the introductory part, expert organisations, institutions, laws, regulations, dates, addresses, names and positions are mentioned. In an investigatory part, the expert shows his knowledge, using medical terminology, consistently describing the state of the object examined, the whole procedure of examination; and in the final part, the expert applies his or her skills making logical and clear conclusions, referring to some specific documents. Logical information allocation in different structural parts of the expert report, as well as within each part, testifies not only for contact-establishing, informing and impact realized functions, but also cognitive one, since it reflects the thinking activity of the expert who makes the report.

7. Conclusion

Following the objectives stated in the first place in our article, we have analysed expert report texts in detail and could come to the following conclusions:

1. In medical-forensic reports, a language fulfils its main communicative function, as it is an element of investigative and judicial discourse.

2. A specific manifestation way for contact-establishing, informative, impact, and cognitive functions is found in their realization. Information in the introductory part is used as the means to establish contact instead of traditional etiquette greeting and address; graphic emphasis and factual precision are used to influence an addressee; scientific and medical terminology fulfils the cognitive function, etc.

3. Realization of all the functions mentioned is determined by the composition of an expert report. The introductory part exhibits such functions as contact-establishing, cognitive and informative ones, the latter two predominating. In the investigative part, when it is necessary to record research results, the impact on the addressee and object evaluation by the expert become essential as well. At the final stage of the examination, the findings are evaluated not only by the expert, but also by the addressee. The conclusions should be written and formulated in such a way that they are understood by the addressee, who usually does not have any profound knowledge. The addressee will then be in a position to assess their completeness, scientific validity and objectivity. At this stage, all communicative function components interact, but impact on the addressee comes first.

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