Reviewer's report

Title: Comparison of Ethical Judgment exhibited by Clients and Ethics Consultants in Japan

Version: 1 Date: 22 November 2013

Reviewer: Stella Reiter-Theil

Reviewer's report:

General comment:
This is an interesting article on a type of CEC practice uncommon to all countries I have known so far. It deals with CEC on distance where the committee/members do not meet their clients, nor do they have access to obtain (additional) information if need be. Although I rely on participation in CEC and I consider the authors' approach to be not the most promising style of CEC practice, the reported study may contribute to the discussion on CEC.

Major Compulsory Revisions
1. The language must be edited; there are errors and a number of confusing expressions.
2. Related to the General comment above is the problem that the request-based content matters used by the authors for categorization are classified without any underlying discourse between the CEC-clients and the CEC-providers on these content matters. In my understanding of CEC the discussion and refinement of the problems at hand is a very important component of doing CEC. This should be commented by the authors.
3. The authors focus on just one function of CEC, e.g. conflict resolution. This appears to be too narrow and should be commented.
4. However, as disagreement plays a central role in the authors' concepts, esp. between patient and family / caregivers, 2 references should be consulted and referred to: Hauke et al, 2011; Winkler et al 2009 (attached).
5. Also, references about the inclusion of patient/family into CEC meetings should be referred to in the discussion as they may increase the chance of consensus-building and validation of presumed patient (family) preferences.
6. The wording of the categories and its presentetation need a second look and improvement, esp. on page 8, see category for variations in opinion: what does "Disagreed/Withheld" mean?

Minor Essential Revisions
1. Table 3 needs correction; the layout got lost.
2. Case example A raises questions: Was the patient intubated against his/her will? When the patient's preference has been known, why is it stated that it could not be confirmed? In the discussion of case A, I miss Japan-specific (legal)
information to understand the background.
(Case example B is interesting and reported consistently.)

Discretionary Revisions

Level of interest: An article whose findings are important to those with closely related research interests

Quality of written English: Needs some language corrections before being published

Statistical review: No, the manuscript does not need to be seen by a statistician.

Declaration of competing interests:

'I declare that I have no competing interests'