



**JOHN BALES**  
ATTORNEYS

## EXAMINATION OF PERSON BOOKLET

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## **EXAMINATION OF PERSON BOOKLET**

The following provides a general overview of a typical examination of person. We have discussed most, if not all of the below. However, we still believe it is helpful for you to review it in detail. Each case has its own set of facts that makes it virtually impossible for there to be only one answer applicable to all cases. However, the below may give you some insight into the process. We want all of your questions to be answered. Of course, we encourage you to call us if you want to discuss any particular question concerning your case.

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The following Table of Contents – Reference Guide is provided to aid review:

### **TABLE OF CONTENTS – REFERENCE GUIDE**

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1. **BE COOPERATIVE**

You should be cooperative during the examination. However, remember that the doctor was hired by the opposing party and is not examining you to help your medical condition, but only for the purpose of testifying against you at your trial.

2. **TELL THE WHOLE TRUTH AND INFORM THE DOCTOR OF ALL OF YOUR INJURIES AND PAINS**

Of course, we know that you will always tell the truth. It is important to tell the examining doctor about ALL of your physical and mental injuries and pains related to your accident even if on the examination day they are not apparent but are on other days, including, but not limited to, the following:

- A. the pain you feel regularly or infrequently,
- B. the restrictions you now have with your activities, and
- C. all other adverse health affects you have incurred.

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If you fail to tell the examining doctor of any of the injuries or problems you now have or have experienced in the past relating to the accident, the doctor will not include such in the report and this will adversely affect the potential for success in your case.

**3. BE CAREFUL IN TELLING HOW THE INJURIES HAPPENED**

The examining doctor is entitled to know generally how you were hurt. If you are asked how the injuries happened, tell the examining doctor in simple, general terms. For example, "My car was stopped and I was hit from behind; I was moving straight ahead and was hit from the side; or I slipped and fell in a liquid substance." The examining doctor is only there to examine you for your injuries, not to decide who was liable for the accident.

**4. BE CAREFUL WHEN DISCUSSING YOUR DOCTORS**

If you are asked what your doctors have told you about your medical condition, you should answer in a general way. For example, "He says that I will have trouble the rest of my life, or he says that I am getting better, but I will never be the same." DO NOT give details and DO NOT answer if you are not sure what the doctor told you.

**5. THE EXAMINATION WILL BEGIN AS SOON AS YOU DRIVE INTO THE DOCTOR'S OFFICE PARKING LOT AND WILL END ONLY WHEN YOU HAVE LEFT THE DOCTOR'S OFFICE PARKING LOT**

The doctor or staff may be watching you get out of your car or enter the office. They may watch your movements while taking off your shoes and other articles of clothing. In addition, the doctor may use the distraction method where he pretends to be interested in one part of your body, but is actually interested in another part of your body.

**6. TELL THE DOCTOR THAT YOU CANNOT PERFORM CERTAIN FUNCTIONS THAT WILL CAUSE YOU PAIN**

If you are asked to perform any function that causes you pain, you should immediately stop and inform the physician that: "I am incurring pain and I cannot continue with that procedure." Do not allow the physician to force you to perform any functions that are significantly painful or which are likely to cause additional injury. You do not have to comply with the physician's demands if they are painful.

**7. REMEMBER THAT THE DOCTOR WILL NOT PROVIDE TREATMENT**

The examining doctor was hired by the at fault party to evaluate your injuries and current condition. They will not provide any treatment for your conditions and in many

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cases will not fully evaluate your injuries. The doctors often write reports stating that clients are not injured or have very minimal injuries.

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