

PI FAX & Email ALERT

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COMMON DRIVER DISTRACTIONS

In a study that had 100 candid cameras in motorists, drivers who pose the greatest risks for safe driving :

1. Apply makeup most dangerous;
2. Eat while driving ;
3. Dial the cell phone.
4. Drinking non alcohol when driving adds no risk;
5. Smoking while driving adds no risk.

This was a 4 year study funded by the National Highway Traffic Safety Adm. The study showed that usage of cell phones is about 7% of accidents. Talking isn't the problem, but dialing is a great distraction.

Los Angeles Times April 21, 2006

BEWARE THE RETURNING PATIENT

Why do defense attorneys always want to know if your PI patient is a *former* patient?

Answer, to prove that most of your patient's "injuries" are pre existing.

From the first glance, Karen Fong had a good case. Defendant driving a Buick Regal ran a red light and collided with Karen's Honda causing over \$9000 of damage to the Honda.

At trial her chiropractor argued that Karen suffered from a disk protrusion at L5/S1.

However, during Karen's cross examination she admitted she had a history of the exact same complaints to her back, which she earlier denied during her deposition. The chiropractor's own documentation proved defendant's case. The injuries were almost exactly similar to what Karen complained of against the defendant.

The jury denied any payment to Karen.

Fong vs. White RB 031 005 10 Alameda Superior Court Judge Baranco Jan 5, 2006

FARMERS LOSES IN RIVERSIDE

David Mortensen, DC usually testifies for insurance companies. That was until Farmers refused to pay for his own patient.

When defendant reached for his cell phone he struck the rear of Phillip Settle's car with his Chevrolet 1500 Van.

The impact broke Settle's seat as he was pushed over 100 feet forward. The total chiropractic bill was \$2600. Dr. Mortensen diagnosed that Settle suffered a torn scapula muscle when he palpated. The patient paid part of his bills in cash, which impressed the jury.

This case was complicated because 10 days before this accident, Settle was rear ended causing his car to be towed. Dr. M was able to distinguish between both injury mechanisms.

The jury awarded \$50,000 plus an additional \$18,930 in costs against Farmers. Settle vs. Hahn RIC 365 685 Riverside Superior Court, Judge Dallas Holmes.

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Practice Tip :

PRE EXISTING TRAP vs., PROVING NEW INJURIES. The PI doctor's job to clearly define the difference between the patient's original complaints to the new injury.

Both cases had similar issues. One doctor knew who to explain the difference in pre existing injuries. Moreover, the second case shows the tremendous value PI cases can have IF the diagnosis is thorough.

