

UNDERSTANDING MEDICO-LEGAL EXAMINATIONS

Who arranges medico-legal examinations?

- You will attend at least one medico-legal examination arranged by us. You must prove your injuries/disabilities. This is done by medico-legal examination/s, which result in medico-legal report/s that are used as evidence to support the claim.
- The insurer has a right to require you to attend at least one medico-legal examination.
- In nearly all claims for compensation/damages, the injured person will undergo medico-legal examination both by doctors arranged for by her/his own lawyers and doctors arranged for by the insurer.

The doctor

- Doctors who perform medico-legal examinations are usually experienced senior specialists.
- It is **not** the function of the medico-legal examining specialist to give you an opinion or advise you in relation to your condition or treatment. The specialist may object if you ask such questions. The function of the medico-legal examining specialist is to report either to your own lawyers or to the insurer (or lawyers appointed to represent the insurer).
- The medico-legal specialists are not employees of insurance companies or law firms, but are private specialists, who often run busy medico-legal consulting practices.
- The medico-legal specialist will prepare a report following the examination.

The report

- If you are examined by a medico-legal specialist for us, you will see a copy of the report. If you are examined by a medico-legal specialist for the insurer (or law firm representing the insurer), you may get to see the report. It depends on whether the report is released. There is no obligation on the part of the insurer (or lawyer representing the insurer) to release their report.
- Medico-legal reports are important in determining the outcome of your claim because those reports can be used as evidence.

X-rays and other radiology

- You must take with you to the medico-legal examination all X-rays; CT, MRI, and nuclear scans; and ultrasound and all other radiology results. Failure to take all radiology results to the appointment may seriously compromise the appointment. The appointment may need to be rescheduled.
- If you are missing any of your radiology results, you should let us know. Radiology images are now often permanently preserved on disc and, in many cases, can be retrieved.
- You should keep X-rays and other results in a safe place at all times.

The medico-legal examination

At most examinations, the following will occur:

- The specialist's secretary will require you to give some routine particulars. Please cooperate.
- The examining specialist will then see you. You will be asked about your previous medical history, the accident, your treatment following the accident, your present symptoms, disabilities, impairments, restrictions, etc., and your condition at the time of the examination.
- Your X-rays, MRI, CT, etc. will be examined (as will any written radiology reports).
- In your presence, the specialist may read other medical reports, hospital records, radiology reports, etc., that typically will have been provided to him by the lawyers.
- The specialist will carry out a physical examination. The specialist will explain/demonstrate what she/he wants you to do. The injured parts of your body will be examined. The specialist may examine other parts of the body as well.
- In cases involving musculoskeletal injuries (back, neck, limbs, etc.), the examination will likely involve measurement of the movement of various joints and reflexes.
- Medical specialists are highly experienced. Your medico-legal examination may be very brief. Do not be surprised if you are out the door quickly.

How can you help?

- Please be punctual. If you are running late, the doctor may be offended.
- Please turn off your mobile phone.
- Please be pleasant to the doctor. On occasions, clients do strike unpleasant medico-legal specialists. This was once quite common. It's less frequent now. If you strike an unpleasant specialist, do your best to put up with it.

- Remember – the examinations are usually pretty quick. Be prepared with important dates and names, including dates you received injuries and dates of all surgeries. Please also be in a position to provide the specialist with names of all treating doctors and specialists.
- In many instances, it is necessary for the specialist to require you to be examined in a state of partial undress. This will likely occur in connection with back injuries, pelvic injuries, upper leg injuries, etc. Be prepared to wear clothes that can easily be taken off.

Repeat examinations

- Some claims are very complex. Other claims, particularly involving serious injuries such as spinal or head injuries, can proceed for a long time. Such claims may mean that you will be required to undergo more than one examination by the same doctor.

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