

How to obtain a more accurate report from your medico-legal consultant

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Having done medico-legal reports for the legal profession for the last twenty years or so, mainly on orthopaedic cases, I am sympathetic to the fact that lawyers require easy-to-read, well set-out, accurate reports which address issues that the court will consider.

The biggest problem is that often the client is ill-prepared and very nervous about the interview. Often they will not remember their employer's name, the date of the accident and, remarkably which accident they are claiming for. Often they forget X-rays, and often they will ring days later to correct information given in error at the interview, when the report has already been sent out.

All this means that often supplementary reports need to be written, adding to the problems of the briefing lawyers and the medico-legal consultant.

To overcome this in a very simple way, a standard form can be sent by the lawyer to his client, together with his letter confirming the appointment with the medico-legal consultant. This form may be along the following lines:

The form

Have an introductory paragraph reassuring the client that the medico-legal consultant is there to help them present their injury in an accurate way to a court of law. The doctor will take a history, examine them, look at x-rays, x-ray reports and other documents and then prepare a report to the briefing solicitor.

The client should be reassured that the doctor will be courteous and considerate in his examination. If the client has a particularly painful joint they should warn the doctor so that he will not hurt them during his examination. The client should be reassured that they are not going to be asked "trick questions" and can give their story in a confident fashion.

Facts needed

Workers compensation:

- 1 Name of employer?
- 2 How long have you worked there?
- 3 What was your position there? (eg process worker)
- 4 Are you claiming for one or more accidents? (dates are needed) or repetitive strain? (details of work bringing on strain needed, as well as dates)
- 5 When did you first see a doctor? What was his name? Names of all doctors including treating specialists and approximate dates of attendance are needed.
- 6 What treatments have you had including operations and approximate dates of treatment?
- 7 What periods of time have you had off work?
- 8 Names of employers and type of job you have done since the accident? Are you working now?

Motor vehicle accident claims

- 1 Date of accident?
- 2 Briefly, how did the accident happen?
- 3 Which parts of the body were hurt?
- 4 Were you taken to hospital, medical centre or local GP?
- 5 Names of all subsequent treating doctors and approximate dates and details of treatment are necessary.
- 6 Were you working at the time of the accident? If so, what is the name of the employer, nature of work and hours of employment?
- 7 How long were you off work?
- 8 Employment history since accident?

Public liability (similar for victims compensation)

- 1 When did the accident occur?
- 2 Where did the accident occur?
- 3 How did the accident occur?

- 4 Names of all treating doctors and nature of treatment necessary.
- 5 Were you working, name of employer, what was your job, how long were you off work?

All clients

X-rays: please bring all X-rays, especially reports. If a report is missing, please try and obtain copies from the X-ray specialist. Name will be on the envelope. Do not allow any doctor to keep copies of X-ray reports.

Conclusion

This form can be obtained from my Secretary by telephoning 02 9221 1320 or may be copied onto lawyer's own letterhead. It is sincerely hoped that by adopting this simple expedient, patients will be more relaxed at the medico-legal assessment, the medico-legal report will be more accurate and ultimately the client and their lawyer will benefit from the increased efficiency of the whole process. ■

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