

# Defense Hired Doctors: What the Insurance Company Won't Tell You, But Your Experienced Attorney Will

When a victim is seriously injured in an accident caused by another, they usually retain an attorney to represent their rights in a lawsuit, and in the courtroom should the case go to trial. A victim's rights include everything from pursuing monetary damages in civil court to the defendant facing probation or jail time in criminal court (in cases of wrongful death, shooting, and negligent security to name a few). The process of civil action often seems to take the biggest toll on the victim.

Why is this so, you ask? It's because civil actions are where the insurance companies will use defense hired doctors to try to convince the court that victims aren't injured, or haven't suffered any pain, loss, or anguish from their accident. In some cases, the insurance company can't deny the victim is injured, so they switch tactics and claim the injury was caused by an event unrelated to the accident!

This tactic was commonly used by cigarette manufacturers in their marketing and when they appeared in court. While cigarettes are still sold, and still proven to cause various forms of deadly cancer, times have changed, and we see attempts to advertise these harmful products less frequently or not at all anymore.

## The insurance companies act like schoolyard bullies, so plaintiff attorneys must play protector for injured clients

The insurance companies don't play fair, but victims should always retain experienced, board certified legal counsel to advise them of what to do when a situation arises that may be deemed unethical. Insurance companies feel they can be the schoolyard bully and take advantage of injured victims, in pain and suffering from the mental anguish of their accident. Unfortunately, the fact is that unethical practices used routinely by a defendant's legal team are not as uncommon as they may seem. Personal injury attorneys that represent plaintiffs see these practices in reality too often. In fact, it happens every day all around the U.S. while victims and their families are being forced to endure the emotional distress of the insurance companies' greed.

## An experienced board certified civil trial attorney is the difference between compensation and case dismissal

An experienced attorney for the plaintiff will never let the insurance companies take advantage of their client, play the schoolyard bully, or try to hide the truth. The insurance companies are expecting victims not to know left from right in these situations. However, the plaintiff's attorney should always tell them the truth: they're entitled to compensation and their pain and suffering is real, despite what defense hired doctors may try to convince the judge and jury.

Often times, the defense will hire a physician to testify as to whether or not the plaintiff is actually injured and furthermore, this physician will usually find that the plaintiff is not injured at all! This doesn't seem right, does it? That's because the practice behind it isn't an ethical one, nor is it "fair and impartial", a legal term regularly used too loosely.

## Don't be fooled by kind, caring: these doctors still work for the defense!

It's easy for a plaintiff to be blindsided when being cross-examined by a physician hired for the defense. This doctor may act caring, considerate, even ask the victim leading questions that seem to imply they care about their pain and suffering. An experienced attorney will not let his or her client be fooled by this tactic! Plaintiffs should always be advised by their attorneys prior to any litigation (mediation, trial, arbitration) what they should be aware of, how to answer certain questions that may arise, and what not to say. This is just

one skill that a personal injury attorney needs to be leaps and bounds above their peers in in order to successfully obtain maximum compensation for their injured client.

When a victim is in pain after an accident, they may be experiencing exhaustion, stress, and mental anguish (PTSD, flashbacks from the accident) and just want the entire legal process to be over with quickly. Unless properly advised by their personal injury attorney, they may not know how to answer questions correctly and although the defense acts in a manner that can be deemed unethical, they may still be able to get the case dismissed.

Without a personal injury attorney who is ready and willing to take on the insurance companies and expose what they're hiding from innocent, injured clients, victims are at-risk for obtaining less or no compensation when they rightfully deserved a large sum!

### The defense hired doctors, medical examination are nothing to fear, if attorney and plaintiff are well informed

A defense medical examination is common practice in personal injury cases. The insurance company and/or the defendant's legal team(s) will want to know everything about the plaintiff and the injuries they sustained. With an attorney that informs their client beforehand of what the insurance company doesn't want them to know, there is no reason to fear this kind of exam. It's important for the plaintiff to adequately express the pain they're in and hold nothing back. They should not cower in face of a defense hired doctors.

### Some quick tips for the defense medical examination

To conclude this article, let's look at the dreaded *defense medical examination*. This examination is dreaded by plaintiffs because they go in expecting to feel attacked, made to fear defense hired doctors because they've been conditioned by the insurance company to think their pain will be dismissed. That's simply not true, and personal injury attorneys with years of litigation experience in these matters are working hard to dispel the myth that the insurance company can keep playing Big Bad.

Follow these helpful tips to make the defense medical examination process run just that much more smoothly:

**Arrive on time:** this is of utmost importance. If you need assistance, ask your attorney if there is any way transportation can be arranged on your behalf. Your attorney should be caring, compassionate, and understanding of the pain you're in. A lot of injured victims cannot drive and need someone to take them to and from their legal and medical appointments.

**Be prepared:** this tip is obvious but cannot be stressed enough! Be as prepared as possible. Be prepared to share your medical history, what happened directly before and during the accident, the pain you're in, and any other information your personal injury attorney has advised you to be forthcoming with. Keep any information you were advised not to share to yourself. There is a reason for this. Your attorney has your best interests, so always heed their advice without fail.

**You may use notes:** If writing things down helps you remember, do so! If you cannot write due to your injury, you can have a family member or spouse write down anything you've been advised by your attorney so that you don't forget on the day of the exam.

**Be polite, don't act defensively:** a victim may feel the defense is out to get them, and that's true (the insurance companies employ attorneys and medical professionals to act aggressively on their behalf). Acting defensively or rudely toward anyone from the defense's team (doctors, attorneys, expert witnesses) doesn't prove your pain and suffering, and it may reflect poorly on the attorney representing you, who has your best interest. Being fearful or stressed out after a serious accident is normal, but it's important to remember that the legal process will move more smoothly and, in your favor, if you remain calm and follow the advice of your experienced attorney. They want the best for you!

**Contact us to schedule a complimentary consultation. There's no obligation. Take the first step and call today: (877). 529-0080**

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