



INFORMATION ABOUT YOUR MEDICAL APPOINTMENT

This information sheet aims to provide you with the answers to all the questions you may have about your upcoming medico-legal appointment. It will give you details of the process involved, what is expected of you and what the medical expert will want to know. The aim of the meeting is to give the expert sufficient information to produce a report which will be of assistance to the Court. **Remember, the expert is wholly impartial and the report is written for the Court.**

You will be examined by an expert instructed by us for the purposes of your claim. The instructed expert will have extensive experience in their field, and will prepare many medico-legal reports each year. They will understand how difficult it can be to remember all that has gone on after your accident or injury and will try to help you put things in order, so that the Court gets a full and fair picture of the injuries you have suffered and the effects these have had on your life.

We will have written to the expert informing them of specific issues we would like dealt with in the report. The expert will want to know about the following areas:

- ⇒ What actually happened in the accident or incident? How were you injured?
- ⇒ What injuries or conditions were diagnosed, and how were you treated by the hospitals, doctors, physiotherapists etc?
- ⇒ How did the injury and recovery progress? Did you improve with treatment? Were other treatments given?
- ⇒ Had you experienced any similar injuries, conditions or related problems in the past? How are you now? What treatment or medication are you currently having?
- ⇒ What effects did the injury or condition have on your work, social and domestic activities, both immediately after the incident and now?

When we instruct the medical expert we will disclose a full copy of your medical records obtained from your GP and any hospital records you may have. We will have instructed the expert to take account of any pre-existing medical conditions when writing the medico-legal report. This is so that the Court can consider whether any of your symptoms and/or problems might have arisen, even if the accident had not occurred.

In essence:

- ⇒ A discussion of the events that caused the injury, the resulting symptoms, treatment, progress of recovery and lifestyle changes;
- ⇒ A physical examination.

The expert will probably take longer talking to you about the events and your symptoms than in actually carrying out a physical examination. This is because an expert can find out more about a patient's problems by taking a careful account of the patient's pre-and-post injury history than by performing a physical examination. The physical examination may involve feeling and moving the injured parts of your body, much as the doctors treating you will have done.

Please bring any hospital/physiotherapy appointment cards to help you remember when you were seen and treated, as well as any photographs or X-rays you may have of the injury. Making a list of symptoms and problems, and treatment given, helps to avoid forgetting important issues. Don't worry if you forget a minor detail. However, if you do have any concerns later, then let us know as soon as possible. We can then decide if the expert needs to be informed. We can help you with this, or you may prefer to ask a friend or relative for assistance. You are welcome to bring a relative or partner with you. However, this person must not interfere with the consultation in any way, and that includes answering questions on your behalf.

The instructed expert has to produce a report for the Court. It is not the expert's place to provide a specialist opinion on your condition for your GP, or to recommend specific treatments. The expert may, however, advise in the report that your condition could be improved by further investigation and treatment. Referral for any treatment must, however, come from your GP or the specialist looking after you.

Words of Warning

Do not exaggerate

The expert will have seen a lot of trauma patients, and will usually spot the situation where the symptoms being claimed do not fit the expected pattern. Rather than enhancing your claim, it might raise suspicion about the veracity of the whole claim. Similarly, exaggerating the effects of the injury is unlikely to impress. Claiming, for example, that you can no longer run marathons, and then admitting that you had only ever run one 10 years previously, is unlikely to be helpful!

Do not be selective

When asked about any similar or related problems in the past, it is important to be honest. Do not try to "filter out" previous episodes of pain or problems that you have experienced on the presumption that they are not relevant. Mention and explain the nature of any previous problems, and let the expert offer an opinion in the report on whether they are relevant to your current condition. For example, it would be far better to tell the expert about your previous lower back pain (and to explain that it had bothered you several years ago, had been brought on by a week of heavy gardening, and had improved over a few weeks) rather than to deny any such previous symptoms and then for the expert to find out about this earlier problems from your medical records.

You should be aware that any attempt to exaggerate or embellish symptoms, or to knowingly withhold details of past injuries, is dishonest and could lead to a failed claim.

What happens next.....

After you have seen the medical expert, they will send their draft report to us. We will then send a copy of the draft to you for your consideration. We will ask you to look through the report to ensure that it accurately reflects what happened in the examination and that the expert has not misunderstood anything you have told them. We can then go back to the expert on any facts that require clarification or amendment. The report will probably contain a précis of your medical records. These cannot be changed, clarified or amended.

It is very important that you do not disclose the medical report to any medical practitioners until it has been finalised by the expert. Once you have given the report to your GP it will form part of your medical records and the Defendants will be able to have access to it, whether we choose to rely on the report or not.

The expert may make recommendations for treatment in their report and we understand that you would be anxious to carry out their recommendations HOWEVER it is also extremely important to protect your claim and we would advise that you consult us before speaking to your medical practitioner regarding anything our medical expert has suggested.



We have a well established Civil Litigation department at Hatch Brenner which is headed by Rosemary Escott, partner. For Personal Injury cases we can offer a free initial consultation when we can advise on a range of funding options (including no win — no fee) ensuring each individual client's circumstances are taken into account. We also have specialist legal advisers dedicated to providing an efficient and comprehensive service covering a wide range of commercial disputes including arbitration/mediation/ADR,

THE LITIGATION DEPARTMENT



Rosemary Escott

Head of Civil Litigation Department. Rosemary is a Personal Injury specialist in fatal and serious injury claims, arising out of road traffic accidents, accidents at work, clinical negligence and sexual abuse. Member of the Law Society's Specialist Personal Injury Panel since 1995.
Contact Tel: 01603 214213

Mark Fitch

Experienced in a wide range of disputes; enjoys particularly professional negligence claims, contested probate matters and claims against the police. He qualified as a mediator in 2005 becoming one of the youngest members of the Mediators in East Anglia Group.
Contact Tel: 01603 214255



Colin Cook

Colin was previously a partner at a firm in Chancery Lane in London where he dealt with a wide range of personal injury claims for both Claimants and Defendants.

He deals with all aspects of personal injury including road traffic accidents, accidents at work, criminal injuries, trips and slips. He is an Accredited Senior Litigator of the Association of Personal Injury Lawyers.
Contact Tel: 01603 214254

John Cushing

John is well-placed to assess landlord and tenant claims from both perspectives, having acted for either side in a vast number of possession actions, rent collection matters and damages claims. He also deals with other property-related matters including boundary and neighbour disputes, building disputes, and professional negligence claims. He is highly experienced in debt collection, and regularly appears before the district judges in the local county courts.
Contact Tel: 01603 214251



Solitors

Hatch Brenner LLP is a limited liability partnership regulated by the Solicitors Regulation Authority and registered in England and Wales with registered number OC343110. The registered office is 4 Theatre Street Norwich NR2 1QY. A list of members may be inspected at any of our offices. The term 'Partner' is used to refer to a Member of Hatch Brenner LLP.

The content of this brochure is for general information only. As always, specific professional advice should be taken on each individual matter. Copyright in this publication belongs to Hatch Brenner.

4 Theatre Street
Norwich, NR2 1QY
DX 5237 Norwich 1

T 01603 660811
F 01603 619473
E info@hatchbrenner.co.uk
www.hatchbrenner.co.uk