

## Personal Injury Evaluations

Motor vehicle collisions, work-related accidents, physical assaults, various forms of abuse, and incidents of medical malpractice can all lead to injury that impacts an individual's physical and/or psychological well-being. It is not uncommon for the injured party to make a claim of damages when the injury he or she has sustained is severe enough to impact that person's life in a meaningful way. It is also not uncommon for defendants in such lawsuits to question the individual's claim.

In an effort to resolve such disputes, one or both sides of a case may request that the plaintiff undergo a personal injury evaluation to determine causality, the severity of the injury, the type of treatment that is required to address the injury, the likely duration of the treatment, and whether or not the damage associated with the injury is permanent.

To arrive at an opinion regarding this issue, a personal injury evaluator typically meets with the claimant to obtain a history of the allegedly damaging event; the nature of the symptoms that reportedly stem from the event; the impact of those symptoms on an individual's mental state, relationships, and ability to function; and the progression of the person's symptoms and reported disability since the time of the injury.

A personal injury evaluator will take a thorough history of the claimant's background, looking for evidence of pre-existing conditions that have possibly been made worse as a result of the present injury. Taking this history is important because doing so helps the evaluator determine whether or not traumatic events in a person's earlier life have impacted that person's mental or physical health and, if so, whether or not pre-existing problems are responsible or partially responsible for an individual's symptoms.

In addition to meeting with the claimant, a personal injury evaluator obtains information from other sources such as medical, psychiatric, employment, police, and legal records. The evaluator may also choose to speak with professionals and other people who can provide objective information.

It is the ethical responsibility of the evaluator to obtain sufficient information regarding the injury and its context to reach opinions that are objective and based on a solid informational foundation.

A personal injury evaluator is not a hired gun. A personal injury evaluator should never base his or her opinions on what he or she believes would please the referring entity. Rather, it is the ethical duty of the evaluator to prepare reports and render opinions without being swayed by opportunities for personal gain.

Personal injury evaluations may vary from case to case depending on the issues involved. For example, an individual who is injured as a result of a motor vehicle accident is likely to experience different symptoms than if that same person were a victim of sexual abuse as a child. Each evaluation needs to be tailored to the circumstances of the case and the claimant's reported symptoms and history.

Once the personal-injury evaluation has been completed, the evaluator prepares a report summarizing the information obtained during the evaluation process and rendering opinions regarding causality, the nature and severity of the injury, the need for treatment, and the prognosis for recovery.

The report may be used to help facilitate a resolution of the legal dispute related to the injury. Attorneys usually attempt to resolve the matter before taking it to a judge. During this phase of the process, the personal injury evaluator may be deposed. Should attempts at settlement negotiations fail, the personal injury evaluator is available to testify in open court regarding his or her opinions and the bases for them.

It is incumbent upon the personal injury evaluator to provide testimony in the same objective and independent fashion as he or she performed the evaluation. It is not the job of the personal injury evaluator to win the case for a client or the client's attorney. Rather it is the evaluator's responsibility to provide information and opinions in an unbiased fashion to ensure that the trier of fact is able to make a proper decision based on reliable evidence.