

In a personal injury lawsuit, will I have to be examined by a doctor for the other side?

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Q: During my case, will I have to be examined by a doctor for the defense?

A: In almost every type of injury case the answer is yes. When you put your medical condition in issue, and you claim you were injured because of another's wrongdoing, the defense has a right to have you examined by a doctor of their choosing. This allegedly (at least in theory) allows them to evaluate your current medical condition to see for themselves whether you are truly as disabled as you claim to be.

The reality is that there are many doctors who are routinely used by various insurance companies to perform "Independent medical exams." This term is really a farce, since there is nothing "Independent" about this exam. The defense insurance company selects this doctor. They send him your records. They pay his fee for the exam. In some cases, the referrals to doctors for these types of exams will make up the bulk of a doctor's practice. In that instance don't you think that the doctor is more likely to MINIMIZE your injuries, and make the defendant's position better, so as to encourage the insurance company to keep sending patients to the doctor to examine?

If the doctor gave an unbiased, totally objective medical opinion in every instance, I am pretty sure that many of the monetary offers by insurance companies would be much fairer and higher than they currently are. Remember, insurance companies are in business to MAKE MONEY. Not to give it away. Also, these doctors who are doing these exams see the patient only one time; and not for treatment. They don't have the benefit of seeing the patient many times, over a period of weeks, months or even years. There is no real relationship that develops during this solitary exam. How can a physician realistically evaluate someone's medical condition without the benefit of seeing and evaluating them over time? Attorney Oginski has been in practice for over 16 years as a trial lawyer practicing exclusively in the State of New York. Having his own law firm, he is able to provide the utmost in personalized, individualized attention to each and every client. In our office, a client is not a file number. Client's are always treated with the respect they deserve and expect from a professional. Mr. Oginski is always aware of every aspect of a client's case from start to finish.

Gerry represents injured people in injury cases and medical malpractice matters in Brooklyn, Queens, New York City, the Bronx, Staten Island, Nassau and Suffolk Counties. You can reach him at <http://www.oginski-law.com>, or 516-487-8207. All inquiries are free and totally confidential.