PI FAX & Email ALERT
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Key Factors Aggravating Neck Injuries

There are three key factors that can make a simple neck injury into a living nightmare.

 # 1 Your Patient's Height

Taller men tend to suffer more if the head restraint system is too low to offer protection.

#2 Your Patient's Gender

Women are 1.8 to 2.2 times more at risk of neck injury and are more likely to develop long-term symptoms of whiplash than are men. 55% of women who get hurt go on to develop long term problems compared to 38% of men. One explanation is that men have more neck musculature than women for about the same size head. Or, women tend to sit farther away from their seatbacks than men, thus the head travels further. [Ask for citations].

#3 Your Patient's Seating position:

One recent study concluded that drivers have a higher risk rate than passengers. Drivers are prone to move forward and away from the seatback as they reach for the steering wheel and observe traffic around them. However, passengers tend to be more relaxed and lean further back in their seats, with their heads close to the restraint.

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Pre existing Injuries can ruin good PI cases

John Reed drove his Infinity on US 101 in south San Jose and was rear-ended by an Oldsmobile. Reed got $5,107 property damage. The defendant received $6,180 in car damage. The defendant even admitted he caused the accident.

Why then the jury did not award ANY compensation?

Reed complained of back and neck aches, headaches, and shoulder problems. His chiropractic bill was only $2,165, his loss of earnings a reasonable $1635

SO WHAT WENT WRONG?

Defendant used a very common tactic. Def claimed the accident was not a SUBSTANTIAL FACTOR in causing the alleged injuries.

Sadly, Mr. Reed denied under oath he had any prior neck problems. However, the records and testimony of Mr. Reed's PRE ACCIDENT treating chiropractor proved Reed had "significant" prior problems.

Reed demanded $10,000, and turned down an offer of $2000 from CSAA. The Jury took 3 hours to rule against Reed.

LESSON: MANY PATIENTS HAVE SEEN CHIROPRACTORS BEFORE; ALWAYS GET PRIOR RECORDS AND FULLY DISCLOSE PRIOR CARE IN YOUR REPORT. PROVE THE DEGREE OF AGGRAVATION. IF THE PATIENT HAS NOT SEEN A DC RECENTLY THEN PRIOR CARE IS NOT A PROBLEM.