

## PI E-MAIL & FAX ALERT

10/24/2008

**Shawn Steel, Chiropractic Attorney**

Telephone: 800-626-0003

Website: [www.shawnsteel.com](http://www.shawnsteel.com)

Email: [shawnsteel@shawnsteel.com](mailto:shawnsteel@shawnsteel.com)

### **Can DC's use the AMA Impairment Guides? Part One:**

Gary Lewkovich DC heard of one insurance company refusing to accept chiropractic impairment ratings for PI cases. The auto carrier rested on the evasive language of "medical evaluation performed by a physician." Gary offers some pointers that Permanent Impairment ratings is not of the big new thing in Personal Injury, but DC's are among the most qualified to rendered opinions.

Because:

1. Legal ... Since 2005 all DC are required to use the Guides in workers comp.
2. Court ... DC's regularly are permitted to testify about the Guides.
3. Board ... the Medical Board has no issued any prohibitions against DC's from using the Guides.

For a full copy of Gary's article contact [johntawlian@shawnsteel.com](mailto:johntawlian@shawnsteel.com)

\*\*\*\*\*  
**Free Teleconference**  
**Wednesday, October 29 @ 1:00 pm**  
**PERMANENT IMPAIRMENT**  
With special guest  
**Edward Cremata, DC**  
E-mail [johntawlian@shawnsteel.com](mailto:johntawlian@shawnsteel.com) for  
telephone # and pass code.  
\*\*\*\*\*

**Shawn Steel speaking at CCA-Districts**  
You & Staff welcome  
San Mateo 10/29/08 @ 7:00 PM  
San Diego 11/05/08 @ 7:00 PM  
LA Metro 11/12/08 @ 7:00 PM  
San Joaquin/ Stanislaus 12/10/08 @ 7:00 PM

### **Nice win Alameda County: Allstate takes another big hit.**

Ronald Olmstead, age 44, is an electrical engineer, was stopped for traffic on northbound I 880. His SUV was rear ended by defendant's SUV and forced into the car ahead.

Olmstead argued he would need care for 5 years following the accident. He complained of injuries to neck and mid-back. After 8 months of chiropractic care, 2 months of physical therapy, one MRI and an injection he was released with mid-back pain exacerbated with twisting motions.

His medical bills were \$7785.00. In trial Olmstead demanded \$14,000 [CCP 998 Motion before trial] Defendant offered only \$7000.

The jury awarded \$7785 for past medical bills, \$10,000 for future care, \$25,000 for past pain and suffering and \$35,000 for future pain and suffering. All this for a grand total of \$ 78,785.00

Defendant insurance Allstate wound up paying the \$100,000 policy limits to satisfy the penalty they got for not settling the case for \$14,000 before trial.

Congratulations to Alireza Bagherian DC, San Francisco, and to Tina McGinnis DC, San Jose.

**Olmstead vs. Walsh HG 062 526 69 July 29 2008, Judge Winifred Smith.**

#### **PRACTICE TIPS**

- Jurors were impressed with testimony by DC's, PT and MD.
- Value greatly enhanced on proving future pain and suffering.