

Index

ABSENCE OF POLICE REPORT

In limine motion topic, **36:3**

ABSENCE OF SIGNIFICANT VEHICLE DAMAGE

Increasing incidence of whiplash,
51:4

ABSTRACTS

Biomedical literature, abstracts
versus full text, **51:13**

ABUSE OF PROCESS

Bad faith, **48:4**

ACCELERATION-RELATED INJURIES, LITERATURE REGARDING

Prognosis, acceleration-extension
injuries, prospective study, **56:7,
63:1**

Refuting validity of whiplash
injuries, acceleration perturba-
tions, **61:10, 63:32**

ACCIDENT RECONSTRUCTION EXPERT

Biomechanics and Engineering
(this index)

Crash testing literature, use of, **51:9
to 51:11**

Decision to use, **6:5**

Plaintiff bar shares information, prior
transcripts, and resources, **19:1,
24:1**

ACUPUNCTURE TREATMENT

Physical therapy entry, **4:1**

ADJUSTER'S ROLE

Deviating from Colossus, conse-
quences, **5:1**

Duties and role of adjuster, **5:1, 29:1**

**Evaluation Consultant/
Coordinator** (this index)

ADJUSTER'S ROLE—Cont'd

Initial contact with claimant, data
chart checklists, **11:2**

Medical examinations, **22:3, 29:1**

Negotiation of claim, **13:1, 29:1**

Prize awarded for claims referred to
Special Investigations Unit, **6:6**

Training adjusters in use and prepara-
tion of Colossus evaluation,
examples, **5:2**

Transformation of the Colossus/
"MIST" adjuster, **5:1**

Unrepresented claimants, **5:3, 9:1,
16:4, 17:1**

ADMINISTRATIVE STAFF

Legal, **50:2**

ADMISSIONS, REQUEST FOR

Generally, **18:1**

Damages

Generally, **18:4**

Form re special injuries, damages,
and potential excess, **18:7
(Form)**

Drafting techniques, **18:1**

Forms re admissions requests

Liability and general matters, **18:6
(Form)**

Motion shortening time, deeming
answers as admissions, and
allowing service by other
means, **16:9 (Form)**

Special injuries, damages, and
potential excess, **18:7 (Form)**

To insurer regarding identification
and location of defendant,
16:8 (Form)

Health care expenses, reasonableness
and necessity, **18:4**

Identification and location of missing
defendant for service of process.
Service of process, *infra*

ADMISSIONS, REQUEST FOR
—**Cont'd**

- Insurance coverage
 - Generally, **18:5**
 - Forms, admission requests re
 - Liability and general matters, **18:6 (Form)**
 - Special injuries, damages, and potential excess, **18:7 (Form)**
- Jurisdictional matters
 - Generally, **18:2**
 - Form re liability and general matters, **18:6 (Form)**
- Key issues, **18:1**
- Liability
 - Generally, **18:3, 18:4**
 - Deposition, effect of admission on need to take, **19:1**
 - Form re liability and general matters admissions request, **18:6 (Form)**
- Medical expenses, reasonable and necessary, **18:4**
- Service of process problems, requests for admissions to insurer regarding
 - Identification and location of defendant
 - Generally, **16:4**
 - General form, **16:8 (Form)**
 - Motion shortening time, deeming answers as admissions, and allowing service by other means, **16:9 (Form)**
 - Jurisdictional matters, generally, **18:2**
- Timeliness of requests for admissions, **18:1**

ADMISSIONS TO HOSPITAL

- Decline in, **22:1**

ADVOCATES

- Health care providers as advocates for patients, **22:3**
- Trial attorney, aggressive advocacy, **41:2**

AFFIRMATIVE DEFENSES

- Interrogatories and requests for production topic, **17:1**

AGE DISCOUNT

- Reporting system, **4:1**

AIR BAGS

- Decline in hospital admissions, reason for, **22:1**

ALL-INDUSTRY RESEARCH
ADVISORY COUNCIL

- Generally, **1:1**

ALLSTATE INSURANCE

- Bad faith, **1:8 to 12**
- Colossus software program, **1:8, 1:13**
- McKinsey & Company, relationship with, **1:9**

ALMANACS

- Helpful websites, **53:2**

AMENDMENT OF COMPLAINT

- Generally, **29:2, 30:3**
- Motion for leave to amend, **30:10 (Form)**

AMERICAN MEDICAL
ASSOCIATION

- International Classification Of Diseases, establishment of, **13:2**

ANSWER TO COMPLAINT

- Defenses** (this index)
- Trial notebook section, **32:16**

ANXIETY

- Category entry, **4:1, 13:2**

APPEARANCE AT TRIAL

- See also **Attendance** (this index)
- Notice of trial attendance, **40:3, 40:7 (Form)**
- Sequencing trial witnesses, **40:2**
- Subpoena for trial attendance, **40:8 (Form)**

ARGUMENTS OF COUNSEL

- Closing Argument** (this index)
- Opening Statements** (this index)

ART

- Medical Legal Art Website, **54:8**

ASYMPTOMATIC CONDITION

- Assessment by Colossus, **13:2**

INDEX

ATTENDANCE

- See also **Appearance at Trial** (this index)
- Civil Rule 35 medical examination, attorney representative's presence, **23:3, 24:1**
- Notice of trial attendance, **40:3, 40:7 (Form)**
- Subpoena for trial attendance, **40:8 (Form)**

ATTORNEY-CLIENT RELATIONSHIP

- Aggressive advocacy and civility concepts, **41:2**
- Change of attorneys, in limine motion topic, **36:3**
- Civil Rule 35 medical examination, attorney representative presence, **23:3, 24:1**
- Creating relationship with client
 - Generally, **9:1, 9:3**
 - Explaining MIST misnomer, **9:3**
 - Formalizing the relationship.
 - Formalizing the relationship, *infra*
 - Need for debriefing, **9:1, 9:3**
 - Notifying insurer. Notifying insurer, *infra*
- Debriefing client, need for, **9:1, 9:3**
- Deciding whether litigation-related meeting with client is needed, **6:5**
- Deciding whether to take case, **8:1, 9:4**
- Duty to obtain all potential evidence and information regarding client and accident-related data, **11:3**
- Explaining MIST misnomer, **9:3**
- Fees. **Attorney's Fees** (this index)
- Fighting insurance industry's refusal-honor meritorious claims, duty and strategies of plaintiff's attorney, **7:1 to 7:3**
- Fighting insurance industry's refusal to honor meritorious claims, duty and strategies of plaintiff's attorney, **13:1, 27:1, 29:1**
- Formalizing the relationship
 - Generally, **9:4**

ATTORNEY-CLIENT

RELATIONSHIP—Cont'd

- Formalizing the relationship—Cont'd
 - Contingency fee retainer agreement, **9:6 (Form)**
 - Initial client letter, **9:7 (Form), 9:8 (Form)**
 - List of instructions and suggestions for client, **9:8 (Form)**
 - Notifying insurer. Notifying insurer, *infra*

Forms

- Formalizing the relationship
 - Contingency fee retainer agreement, **9:6 (Form)**
 - Enclosure to initial client letter, list of instructions and suggestions for client, **9:8 (Form)**
 - Initial client letter, **9:7 (Form), 9:8 (Form)**
- Initial contact
 - Basic inquiry data form, **8:5 (Form)**
 - Detailed inquiry data form, **8:6 (Form)**
 - Prospective client letter regarding intake form, **8:7 (Form)**
 - Telephone intake form, **8:4 (Form)**
- Notifying insurer
 - Initial letter to first party carrier (PIP/MedPay), **10:4 (Form)**
 - Initial letter to first party carrier (UM/UIM), **10:5 (Form)**
 - Initial letter to third party carrier (BI), **10:6 (Form)**
- Increasing profits by focusing on attorney-represented claimants, **1:3**
- Inflation in MIST settlements, **5:1**
- Initial client letter, **9:7 (Form)**
- Initial client letter enclosure, list of instructions and suggestions, **9:8 (Form)**
- Initial client meeting
 - Acceptance of client, choice to, **9:2**

ATTORNEY-CLIENT

RELATIONSHIP—Cont'd

Initial client meeting—Cont'd
Client's credibility, assessment of, **9:2**

Diary of events, **9:2**

Explaining MIST misnomer, **9:3**

Formalizing the relationship, **9:4**

Injury, assessment of, **9:2**

Medical history, **9:2**

Need for debriefing, **9:1**

Initial contact by client

Generally, **8:1, 8:2**

Basic inquiry data form, **8:5**
(**Form**)

Detailed inquiry data form, **8:6**
(**Form**)

Prospective client letter regarding
intake form, **8:7 (Form)**

Telephone intake form, **8:4 (Form)**

Insurance industry focusing on
attorney-represented claimants,
1:3

Intake process of attorney

Generally, **8:1, 8:2**

Basic inquiry data checklist form,
8:5 (Form)

Checklist forms

Basic inquiry data form, **8:5**
(**Form**)

Detailed inquiry data form, **8:6**
(**Form**)

Prospective client letter for
intake form, **8:7 (Form)**

Telephone intake form, **8:4**
(**Form**)

Detailed inquiry data checklist
form, **8:6 (Form)**

Initial contact. Initial contact,
supra

Investigating the Claim (this
index)

Prospective client letter regarding
intake data checklist form, **8:7**
(**Form**)

Telephone intake form, initial
contact, **8:4 (Form)**

Internet, contact by, **8:2**

ATTORNEY-CLIENT

RELATIONSHIP—Cont'd

Notifying insurer

Generally, **10:3**

Initial letter to first party carrier
(PIP/MedPay), **10:4 (Form)**

Initial letter to first party carrier
(UM/UM), **10:5 (Form)**

Initial letter to third party carrier
(BI), **10:6 (Form)**

Obtaining records and data involving
client

Generally, **11:3**

Notifying insurer about relation-
ship. Notifying insurer, supra

Paralegal assistance with voir dire,
32:6

Prospective client letter regarding
intake data checklist form, **8:7**
(**Form**)

Social media, managing client's, **9:5**

Telephone intake checklist form,
initial contact, **8:4 (Form)**

Unrepresented claimants, adjuster's
handling of, **5:3, 9:1, 16:4, 17:1**

ATTORNEYS' FEES

Generally, **49:1 et seq.**

Contingency fee retainer agreement,
9:4, 9:6 (Form)

Damages item, generally, **15:3**

Forms

Generally, **49:3 et seq. (Forms)**

Findings of fact, **49:4 (Form)**

Judgment, **49:5 (Form)**

Motion for fees and costs, **49:3**
(**Form**)

Frivolous or obstructionist conduct of
insurer basis, **9:4**

Retained counsel, **6:5**

Sending retainer agreement to pro-
spective client before initial
meeting, **8:2**

AUDIO TAPES

Medical examination of plaintiff,
comparing written report to
audio tape, **24:2**

INDEX

AUTOMOBILE INJURIES AND THEIR COMPENSATION IN THE UNITED STATES

1979 publication, **1:1**

AUTOMOBILE REPAIRS

Vehicle Damage (this index)

BACK SPRAIN

Musculoligamentous Injury (this index)

BAD FAITH

Generally, **48:1 et seq.**
Abuse of process, **48:4**
Campbell v. State Farm, **48:3**
Colossus, **48:5, 48:6**
Combination tortfeasor and sue us clause complaint, **48:22 (Form)**
Crackel v. Allstate, **48:4**
Forms, **48:10 to 48:30 (Forms)**
MedPay, **48:2**
Penberthy v. Caprett, **48:5**
PIP, **48:2**
Pleading, drafting, **48:8**
Sue us clauses, **48:9 (Form)**
Third party, **48:3**
Wells v. Allstate class action, **48:6**

BAR ASSOCIATION

Life after, passing as a new lawyer, **50:2**

BIAS OR PREJUDICE

Acknowledging but discounting musculoligamentous injuries of the neck, **3:2**
Against nondemonstrable injuries
Generally, **4:1, 11:1, 22:1**
Acknowledge but discounting musculoligamentous injuries of the neck, **3:2**
Burden on claimant, **3:4**
Diagnosis difficulty, musculoligamentous injuries of the neck, **3:3**
Independent medical examination, bias of forensic examiner re musculoligamentous injuries of the neck, **23:1, 24:4**

BIAS OR PREJUDICE—Cont'd

Against nondemonstrable injuries
—Cont'd
Malingering, creating assumption of, **3:1**
Biomechanics opinion testimony, **28:1 et seq.**
Burden on claimant, bias against nondemonstrable injuries, **3:4**
Diagnosis difficulty, musculoligamentous injuries of the neck, **3:3**
Forensic medical examiner, **23:1, 24:4**
Jury bias, defense reliance on, **18:4**
Malingering, creating assumption of, **3:1**
Medical records review, **22:1 to 22:3**
Paper reviews, **17:1**
Utilization of Colossus against nondemonstrable injuries, **4:1**
Witness availability bias concept, **40:2**

BINDING

Settlement of claim, **13:8**

BIOCHEMIST

Defenses, cross examination, **64:7**

BIODYNAMICS RESEARCH CORPORATION (BRC)

Giving defense biomechanics testimony in lower speed crashes, **51:6**
Refuting validity of whiplash injury, literature regarding, **61:4**

BIOMECHANICS AND ENGINEERING

Generally, **51:6, 66:1 et seq.**
Accident reconstruction expert
Generally, **65:1, 65:2, 65:3 (Form)**
Affidavit for motion to strike, **65:3 (Form)**
Crash testing literature, use of, **51:9 to 51:11**
Deciding whether to have, **6:5**
Plaintiff bar shares information, prior transcripts, and resources, **19:1, 24:1**

BIOMECHANICS AND

ENGINEERING—Cont'd

- Car photographs in low impact cases, **66:3**
- Crash test studies and injury thresholds, generally, **66:1, 66:2**
- Defense medical examination inquiry, **23:2**
- Defense testimony, junk science basis, **51:7**
- Dummy crash testing, **51:6, 51:9**
- Epidemiology, use of, **51:8**
- Historical perspective, **51:6**
- Junk science, use of, **51:7**
- Juror bias, motion in limine to preclude biomechanical engineer, **68:2 (Form)**
- Jury instruction, speed, **37:12 (Form)**
- Literature Regarding Crash-Related Injuries, Forensic Application** (this index)
- Motion by plaintiff to limit or exclude testimony, **65:4, 65:5**
- Nomenclature of crash-related injuries
 - Generally, **51:5**
 - Whiplash, defined, **51:2**
- Plaintiff bar shares information, prior transcripts, and resources, **19:1, 24:1**
- Relationship between vehicle damage and injury
 - Generally, **51:3**
 - Increasing incidence of whiplash in absence of significant vehicle damage, **51:4**
- Whiplash, generally, **51:1, 51:2**
- Witness/expert
 - Anti-biomechanic expert as trial witness for plaintiff, typically, **40:2**
 - Cross examination of biomechanics witness
 - Generally, **27:2**
 - Outline listing inquiry topics, **27:4 (Form)**
 - Deciding whether to have, **6:5, 29:1**
 - Disclosure of, **17:1**

BIOMECHANICS AND

ENGINEERING—Cont'd

- Witness/expert—Cont'd
 - Excluding biomechanic witness from testifying at trial
 - Generally, **28:1 et seq.**
 - Law memorandum supporting motion, **28:4 (Form)**
 - Motion, **28:5 (Form)**
 - Injury causation expert, biomechanist as, **51:6**
 - Junk science, use of, **51:7**
 - Outline for cross examination of biomechanics witness, **27:4 (Form)**
 - Plaintiff bar shares information, prior transcripts, and resources, **19:1, 24:1**
 - Report of biomechanic expert as letter to defense attorney, **27:2 (Form)**
 - Testimony, junk science basis, **51:7**

BIOMEMEDICALS AND ENGINEERING

- Generally, **52:1 to 52:5**
- Fast lane of the information highway
 - The long and winding road, **52:5**
- Generally
 - Tapping the well by using PubMed, **52:2 to 52:4**
- Tapping the well by using PubMed
 - Basic search strategy, **52:3**
 - Ordering full text copies of journal articles, **52:4**

BODILY INJURY POLICY

- Defined, **10:1**
- Notifying third party insurer about attorney-client relationship, **10:6 (Form)**
- Requests for admission regarding insurance coverage, **18:5, 18:6 (Form), 18:7 (Form)**

BODY SHOP ESTIMATORS

- Disclosure of, **17:1**

BRAIN SCANS

- Malingering, defenses, **25:4**

INDEX

BRC

Biodynamics Research Corporation (BRC) (this index)

BRIEF, TRIAL

Trial Brief (this index)

BURDEN OF PROOF

Causation

Generally, **34:7**

Proximate cause, **37:13, 44:3**

Trial brief provision, **35:3**

Directed verdict motion, **44:1, 44:2**

Excluding evidence in limine, **36:1**

Judgment as matter of law, **44:3**

Jury instruction, **37:15, 37:15**

(Form)

Jury instruction (demonstrative), **45:8**
(Form)

Medical examination of plaintiff, **23:1**

Musculoligamentous injury, **3:4**

Prejudice of insured's failure to appear at trial, **40:3**

Proximate cause, **37:13, 44:3**

Summary judgment, **44:3**

Trial brief issue, **35:2**

CADAVER CRASH TESTING

Generally, **51:6**

CAMPBELL V. STATE FARM

Bad faith, **48:3**

CARPAL TUNNEL SYNDROME

Generally, **4:1**

CASUALTY DEVELOPMENT

SUMMARY PROCESS

COMPUTERIZATION

Generally, **11:2**

CAUSATION

Burden of Proof (this index)

Directed verdict motion, **44:3, 44:5**
(Form)

Epidemiology, **51:8, 51:9**

Injury causation, determining, **51:6 to 51:9**

Proximate cause

Jury instruction, **37:13 (Form)**

Proving, **44:3**

CAUSATION—Cont'd

Questionable, **1:5**

CAUSE OF ACTION

Complaint (this index)

Defenses (this index)

Filing the lawsuit, generally, **15:1 et seq.**

Outlining the causes of action, **15:3**

Outlining the facts, **15:2**

Service of Process (this index)

Spoliation of evidence, **15:4**

CELL PHONES

Smart Devices (this index)

CENTRALIZING CLAIMS

OPERATIONS

Generally, **5:1**

CERVICAL INJURIES

Acute injuries to cervical joints, prognosis, **56:1, 63:1**

Curvature of neck and hyperextension at lower levels; motion of cervical vertebrae, **59:1, 63:13**

Discogenic pain, correlation of magnetic resonance imaging and discography, **57:1, 63:8**

Soft-tissue injuries of the cervical spine, prognosis, **56:3, 63:3**

CHARTS, CHECKLISTS, AND OUTLINES

Adjuster's initial contact with claimant, data chart checklists, **11:2**

Attorney-client relationship, intake process of attorney

Basic inquiry data form, **8:5**
(Form)

Detailed inquiry data form, **8:6**
(Form)

Prospective client letter for intake form, **8:7 (Form)**

Telephone intake form, **8:4 (Form)**

Cause of action

Outlining the causes of action, **15:3**

Outlining the facts, **15:2**

Closing argument outline, **45:7**
(Form)

**CHARTS, CHECKLISTS, AND
OUTLINES—Cont'd**

- Cross examination of biomechanics witness, outline, **27:4 (Form)**
- Deposition testimony outline
 - Defendant's deposition, **19:2 to 19:3, 19:8 (Form)**
 - Defense medical examiner's deposition, **24:6 (Form)**
 - Expert's deposition, **19:9 (Form)**
 - Plaintiff and lay witnesses deponents, **19:6 to 19:7, 19:12 (Form)**
 - Plaintiff's physical therapist, **19:13 (Form)**
- Direct examination at trial, outline
 - Defendant, **40:9 (Form)**
 - Lay witness, **40:11 (Form)**
 - Plaintiff, **40:10 (Form)**
 - Treating health care provider, **40:12 (Form)**
- Foundation evidence, charting, **32:5, 32:22 (Form), 32:23 (Form)**
- Insurer's computer directed investigation, checklists, **11:2**
- Jury voir dire
 - Trial notebook chart, **32:6, 32:24 (Form)**
 - Voir dire discussion point outline, **38:9 (Form)**
- Opening statement outline, **39:3**
- Plaintiff witnesses chart, **32:18 (Form), 32:19 (Form)**
- Service of process chart, vehicular accidents, **16:5 (Form)**
- Trial flow chart, **32:20 (Form), 32:21 (Form)**

**CHILDREN'S MEDICAL
CONDITION**

- In limine motion topic, **36:3**

CHIROPRACTIC SERVICES

- Assessment by Colossus, **4:1, 13:2**
- CPT codes use, **12:9**
- High percentage of injured persons using, **22:1**
- ICD-9 use, **12:9**
- Jury instruction, **37:18 (Form)**

**CHIROPRACTIC SERVICES
—Cont'd**

- Testimony of treating chiropractor as expert medical testimony, trial brief provision, **35:3**
- Trial witness for plaintiff, typically, **40:2**

CHRONIC PAIN

- Use of medical literature to support, **51:10**

CIRCUMSTANTIAL EVIDENCE

- Jury instruction, **37:8 (Form)**

CITATIONS

- Medical literature, **51:12, 51:13**

CIVIL CONSPIRACY CLAIMS

- Colossus software program, **48:7**

**CIVIL RULE 35 MEDICAL
EXAMINATION**

- Medical Examiners and Examinations, Defense (this index)

**CLAIM CORE PROCESS
REDESIGN**

- Generally, **5:1, 6:3**
- Casualty Development Summary Process Computerization, **11:2**
- Manual, litigation protocol provisions, **6:5**
- Unrepresented claimants, handling of, **9:1**

CLAIM INVESTIGATION

- Investigating the Claim (this index)

CLAIM PRECLUSION

- Requests for admission, failure to properly admit within allowed time, **18:1**

**CLAIM REPRESENTATIVE'S
ROLE**

- Adjuster's Role (this index)

CLAIMS PAY OUTS

- Bodily injury liability coverage, handling pay out, **10:2, 17:1**
- Low claims pay outs, historical perspective, **5:1**

INDEX

CLOSING ARGUMENT

- Generally, **45:1**
- Burden of proof demonstrative instruction, **45:8 (Form)**
- Golden Rule argument, **45:4**
- Legal boundaries, **45:3 to 45:4**
- Mission of plaintiff, **45:2**
- PowerPoint** (this index)
- Sample outline, **45:7 (Form)**
- Trial notebook section, **32:13**

CODEFENDANTS

- Multiple Defendants** (this index)

COLLATERAL SOURCE RULE

- Medical liens and lien factoring companies, **42:4 to 42:9**

COLLUSION BETWEEN INSURERS

- Generally, **10:2**
- Minimizing, **10:1**

COLOSSUS OF RHODES

- Historical perspective, **1:2**

COLOSSUS SOFTWARE PROGRAM

- As to particular matters, see more specific entries throughout this index
- Generally, **1:2, 1:3, 30:1 to 30:3**
- Accessing Colossus, **30:2**
- Adjuster's role, **5:1 to 5:3**
- Alternative models, **13:4**
- Attorney's mission, **7:1 to 7:3**
- Bad faith, **1:8 to 12, 48:5, 48:6**
- Bias against nondemonstrable injuries, **3:1 to 3:4**
- Civil conspiracy claims, **48:7**
- Claim Core Process Redesign phase II, **5:1**
- Courts and, **1:7**
- Data categories, **30:1, 30:2**
- Deposition testimony, **1:8**
- Description of process, **4:1**
- Discovery process
 - Admissions, **18:1 to 18:7**
 - Depositions, conducting and defending, **19:2 to 19:7**

COLOSSUS SOFTWARE

PROGRAM—Cont'd

- Discovery process—Cont'd
 - Interrogatories and requests for production, **17:1 to 17:6**
- Dissection of claim to feed Colossus, **4:2, 4:23, 13:2**
- Farmers' monitoring of, **1:6**
- Feeding data to Colossus, **4:1, 13:2**
- Filing the lawsuit, **15:1 et seq.**
- Fraudulent, characterization of soft tissue claims, generally, **1:4 to 1:6**
- Geographic region, tuning Colossus, **30:3**
- Guidelines for review of facts and consultative report, **30:1 to 30:3**
- Initial client meeting, **9:1 to 9:5**
- Intake criteria and process, **8:1 to 8:7**
- Investigating the claim, **11:1 to 11:3**
- Low claims pay outs, historical perspective, **5:1**
- Medical billing review system, generally, **4:3**
- Negotiation of claim, **13:1**
- Origins of Colossus, **1:2**
- Parameters of Colossus, **30:1**
- Permanent impairment as value driver, increasing assessments, **14:1**
- Preliminary insurance matters, **10:1 to 10:6**
- Reports generated, **4:3**
- Restructuring litigation management, **6:1 to 6:6**
- Review by evaluation consultant, **4:3**
- Service of process, **16:1 to 16:9**
- Settlement overtures, **13:1 to 13:14**
- Tastad vs. Allstate, **1:8**
- Tortious interference with contract, **48:7**
- Tuning Colossus, **30:3**

COMMON SENSE DEFENSE

- Defenses, **64:4**

COMMUNICATION

- With clients
 - New lawyers, **50:8**

COMPARATIVE FAULT DEFENSE

Battling, generally, **43:1 et seq.**
 Five-step comp neg battle plan,
 instituting, **43:3**
 Squeezing claims to hurt the injured,
43:1
 Torturing the facts to create defense,
43:2

COMPARATIVE NEGLIGENCE

Incentives for adjusters to find, **5:1**

COMPETENCY

Sensory perceptions of plaintiff's
 pain and suffering, competency
 of lay witness testimony, **35:3**

COMPLAINT

Generally, **1:14 (Form), 15:1**
 Amendment of complaint
 Generally, **29:2, 30:3**
 Motion for leave to amend, **30:10 (Form)**
 Answer to complaint, trial notebook
 section, **32:16**
 Defenses, this index
 Discovery
 Personal Injury/New Lawyer,
50:12
 Drafting considerations, **15:2 to 15:4**
 Facts section of complaint
 Intersection collision, **15:10 (Form)**
 Outlining the facts, **15:2**
 Spoliation of evidence, **15:4**
 Filing the lawsuit
 Generally, **15:1**
 Complaint. Complaint, supra
 Creative twists, **15:4**
 Outlining the causes of action,
15:3
 Outlining the facts, **15:2**
 General allegations, **15:7**
 Intersection collision, complaint fact
 section, **15:10 (Form)**
 Medical terminology, what to use,
15:3
 Outlining the causes of action, **15:3**
 Outlining the facts, **15:2**

COMPLAINT—Cont'd

Rear-end collision
 Clear liability
 Agency-complaint, **15:8 (Form)**
 Simple complaint, **15:5 (Form)**
 Property damage, multiple
 defendants, **15:9 (Form)**
 Same direction, collision with vehicle
 traveling in, **15:6**
Service of Process (this index)
 Spoliation of evidence, **15:4**
 Trial notebook section, **32:16**

COMPREHENSIVE MEDICAL REVIEW

Cost containment vendor, **22:2**

COMPROMISE

Settlement and Compromise (this
 index)

COMPUTER SCIENCES CORPORATION

Maker of Colossus software program,
1:2

CONJECTURE

Witness testimony, **40:5**

CONSENT

Discovery requests, obtaining infor-
 mation by plaintiff's consent,
17:1

CONSISTENCY OF STATEMENTS

Reporting system, **4:1**

CONSULTANTS

Insurer's evaluation consultant/
 coordinator, **4:3, 5:1**
 Insurer's litigation consultant, role
 and duties, **6:2, 29:1**
 Medical Consultants Network, cost
 containment vendor, **22:2**

CONTESTING COVERAGE

Effect on litigation tenor and scope,
17:1

CONTINUANCES

Motions brought prematurely by
 defense, **29:2**

INDEX

CONTRACTS

Insurance, generally, **5:1**

CONTROLLED SUBSTANCES

In limine motion topic, **36:3**

CONTUSION

Diagnosis, assessment by Colossus, **13:2**

COOPERATION OF INSURED

Failure to cooperate, effect on policy coverage, **16:2, 30:2, 40:3**

COPIES OF INSURER'S FILE ON CLAIMANT, OBTAINING

Generally, **10:3, 11:3**

Letters of notice and request, **10:4 to 10:6 (Forms)**

CORPORATIONS

Deposition of, **19:4**

CORTICO-STEROID INJECTIONS

Generally, **4:1**

COST CONTAINMENT, MEDICAL PROVIDERS

Generally, **22:1 to 22:3**

COURTROOM

Excluding nonparty witnesses from courtroom, **36:3**

COURTROOM DEMEANOR

Aggressive advocacy and civility concepts, **41:2**

COVERAGE UNDER INSURANCE POLICY

Admissions about insurance coverage
Generally, **18:5**

Liability and general matters,
admissions regarding, **18:6 (Form)**

Special injuries, damages, and
potential excess, admissions
regarding, **18:7 (Form)**

Bodily injury liability coverage
Defined, **10:1**

Handling pay out, **10:2, 17:1**

Contesting coverage, effect on litigation tenor and scope, **17:1**

Defense, coverage contested, **17:1**

COVERAGE UNDER INSURANCE POLICY—Cont'd

Definitions

Bodily injury liability coverage, **10:1**

Personal injury protection/medical pay coverage, **10:1**

Types of insurance coverage, **10:1**

Underinsured motorist coverage, **10:1**

Uninsured motorist coverage, **10:1**

Identification of insurance coverage, common types in tort cases, **10:1**

Interrogatories and requests for production, **17:1**

Noncooperation of insured, effect on policy coverage, **16:2**

Personal injury protection/medical pay coverage

Communications between carriers of tortfeasor and claimant, **17:1**

Defined, **10:1**

Lower settlement consequences, **10:2**

Policy Limits (this index)

Settlement, effect of personal injury protection/medical pay coverage, **10:2**

Types of insurance coverage, **10:1**

COVID-19 PANDEMIC

Generally, **70:1 et seq.**

Business can vary from

Jurisdiction to jurisdiction, **70:3**

Is jury selection live or by video, **70:9**

Know the layout of the court room, **70:4**

Trial of the Case, **70:11**

Who is the trial judge, **70:5**

Jury selection, **70:8**

Location of trial, **70:7**

Personal protective equipment, **70:6**

Pre-Trial Issues, **70:2**

Summary, **70:12**

Trials in the time of, generally, **70:1 et seq.**

COVID-19 PANDEMIC—Cont'd
 Voir dire, **70:10**

CO-WORKERS AS WITNESSES
 Disclosure of, **17:1**

CPT CODES
 Generally, **12:1, 12:7, 12:10**
 Chiropractor use of, **12:9**
 Insurance application of, **12:8**

CRACKEL V. ALLSTATE
 Bad faith, **48:4**

CRASH SEVERITY
 Correlation with injury risk, injury severity, and long-term symptoms

CRASH TESTING
 Generally, **51:6 to 51:13**
Biomechanics (this index)

CREDIBILITY OF CLIENT
 Generally, **31:1 et seq.**
 Activities and pastimes, **31:5**
 Client interview, **31:2**
 Complaint at scene, lack of, **31:8**
 Defenses used against defense lawyers, **31:7 to 31:15**
 Delay in starting treatment, **31:12**
 Emergency room treatment, lack of, **31:9**
 Establishing, **31:1 et seq.**
 Gaps in treatment, **31:13**
 Medical treatment, **31:6**
 Minor property damage, **31:10**
 Motion in limine to exclude photographs (Form), **31:17**
 Photos of property damage, **31:11**
 Pre-existing injuries, **31:15**
 Reporting system, **4:1**
 Time off from work, **31:4, 31:14**
 Work history, **31:3**

CRIMINAL RECORDS
 Deciding whether to do obtain, **6:5**

CROSS-EXAMINATION
 Biomechanics witness, **27:2, 27:4 (Form)**
 Defenses, **64:6, 64:7**

CROSS-EXAMINATION—Cont'd
 Medical examiner, defenses, **24:4, 24:8 (Form)**

CURRENT PROCEDURAL TERMINOLOGY CODES (CPT CODES)
CPT Codes (this index)

CURVATURE OF NECK
 Motion of cervical vertebrae, curvature of neck and hyperextension at lower levels, **59:1, 63:13**

DAMAGES
 Attorney's fees, **15:3**
 Deciding whether to depose damage witness, **6:5**
 Diminution in value, **15:3, 17:1**
 Directed verdict, **44:3**
 Exceeding policy limits, requests for admission re special injuries and damages, **18:4, 18:7 (Form)**
 Failure to mitigate damages jury instruction, trial brief provision, **35:3**
 Household expenses, **15:3**
 Impairment damages, **15:3, 17:1**
 Insurance industry's refusal-honor meritorious claims, duty and strategies of plaintiff's attorney, **7:1 to 7:3**
 Interrogatories and discovery requests topic, **17:1**
 Jury instructions, **35:3, 37:19 (Form)**
 Loss of consortium, **15:3**
 Loss of enjoyment of life, **15:3**
 Loss of use of vehicle, **15:3**
 Lost wages, **15:3**
 Low claims pay outs, historical perspective, **5:1**
 Measure of damages, jury instruction, **37:19 (Form)**
 Measure of damages not subject to mathematical precision, trial brief provision, **35:3**
Medical Expenses (this index)
 Mileage expenses, **15:3**
 Pain, **15:3, 17:1**
 Parking expenses, **15:3**

INDEX

DAMAGES—Cont'd

- Prejudgment interest, **15:3**
- Punitive, **9:4**
- Requests for admission topic, **18:4, 18:7 (Form)**
- Types of damages, list of, **15:3**
- Vehicle Damage** (this index)

DAMAGE TO VEHICLE

- Vehicle Damage** (this index)

DE-ACCELERATION INJURIES

- Musculoligamentous Injury** (this index)

DEADLINES

- New lawyers, **50:5**

DEATH

- Statistics regarding motor vehicle crash deaths and injuries, **51:1**

DECEIT

- Fraud or Misrepresentation** (this index)

DECLARATION OF HEALTH CARE PROVIDER

- Form, **30:28 (Form)**

DECLARATORY JUDGMENT ACTION

- Medical examiners and examinations issue, **23:1**

DEFAULT, ENTRY OF

- Generally, **30:2**
- Motion for entry of default, **30:9 (Form)**

DEFENSE MEDICAL EXAMINATION

- Medical Examiners and Examinations, Defense** (this index)

DEFENSES

- Biochemist, cross examination, **64:7**
- Biomechanics and Engineering** (this index)
- Common sense defense, **64:4**
- Contesting coverage, **17:1**
- Cross examination, **64:6, 64:7**

DEFENSES—Cont'd

- Defeating and exposing
 - Generally, **64:1 to 64:7**
 - Biochemist, cross examination, **64:7**
 - Common sense defense, **64:4**
 - Cross examination, **64:6, 64:7**
 - Expert defense, **64:2, 64:5 to 64:7**
 - Medical examiner, cross examination, **64:6**
 - No-expert defense, **64:3**
 - Using defenses against defense attorneys, **31:7 to 31:15**
- Expert defense, **64:2, 64:5 to 64:7**
- Failure of insured to cooperate, **16:2**
- Interrogatories and requests for production topic, **17:1**
- Malingering, **25:1 et seq.**
- Medical examiner, cross examination, **64:6**
- Minor Impact Soft Tissue (“MIST”) Cases and Programs** (this index)
- No-expert defense, **64:3**
- Reservation of rights, defending under, **17:1**
- Sudden emergency doctrine, **44:2**
- Trial notebook section, **32:16**
- Using defenses against defense attorneys, **31:7 to 31:15**

DEFINITIONS

- Acute sprain, **3:2**
- Biomechanic, **27:1**
- Bodily injury liability coverage, **10:1**
- Civility concept, **41:2**
- Clinical testimony, **51:7**
- Comprehensive medical review, **22:2**
- Direct injury or trauma, **51:2**
- Epidemiology, **51:8**
- Force of impact, **23:2**
- Independent medical examination, **22:2**
- Indirect injury or trauma, **51:2**
- Insurance, **5:1**
- Junk science, **51:7**
- Low damage crash, **51:5**
- Low impact soft tissue injury (LIST), **51:5**

DEFINITIONS—Cont'd

Low speed crash, **51:5**
 Malingering, **8:4, 25:10 et seq.**
 Mechanics of impact, **23:2**
 Minor impact soft tissue injury (MIST), **51:5**
 Negotiation, **13:1**
 Personal injury protection/medical pay coverage, **10:1**
 Soft tissue injury, **51:5**
 Spoliation of evidence, **15:4**
 Trend (evaluation consultant), **5:1**
 Types of insurance coverage, **10:1**
 Underinsured motorist coverage, **10:1**
 Uninsured motorist coverage, **10:1**
 Whiplash, **51:2**

DELAY

Credibility of client, establishing, **31:12**
 Discovery responses, **17:2**
 Inducing low settlements by delay of medical payments, **10:2, 17:1**
 Motion to strike, plaintiff's remedy for defense's unjust delays, **29:2**
 Service of process, consequences of delay, **16:4**

DEMAND LETTERS

Generally, **13:4 et seq.**
 Damages discussion, **13:4**
 Diagrams, **13:4**
 Electronic, **13:5, 13:13 (Form)**
 Evidence and examples, **13:4**
 Photographs, **13:4**
 Sample demand, **13:11 to 13:13 (Form)**

DEMEANOR OF TRIAL ATTORNEY

Generally, **41:2**

DEMONSTRABLE NECK AND BACK INJURIES

Evaluation by Colossus, generally, **3:1**
 Reporting system, **4:2**

DEPOSITIONS

Attorney's travel time, compensation, **6:5**
 Co-defendants, deciding whether to depose, **6:5**
 Colossus software program, **1:8**
 Corporation deponent, **19:4**
 CR 30(b)(6) deposition, notice pursuant to, **16:7 (Form), 19:10 (Form)**
 Deciding whether to depose, **6:5**
 Defendant and defense witnesses, taking the deposition of
 Generally, **19:1**
 Claims adjuster, **19:5, 19:13 (Form)**
 Deciding whether to depose, **6:5**
 Deciding whom to depose, **19:1**
 Entities, deposition of, **19:4**
 Notice to defendant's insurance claims adjusters, **19:11 (Form)**
 Outline, **19:8 (Form)**
 Preparing for the deposition, **19:2**
 Reasons for deposition, identifying, **19:1**
 Using the outline to conduct the deposition, **19:3**
 Defendant's insurer, deposition following futile attempt at service on defendant. **Service of Process** (this index)
 Demonstrative video doctor
 Generally, **20:1**
 Editing, **20:6**
 Model, **20:5**
 Needle, **20:5**
 Show, putting together, **20:3**
 Slides, **20:4**
 Streamlining, **20:2**
 Doctor. Demonstrative video doctor, above
 Entity deponent, **19:4**
 Expert, deposition of
 Local plaintiff bar shares information, prior transcripts, and resources, **19:1, 24:1**
 Outline, **19:9 (Form)**

INDEX

DEPOSITIONS—Cont'd

- Expert, deposition of—Cont'd
 - Preparation for deposing defense experts, **19:2**
- Family members, **19:7**
- Forms
 - Defendant deponent, outline, **19:8 (Form)**
 - Defendant's insurer, CR 30(b)(6) notice of deposition following futile attempt at service on defendant, **16:7 (Form)**, **19:10 (Form)**
 - Expert deponent, outline, **19:9 (Form)**
 - Jury instruction, **37:21 (Form)**
 - Plaintiff and lay witnesses deponents, outline for preparing, **19:12 (Form)**
- Housekeepers, **19:7**
- Jury instruction, **37:21 (Form)**
- Liar deponent, **19:3**
- Obstructionist deponent, **19:3**
- Outline, preparing for deposition
 - Defendant's deposition, **19:2 to 19:3**, **19:8 (Form)**
 - Defense medical examiner's deposition, **24:6 (Form)**
 - Expert's deposition, **19:9 (Form)**
 - Plaintiff and lay witnesses deponents, **19:6 to 19:7**, **19:12 (Form)**
- Personal injury Lawyer/First year** (this index)
- Plaintiff and plaintiff witnesses, defending the deposition of
 - Generally, **19:6**
 - Outline to prepare plaintiff and law witnesses, **19:12 (Form)**
 - Strategy and preparation, **19:7**
- Special Investigations Unit's protocol, **6:6**, **19:7**
- Treating doctor, deciding whether to depose, **6:5**
- Videotapes
 - Demonstrative video doctor, above
 - Reviewing, **19:7**

DEPRESSION

- Category entry, **4:1**, **13:2**

DESK LOCATION

- Reporting system, **4:1**

DIAGNOSIS

- Generally, **13:2**
- Bias against nondemonstrable injuries, diagnosis difficulty, musculoligamentous injuries of the neck, **3:3**
- Cervical discogenic pain, correlation of magnetic resonance imaging and discography, **57:1**, **63:8**
- Contusion diagnosis, assessment by Colossus, **13:2**
- Depression, category entry, **4:1**, **13:2**
- Disc pathology after whiplash, **57:5**, **63:11**
- Dizziness diagnosis, evaluation by Colossus, **13:2**
- Findings and outcome in whiplash neck distortions, **57:6**, **63:12**
- Muscle spasm diagnosis, evaluation by Colossus, **13:2**
- Nonorganic signs, reappraisal of interpretation, **57:3**, **63:9**
- Peripheral nerve entrapment, **57:4**, **63:10**
- Radiofrequency neurotomy treatment, resolution of distress following, **57:2**
- Temporomandibular diagnosis, evaluation by Colossus, **13:2**
- Using medical literature-support, **51:10 to 51:11**
- Vision disturbance diagnosis, evaluation by Colossus, **13:2**

DICTIONARIES

- Helpful websites, **53:3**

DIMINUTION IN VALUE

- Vehicular damages, **15:3**, **17:1**

DIRECTED VERDICT

- Generally, **44:1**
- Causation and damages, **44:3**
- Liability, **44:2**
- Procedure for making motion, **44:1**, **44:4**
- Sample motion, **44:5 (Form)**
- Trial notebook section, **32:3**

DIRECT EXAMINATION AT TRIAL

- Defendant's examination, **40:9 (Form)**
- Health care provider's examination, **40:12 (Form)**
- Lay witness's examination, **40:11 (Form)**
- Medical examiner, **27:3**
- Plaintiff's examination, **40:10 (Form)**

DISC BULGE/PROLAPSE INJURIES

- Musculoligamentous Injury** (this index)

DISC HERNIATION OR RUPTURE

- Evaluation by Colossus, generally, **3:1**

DISCLOSURE OF POLICY LIMITS

- Generally, **13:3**

DISCOGENIC PAIN

- Correlation of magnetic resonance imaging and discography, **57:1, 63:8**

DISCOVERY

- Admissions, Requests For** (this index)
- Compel discovery, motion to, **29:2, 30:4, 30:11 (Form)**
- Conference, request for, **30:4**
- Depositions** (this index)
- Forms
 - Compel discovery, motion to, **1:16 to 1:18 (Forms), 29:2, 30:4, 30:11 (Form)**
 - Obtaining copies of insurer's file on claimant via notice of attorney-client relationship with claimant, letters of notice and request, **10:4 to 10:6 (Forms)**
 - Quash discovery, motion to, **30:5, 30:18 (Form)**
 - Requests, **1:15 (Form)**
- Interrogatories and Requests for Production** (this index)

DISCOVERY—Cont'd

- Medical examination. **Medical Examiners and Examinations, Defense** (this index)
- Obtaining copies of insurer's file on claimant via notice of attorney-client relationship with claimant
 - Generally, **10:3, 11:3**
 - Letters of notice and request, **10:4 to 10:6 (Forms)**
- Quash discovery, motion to, **30:5, 30:18 (Form)**
- Release from plaintiff, obtaining, **17:1**
- Requests for production. **Interrogatories and Requests for Production** (this index)
- Review of discovery responses on arrival, **30:4**
- Social Media** (this index)
- Special Investigations Unit's protocol, **6:6**
- Subpoena** (this index)
- Teams used by insurers, **6:2**
- Timeliness of
 - Requests, **17:1, 18:1**
 - Responses, **17:2, 30:7**
- Witness Identification and Testimony** (this index)

DIZZINESS

- Diagnosis, evaluation by Colossus, **13:2**

DO I NEED AN ATTORNEY

- Form, **5:3, 9:1**

DRIVER EXPERIENCE

- Reporting system, **4:1**

DUMMY CRASH TESTING

- Generally, **51:6, 51:9**

DUTY

- Jury instruction
 - Generally, **37:9 (Form)**
 - Following driver's duty, **37:11 (Form)**

ELECTROMYOGRAPHY

- Refuting validity of whiplash injuries, human subject kinemat-

INDEX

ELECTROMYOGRAPHY—Cont'd
ics and electromyographic activity during rear-end impact literature, **61:8, 63:30**

EMAIL

Attorney-client intake process, **8:2**
Using email list serves to discuss, develop, and exchange motions and strategies, **30:1**

EMERGENCY RESPONSE ENTITIES

Duty of claimant's attorney to obtain records, **11:3**

EMERGENCY ROOM TREATMENT

Generally, **4:1**
Lack of as defense argument, **31:9**

EMERGENCY STOP

Sudden emergency doctrine, **44:2**

EMOTIONAL PLAINTIFF

Trial testimony preparation, **34:2**

EMPLOYMENT RECORDS

Deciding whether to do obtain, **6:5**
Duty of claimant's attorney to obtain, **11:3**

ENCYCLOPEDIAS

Helpful websites, **53:2**

ENGINEERING

Biomechanics and Engineering
(this index)

ENTRY OF DEFAULT

Generally, **30:2**
Motion for entry of default, **30:9 (Form)**

EPIDEMIOLOGY, USE AND EVALUATION

Generally, **51:8, 51:9**

EVALUATION CONSULTANT OR COORDINATOR

Colossus review by, **4:3**
Duties and role, **5:1**
Exceeding authority of, **5:1**

EVALUATION CONSULTANT OR COORDINATOR—Cont'd

Line adjuster. **Adjuster's Role** (this index)

EVIDENCE

Accurately reflect in jury instructions, trial brief provision, **35:3**

Exhibits at trial

Health care providers', **40:6**

Objections to, **41:5**

Expert Witness and Testimony (this index)

Foundation evidence

Charting, **32:5, 32:22 (Form), 32:23 (Form)**

Objection at trial, **41:5**

In limine motions. **Motions** (this index)

Interrogatories and requests for production, evidence identification and data, **17:1**

Jury instruction, direct and circumstantial evidence, **37:8 (Form)**

Objections (this index)

Pain and suffering evidence, trial brief provision, **35:3**

Sensory perceptions of plaintiff's pain and suffering, competency of lay witness testimony, **35:3**

Spoilation of evidence, generally, **15:4**

Trial notebook section on charting evidence, **32:5, 32:22 (Form), 32:23 (Form)**

Witness Identification and Testimony (this index)

EXHIBITS AT TRIAL

Health care providers evidence, **40:6**

Objections to, **41:5**

EXISTING DEGENERATIVE CHANGES

Musculoligamentous injury, effect on, **3:2**

EXPERT WITNESSES AND TESTIMONY

Biochemist, **64:7**

**EXPERT WITNESSES AND
TESTIMONY—Cont'd**

Biomechanics and Engineering
(this index)

Chiropractor's testimony as expert
medical testimony, trial brief
provision, **35:3**

Deciding whether to have, **6:5**

Defenses, **64:2, 64:5 to 64:7**

Depositions (this index)

Epidemiology, **51:8**

Interrogatories and requests for pro-
duction, **17:1**

Junk science, **51:7**

Jury instruction, **37:17 (Form)**

Malingering, **25:6 et seq.**

Medical examiner, **64:6**

Motion to strike designated witness,
30:7, 30:29 (Form)

Number of times hired by defense
attorney's firm, **17:1, 19:1**

Plaintiff's bar shares information,
prior transcripts, and resources,
19:1, 24:1

Preparing trial expert witness, **34:7**

Techniques of questioning trial wit-
nesses, **41:3, 41:4**

Unreliable and inaccurate testimony
in automobile injury cases

Generally, **14B:1 et seq**

False positives, **14B:4, 14B:5**

Forensic tests, **14B:8, 14B:9**

Pre-test probability, **14B:2, 14B:6**

True positives, **14B:3, 14B:5**

EYE WITNESSES TO COLLISION

Disclosure of, **17:1**

Trial witness for plaintiff, typically,
40:2

**FAILURE TO COOPERATE,
INSURED'S**

Generally, **16:2, 30:2, 40:3**

FAMILY MEMBERS

Deposition of, **19:7**

Spouse or significant other as trial
witness for plaintiff, typically,
40:2

FARMERS INSURANCE

Colossus software program, Farmers'
monitoring of, **1:6**

FEDERAL SAFETY STANDARDS

Generally, **51:6**

FILING THE LAWSUIT

Generally, **15:1**

Complaint (this index)

Creative twists, **15:4**

Outlining the causes of action, **15:3**

Outlining the facts, **15:2**

Service of process (this index)

FLEXION/EXTENSION INJURIES

Musculoligamentous Injury (this
index)

FOCUS GROUPS

Generally, **33:1**

Discussion questions, **33:7 (Form)**

Participant form, **33:4 (Form)**

Plaintiff evaluation form, **33:6**
(Form)

Post presentation form, **33:5 (Form)**

Predominant issues, **33:2**

Protocol, **33:3**

Verdict form, **33:8 (Form)**

FORCE OF IMPACT

Biomechanics and Engineering
(this index)

FORENSIC APPLICATIONS

Literature regarding crash-related
injuries

Generally, **51:1**

Absence of significant vehicle
damage and increasing
incidence of whiplash in, **51:4**

Abstracts versus full text, **51:13**

Acceleration-related injuries

Prognosis, acceleration-exten-
sion injuries, prospective
study, **56:7, 63:1**

Refuting validity of whiplash
injuries, acceleration
perturbations, **61:10, 63:32**

Affidavit, application of methods

Introduction, **62:1, 62:2**

FORENSIC APPLICATIONS

—Cont'd

- Literature regarding crash-related injuries—Cont'd
- Biomechanics/engineering literature
 - Clinical response to rear-end impact, **59:4, 63:17**
 - Curvature of neck and hyperextension at lower levels; motion of cervical vertebrae, **59:1, 63:13**
 - Defense's uses of literature, **51:11**
 - Head/neck kinematic response during low-speed rear-end impacts, **59:3, 63:14 to 63:16**
 - Head/neck response during low-speed rear-end impact, **59:2, 63:14, 63:15**
 - Head restraint, relationship to driver neck injury, **59:6, 63:19**
 - Plaintiff's uses of literature, **51:10**
 - Pre-existing spinal degeneration, relationship to whiplash symptoms, **59:7, 63:20**
 - Uses of forensic literature, generally, **51:9 to 51:11**
 - Vehicle damage, absence of significant vehicle damage and increasing incidence of whiplash in, **51:4**
 - Vehicle damage and injury delta vs crash pulse, relationship between, **59:8, 63:21**
 - Vehicle damage bears no relationship to injury, **59:5, 63:18, 63:19**
 - Biomechanist as injury causation expert, **51:6**
 - Biomechanist testimony, prevalence of junk science, **51:7**
 - Biomedical literature, generally, **51:1, 51:9**
 - Categories of literature, **51:9**
 - Causation expert, biomechanist as, **51:6**

FORENSIC APPLICATIONS

—Cont'd

- Literature regarding crash-related injuries—Cont'd
- Citation methods, **51:10**
- Defense fallacies, **60:4, 63:24**
- Diagnosis
 - Generally, **13:2**
 - Cervical discogenic pain, correlation of magnetic resonance imaging and discography, **57:1, 63:8**
 - Defendant's uses of medical literature to support, **51:11**
 - Disc pathology after whiplash, **57:5, 63:11**
 - Findings and outcome in whiplash neck distortions, **57:6, 63:12**
 - Nonorganic signs, reappraisal of interpretation, **57:3, 63:9**
 - Peripheral nerve entrapment, **57:4, 63:10**
 - Plaintiff's uses of medical literature to support, **51:10**
 - Radiofrequency neurotomy treatment, resolution of distress following, **57:2**
 - Searching for appropriate literature, **57:1 to 57:12**
- Disorders, whiplash-associated, **60:3, 63:23**
- Engineering/biomechanical literature, generally, **51:9**
- Epidemiology's role in defense testimony, **51:8**
- Full text articles
 - Abstracts versus full text, **51:13**
 - PubMed articles, ordering, **484**
- How-search the biomedical/engineering literature, **481 to 485**
- Junk science, literature regarding
 - Defense fallacies, **60:4, 63:24**
 - Methodological critique of literature refuting whiplash syndrome, **60:2, 63:22**
 - Papers addressing the problems of, **60:1 to 60:5**

FORENSIC APPLICATIONS**—Cont'd**

- Literature regarding crash-related injuries—Cont'd
- Junk science, literature regarding—Cont'd
- Prevalence of, **51:7**
- Whiplash-associated disorders, **60:3, 63:23**
- MEDLINE, using, **482 to 484**
- Methodological critique of literature refuting whiplash syndrome, **60:2, 63:22**
- Methods applied, affidavit, **62:2**
- Methods of citing the literature, **51:10**
- Nomenclature of crash-related injuries
- Generally, **51:5**
- Whiplash, defined, **51:2**
- Prognosis
- Acceleration-extension injuries, prospective study, **56:7, 63:1**
- Acute injuries to cervical joints, **56:1, 63:1**
- Neck injuries from rear-end collisions, **56:2, 63:2**
- Presenting symptoms and signs after whiplash injury, **56:6, 63:6**
- Rate of recovery following whiplash injury, **56:5, 63:5**
- Second whiplash injury, **56:4, 63:4**
- Soft-tissue injuries of the cervical spine, **56:3, 63:3**
- Using medical literature-support prognosis, **51:10 to 51:11**
- PubMed, searching with, **481 to 485**
- Rear-End Collision** (this index)
- Refuting validity of whiplash injuries, literature regarding
- Acceleration perturbations, **61:10, 63:32**
- Biodynamics Research Corporation (BRC), **61:4**
- Crash-test literature, **61:1**

FORENSIC APPLICATIONS**—Cont'd**

- Literature regarding crash-related injuries—Cont'd
- Refuting validity of whiplash injuries, literature regarding—Cont'd
- Human head and neck kinematic after low-velocity rear-end impact, understanding whiplash, **61:6, 63:28**
- Human subject kinematics and electromyographic activity during rear-end impact, **61:8, 63:30**
- Human subjects, low speed rear-end collision testing using, **61:9, 63:27, 63:31**
- Human test subject kinematic responses to low velocity rear-end impacts, analysis of, **61:5, 63:27**
- Junk science. Junk science, *supra*
- Kinematics and kinetics of the human neck, **61:2, 63:25**
- Methodological critique of literature refuting whiplash syndrome, **60:2, 63:22**
- Natural evolution of late whiplash syndrome, **61:11, 63:33**
- Occupant kinematic response to low-velocity rear-end impact, **61:7, 63:29**
- Pain after whiplash, **61:12, 63:34**
- Pain compensation, effect of eliminating upon insurance claims for whiplash, **61:13, 63:35**
- Strength and response of the human neck, **61:3, 63:26**
- Relationship between vehicle damage and injury
- Generally, **51:3**
- Increasing incidence of whiplash in absence of significant vehicle damage, **51:4**
- Vehicle damage and injury delta vs crash pulse, relationship

INDEX

FORENSIC APPLICATIONS

—Cont'd

- Literature regarding crash-related injuries—Cont'd
 - Relationship between vehicle damage and injury—Cont'd between, **59:8, 63:21**
 - Vehicle damage bears no relationship to injury, **59:5, 63:18, 63:19**
- Searching for appropriate literature
 - Generally, **54:1 to 54:8, 59:1 to 59:8, 481 to 485**
 - Define the search, **54:3**
 - Diagnosis, relating to, **57:1 to 57:12**
 - General information searching and search engines, **54:6, 54:7**
 - Helpful websites, **53:1 to 53:7, 54:6 to 54:8**
 - How-search the biomedical/engineering literature, **54:1 to 54:8, 481 to 485**
 - Important information sources, **54:8**
 - Junk science, relating to, **60:1 to 60:5**
 - MEDLINE, using, **482 to 484**
 - Performing the search, **54:4**
 - Prognosis, relating to, **56:1 to 56:7**
 - PubMed, using, **481 to 485**
 - Refining the search, **54:1 to 54:8**
 - Refuting validity of whiplash injuries, *supra*
 - Websites, helpful, **53:1 to 53:7, 54:6 to 54:8**
 - Where to search, **54:5**
- Uses of medical and engineering literature
 - Generally, **51:9**
 - Biomechanics testimony, prevalence of junk science, **51:7**
 - Defense's uses, **51:11**
 - Plaintiff's uses, **51:10**
 - Websites, helpful, **53:1 to 53:7, 54:6 to 54:8**

FORENSIC APPLICATIONS

—Cont'd

- Medical literature, motor vehicle crash, litigation
 - Generally, **55:1**
 - Prevalance of 8220Whiplash8221 Symptoms Following Placebo Rear-End Collision, **60:5**
 - Spotting unreliable and inaccurate expert testimony, **14B:1 et seq.**
- ### FRAUD OR MISREPRESENTATION
- Investigating fraudulent claims, **17:1**
 - Witness testimony, misquoting, **41:5**
- ### FRONT-END COLLISION
- Description of Injury mechanism, **51:2**
- ### GAPS IN TREATMENT
- Credibility of client, establishing, **31:13**
- ### GAS GRILL
- Duty of insurer to preserve evidence, **15:4**
- ### GESTURES OR SIGNALING
- Objecting to gestures or signals to witness or jury, **41:5**
- ### GLOBAL METRIC TIME
- Website, **53:1**
- ### GOLDEN RULE ARGUMENT (CLOSING ARGUMENT)
- Generally, **45:4**
- ### GPS DATA
- Smart devices, evidence from, **22A:2**
- ### GRAMMAR
- Helpful websites, **53:3**
- ### GUARDED PROGNOSIS
- Medical documentation needed, **4:1**
- ### HEADACHE
- Category entry, **4:1**
- ### HEADREST
- Utilization of, **23:2**

HEAD RESTRAINT

Biomechanics/engineering literature, relationship to driver neck injury, **59:6, 63:19**

HEALTH CARE EXPENSES

Medical Expenses (this index)

HEALTHCARE MANAGEMENT COMPANY

Cost containment vendor, **22:2**

HEALTH CARE PROVIDERS

Medical Providers (this index)

HEALTH WEBSITES

Generally, **54:5 to 54:8**

HELIOS

Historical perspective, **1:2**

HISTORICAL PERSPECTIVE

Agenda of insurance industry, general overview, **1:1**

Increasing profits by focusing on attorney-represented claimants, **1:3**

Origins of Colossus, **1:2**

HOSPITAL ADMISSIONS

Decline, reasons for, **22:1**

HOUSEHOLD EXPENSES

Damages item, generally, **15:3**

HOUSEHOLD SERVICES

Deposition of housekeeper, **19:7**

Interrogatories and discovery requests topic, **17:1**

HYPEREXTENSION

Curvature of neck and hyperextension at lower levels; motion of cervical vertebrae, **59:1, 63:13**

HYPOTHETICAL MEDICAL CONDITIONS

In limine motion topic, **36:3**

ICD

International Classification Of Diseases (ICD) (this index)

IDENTIFICATION

Duty of claimant's attorney to obtain witness identification, **11:3**

Insurance coverage, common types in tort cases, **10:1**

Reporting system, **4:1**

Service of Process, Missing Defendants Problems (this index)

Witness Identification and Testimony (this index)

IMPACT, FORCE OF

Biomechanics and Engineering (this index)

IMPAIRMENT DAMAGES

Generally, **15:3**

Interrogatories and discovery requests topic, **17:1**

INADEQUACY OF POLICY LIMITS

Effect on litigation tenor and scope, **17:1, 18:5**

INDEPENDENT MEDICAL EXAMINATION

Medical Examiners And Examinations, Defense (this index)

INDUCING SETTLEMENTS

Lower settlements induced by delay of medical payments or biased paper reviews, **10:2, 17:1**

INDUSTRY OF INSURANCE

As to particular matters, see more specific entries throughout this index

Generally, **1:1 to 1:3, 5:1**

Causation, questionable, **1:5**

Collusion between insurers, **10:1, 10:2**

Duty of insurer to preserve evidence, **15:4**

Failure to cooperate, insured's, **16:2, 30:2, 40:3**

Fraud, **1:4**

Insurer's claim file, subpoenaing, **30:5**

INDEX

INDUSTRY OF INSURANCE

—Cont'd

Interplay within divisions of insurer,
handling payment of benefits,
10:2, 17:1

Investigating the Claim (this index)

Notice of claimant's attorney-client
relationship

Generally, **10:3**

Letters-carrier, **10:4 to 10:6**
(Forms)

Refusal-honor meritorious claims

Policy and practice, **7:1 to 7:3**

Refusal to honor meritorious claims

Imposing sanction awarding claim-
ant additional attorney's fees,
9:4

Policy and practice, **13:1, 27:1,**
29:1

Types of insurance coverage, **10:1**

INFLATION

MIST settlements, inflation in, **5:1**

INITIAL CONTACT

Adjuster's initial contact with claim-
ant, **5:3**

Attorney-Client Relationship (this
index)

Insurer's initial contact with claim-
ant, checklists, **11:2**

IN LIMINE MOTIONS

Motions (this index)

INSULTS

Trial attorney's behavior, **41:2**

INSURANCE

Ride share cases, insurance for ride
share drivers, **69:5**

INSURANCE RESEARCH COUNCIL

Analysis of auto injury claims, 1999
report, **1:3, 10:2, 22:1**

Survey of auto injury claims, **1:1**

INSURER'S FILE ON CLAIMANT, OBTAINING COPIES

Generally, **10:3, 11:3**

INSURER'S FILE ON CLAIMANT, OBTAINING COPIES—Cont'd

Letters of notice and request, **10:4 to**
10:6 (Forms)

INTEREST ON MONEY

Prejudgment interest damages, **15:3**

INTERNATIONAL CLASSIFICATION OF DISEASES (ICD)

Generally, **13:2**

ICD-9 codes

Generally, **12:1, 12:2, 12:10**

Chiropractor use, **12:9**

Classifications, **12:4 to 12:6**

Index, **12:5**

Insurance application of, **12:8**

Rubic and conventions, **12:3**

Tabular list, **12:6**

INTERNET

Attorney-client intake process, **8:2**

Email (this index)

Medical literature searches

Citation methods, **51:12, 51:13,**
483

How-search for and obtain
appropriate literature, **481 to**
485

Ordering full text copies of journal
articles, **484**

Refining the search, **54:1 to 54:8**

MEDLINE, **54:5, 482 to 484**

Power Searching 101, **54:6**

PubMed, **481 to 485**

Search engines, **53:7, 54:7**

Web Sites (this index)

INTERROGATORIES AND REQUESTS FOR PRODUCTION

Affirmative defenses justification,
17:1

Answer

Affirmative defense contentions,
justifying, **17:1**

Ensuring timeliness of, **17:2**

Supplementation of, **17:3**

**INTERROGATORIES AND
REQUESTS FOR
PRODUCTION—Cont'd**

- Categories of information sought, **17:1**
- Damage data, **17:1**
- Evidence identification and data, **17:1**
- First discovery requests of plaintiff
 - Generally, **17:1**
 - Forms, **17:4 (Form), 17:5 (Form)**
- Follow-up discovery requests of plaintiff
 - Generally, **17:3**
 - Form, mandated by court rules, **17:6 (Form)**
- Forms
 - Plaintiff's first interrogatories and requests for production, **17:4 (Form)**
 - Plaintiff's first interrogatories and requests for production (sample, court rules mandate), **17:5 (Form)**
 - Plaintiff's second interrogatories and requests for production (sample, court rules mandate), **17:6 (Form)**
- Fraud investigation data, **17:1**
- Insurance coverage and policy limits information, **17:1**
- Items obtained directly from plaintiff, **17:1**
- Items obtained with necessary consent of plaintiff, **17:1**
- Liability data, **17:1**
- Number of discovery requests, **17:1**
- Special Investigations Unit's protocol, interrogatories, **6:6**
- Supplementation of discovery requests. Follow-up discovery requests of plaintiff, *supra*
- Supplementation of discovery responses, **17:3**
- Surveillance data, **17:1**
- Timeliness of service of discovery requests and answer, **17:1, 17:2**
- Witness identification and data, **17:1**

INTERSECTION COLLISION
Complaint's fact section, **15:10 (Form)**

INVESTIGATING THE CLAIM

- Generally, **11:1**
- Adjuster's Role** (this index)
- Bias of insurer conducting investigation, **11:1**
- Biomechanics investigation, **27:1**
- Counter investigation by claimant's attorney, strategy for, **11:3**
- Forensic investigator's sample report on collision, **11:3**
- Fraudulent claims, **17:1**
- Insurer's computer directed investigation, checklists, **11:2**
- Insurer's evaluation consultant/coordinator, **5:1**
- Litigation Management** (this index)
- Special Investigations Units (SIU)
 - Creation of, **1:1**
 - Litigation tactics and protocol, **6:6**
- Statement of claimant to insurer, generally, **11:1**

JOINDER OF PARTY

- Amendment of complaint, **30:3**

JUDGMENT AS MATTER OF LAW

- Generally, **44:3**

JUNK SCIENCE

- Definition and use of, **51:7**
- Papers addressing the problems of, **60:1 to 60:5**

JURISDICTION

- Request for admissions, jurisdictional matters, **18:2, 18:6 (Form)**

JURY

- Affidavit in support of motion to correct error, **68:4 (Form)**
- Bias
 - Generally, **68:1**
 - Affidavit in support of motion to correct error, **68:4 (Form)**
- Biomechanical engineer, motion in limine to preclude, **68:2 (Form)**
- Defense reliance on, **18:4**
- Motion in limine to preclude biomechanical engineer, **68:2 (Form)**

INDEX

JURY—Cont'd

Bias—Cont'd

Motion to correct error, **68:3 (Form), 68:4 (Form)**

Biomechanical engineer, motion in limine to preclude, **68:2 (Form)**

Challenging the jury, **38:5 to 38:8**

Directed Verdict (this index)

For cause challenges, **38:7, 38:11 (Form)**

Gestures or signals to jury, **41:5**

Instructions. **Jury Instructions** (this index)

Lioce v. Cohen, **46:4**

Motion in limine to preclude biomechanical engineer, **68:2 (Form)**

Motion to correct error, **68:3 (Form), 68:4 (Form)**

Nullification and other dirty trial tricks, **46:1 et seq.**

Order granting new trial, jury nullification and other dirty tricks, **46:5 to 46:7 (Forms)**

Peremptory challenges, **38:6**

Retiring to jury room for deliberations, jury instruction, **37:22 (Form)**

Selection. Voir dire, *infra*

Trial notebook sections re jury matters

Jury instructions, **32:12**

Voir dire chart, **32:6, 32:24 (Form)**

Voir dire

Generally, **38:1 to 38:8**

Active jurors, **38:3**

Case study, **38:4**

Challenging the jury, **38:5 to 38:8**

COVID-19 pandemic, **70:8, 70:10**

Discussion point outline, **38:9 (Form)**

For cause challenges, **38:7, 38:11 (Form)**

Meaningful voir dire, concepts to remember for, **38:2**

Medical expenses, **38:3**

Peremptory challenges, **38:6**

JURY—Cont'd

Voir dire—Cont'd

Plaintiff's general questions, **38:10 (Form)**

Poisonous jurors, identification of, **38:3**

Questioning techniques and tactics for meaningful voir dire in MIST cases, **38:3**

Reframing, **38:3**

Skeptical jurors, **38:3**

Trial notebook chart, **32:6, 32:24 (Form)**

Witness availability bias concept, **40:2**

JURY INSTRUCTIONS

Generally, **32:12, 37:1**

Appellate review of, **37:4**

Arguing jury instructions to the court, **37:4**

Burden of proof, **37:15 (Form)**

Burden of proof (demonstrative instruction), **45:8 (Form)**

Cause of action section of complaint, terminology used in, **15:3**

Chiropractor, **37:18 (Form)**

Court's cover page, **37:6 (Form)**

Cover page, **37:5 (Form), 37:6 (Form)**

Deposition, **37:21 (Form)**

Direct and circumstantial evidence, **37:8 (Form)**

Drafting considerations, **37:1, 37:3**

Duty, **37:9 (Form)**

Duty of following driver, **37:11 (Form)**

Expert witness, **37:17 (Form)**

Failure to mitigate damages, trial brief provision, **35:3**

Introduction, **37:6 (Form), 37:7 (Form)**

Measure of damages, **37:19 (Form)**

Mortality table, **37:20 (Form)**

Negligence, **37:10 (Form)**

Plaintiff's requested or proposed instructions, **37:24, 37:25**

Pre-existing condition, **37:16 (Form)**

Proximate cause, **37:13 (Form)**

JURY INSTRUCTIONS—Cont'd

- Retiring to jury room for deliberations, **37:22 (Form)**
- Special verdict, **37:23 (Form)**
- Speed, **37:12 (Form)**
- Sudden emergency, **44:2**
- Summary of claims, **37:14 (Form)**
- Trial brief provision, **35:3**
- Trial notebook section, **32:12**
- Typical inclusions, **37:2**

KINEMATICS, REAR-END COLLISION

- Biomechanics/engineering literature
 - Head/neck kinematic response during low-speed rear-end impacts, **59:3, 63:14 to 63:16**
- Refuting validity of whiplash injuries, literature regarding
 - Human head and neck kinematic after low-velocity rear-end impact, understanding whiplash, **61:6, 63:28**
 - Human subject kinematics and electromyographic activity during rear-end impact, **61:8, 63:30**
 - Human test subject kinematic responses to low velocity rear-end impacts, analysis of, **61:5, 63:27**
 - Occupant kinematic response to low-velocity rear-end impact, **61:7, 63:29**

LANGUAGE

- Helpful websites, **53:3, 54:4**

LAW CLERKS

- Jury voir dire assistance, **32:6**

LAW OF THE CASE

- Trial notebook section, **32:15**

LAWYER/ATTORNEY, Personal injury Lawyer/First year (this index)

LEGAL ADMINISTRATIVE

- Staff
 - New lawyers, **50:3**

LIABILITY

- Admission of liability
 - Generally, **18:3, 18:4**
 - Deposition, effect on need to take, **19:1**
 - Request for admission of liability and general matters, **18:6 (Form)**
- Bodily injury liability coverage
 - Defined, **10:1**
 - Handling pay out, **10:2, 17:1**
- Deciding whether to depose liability witness, **6:5**
- Directed verdict, **44:2**
- Interrogatories and discovery requests topic, **17:1**
- Ride share cases, limitations on liability, **69:18**
- Summary judgment motion
 - Appropriateness, **29:2**
 - Form, **30:23**

LIARS

- Deposition techniques, **19:3**

LIBRARIES

- Catalogs, helpful websites, **53:6**
- National Library of Medicine, **54:5, 481, 482**

LICENSES

- Colossus Software Program, list of insurance companies licensed to use, **1:2**

LIEN FACTORING COMPANIES

- Medical Liens and Lien Factoring Companies** (this index)

LINE ADJUSTER

- Adjuster's Role** (this index)

LITERATURE REGARDING CRASH-RELATED INJURIES, FORENSIC APPLICATIONS

- Generally, **51:1**
- Absence of significant vehicle damage and increasing incidence of whiplash in, **51:4**
- Abstracts versus full text, **51:13**

INDEX

LITERATURE REGARDING CRASH-RELATED INJURIES, FORENSIC APPLICATIONS —Cont'd

- Acceleration-related injuries
 - Prognosis, acceleration-extension injuries, prospective study, **56:7, 63:1**
 - Refuting validity of whiplash injuries, acceleration perturbations, **61:10, 63:32**
- Affidavit, application of methods, **62:2**
- Biomechanics/engineering literature
 - Clinical response to rear-end impact, **59:4, 63:17**
 - Curvature of neck and hyperextension at lower levels; motion of cervical vertebrae, **59:1, 63:13**
 - Defense's uses of literature, **51:11**
 - Head/neck kinematic response during low-speed rear-end impacts, **59:3, 63:14 to 63:16**
 - Head/neck response during low-speed rear-end impact, **59:2, 63:14, 63:15**
 - Head restraint, relationship to driver neck injury, **59:6, 63:19**
 - Plaintiff's uses of literature, **51:10**
 - Pre-existing spinal degeneration, relationship to whiplash symptoms, **59:7, 63:20**
 - Uses of forensic literature, generally, **51:9 to 51:11**
 - Vehicle damage, absence of significant vehicle damage and increasing incidence of whiplash in, **51:4**
 - Vehicle damage and injury delta vs crash pulse, relationship between, **59:8, 63:21**
 - Vehicle damage bears no relationship to injury, **59:5, 63:18, 63:19**
- Biomechanist as injury causation expert, **51:6**
- Biomechanist testimony, prevalence of junk science, **51:7**

LITERATURE REGARDING CRASH-RELATED INJURIES, FORENSIC APPLICATIONS —Cont'd

- Biomedical literature, generally, **51:1, 51:9**
- Categories of literature, **51:9**
- Causation expert, biomechanist as, **51:6**
- Central Hypersensitivity in Chronic Pain After Whiplash Injury, **57:12**
- Chronic Cervical Zygapophysial Joint Pain After Whiplash, **57:11**
- Citation methods, **51:10**
- Defense fallacies, **60:4, 63:24**
- Defining Radiographic Criteria For Flexion-Extension Studies, **57:10**
- Diagnosis
 - Generally, **13:2**
 - Carpal Tunnel Syndrome in Motor Vehicle Accidents, **57:9**
 - Cervical discogenic pain, correlation of magnetic resonance imaging and discography, **57:1, 63:8**
- Defendant's uses of medical literature to support, **51:11**
- Disc pathology after whiplash, **63:11**
- Findings and outcome in whiplash neck distortions, **57:6, 63:12**
- Malingering and Symptom Magnification, **57:8**
- Nonorganic signs, reappraisal of interpretation, **63:9**
- Peripheral nerve entrapment, **57:4, 63:10**
- Plaintiff's uses of medical literature to support, **51:10**
- Radiofrequency neurotomy treatment, resolution of distress following, **57:2**
- Searching for appropriate literature, **57:1 to 57:12**
- Disorders, whiplash-associated, **60:3, 63:23**

**LITERATURE REGARDING
CRASH-RELATED INJURIES,
FORENSIC APPLICATIONS
—Cont'd**

Engineering/biomechanical literature,
generally, **51:9**
Epidemiology's role in defense
testimony, **51:8**
Full text articles
Abstracts versus full text, **51:13**
PubMed articles, ordering, **484**
How-search the biomedical/
engineering literature, **481 to**
485
Junk science, literature regarding
Defense fallacies, **60:4, 63:24**
Methodological critique of
literature refuting whiplash
syndrome, **60:2, 63:22**
Papers addressing the problems of,
60:1 to 60:5
Prevalence of, **51:7**
Whiplash-associated disorders,
60:3, 63:23
Medical Ethics and the Defense
Medical Evaluation, **62:3**
MEDLINE, using, **482 to 484**
Methodological critique of literature
refuting whiplash syndrome,
60:2, 63:22
Methods applied, affidavit, **62:2**
Methods of citing the literature,
51:10
Nomenclature of crash-related
injuries
Generally, **51:5**
Whiplash, defined, **51:2**
Prevalance of 8220Whiplash8221
Symptoms Following Placebo
Rear-End Collision, **60:5**
Prognosis
Acceleration-extension injuries,
prospective study, **56:7, 63:1**
Acute injuries to cervical joints,
56:1, 63:1
Factors Affecting Employment
After Whiplash Injury, **56:8**
Future Neck and Shoulder Pain

**LITERATURE REGARDING
CRASH-RELATED INJURIES,
FORENSIC APPLICATIONS
—Cont'd**

Prognosis—Cont'd
Associated with
Exposure to Rear-End Collision,
56:10
Neck injuries from rear-end colli-
sions, **56:2, 63:2**
Presenting symptoms and signs
after whiplash injury, **56:6,**
63:6
Radiofrequency Medial Branch
Neurotomy
Patients with Cervical Whiplash,
56:9
Rate of recovery following whip-
lash injury, **56:5, 63:5**
Second whiplash injury, **56:4, 63:4**
Soft-tissue injuries of the cervical
spine, **56:3, 63:3**
Using medical literature-support
prognosis, **51:10 to 51:11**
PubMed, searching with, **481 to 485**
Rear-End Collision (this index)
Refuting validity of whiplash
injuries, literature regarding
Acceleration perturbations, **61:10,**
63:32
Biodynamics Research Corpora-
tion (BRC), **61:4**
Crash-test literature, **61:1**
Human head and neck kinematic
after low-velocity rear-end
impact, understanding whip-
lash, **61:6, 63:28**
Human subject kinematics and
electromayographic activity
during rear-end impact, **61:8,**
63:30
Human subjects, low speed rear-
end collision testing using,
61:9, 63:27, 63:31
Human test subject kinematic
responses to low velocity
rear-end impacts, analysis of,
61:5, 63:27
Junk science. Junk science, supra

INDEX

LITERATURE REGARDING CRASH-RELATED INJURIES, FORENSIC APPLICATIONS —Cont'd

- Refuting validity of whiplash injuries, literature regarding
 - Cont'd
 - Kinematics and kinetics of the human neck, **61:2, 63:25**
 - Methodological critique of literature refuting whiplash syndrome, **60:2, 63:22**
 - Natural evolution of late whiplash syndrome, **61:11, 63:33**
 - Occupant kinematic response to low-velocity rear-end impact, **61:7, 63:29**
 - Pain after whiplash, **61:12, 63:34**
 - Pain compensation, effect of eliminating upon insurance claims for whiplash, **61:13, 63:35**
 - Strength and response of the human neck, **61:3, 63:26**
- Relationship between vehicle damage and injury
 - Generally, **51:3**
 - Increasing incidence of whiplash in absence of significant vehicle damage, **51:4**
 - Vehicle damage and injury delta vs crash pulse, relationship between, **59:8, 63:21**
 - Vehicle damage bears no relationship to injury, **59:5, 63:18, 63:19**
- Roentgenographic Findings in Cervical Spine of
 - Asymptomatic Persons, **57:7**
- Searching for appropriate literature
 - Generally, **54:1 to 54:8, 59:1 to 59:8, 481 to 485**
 - Define the search, **54:3**
 - Diagnosis, relating to, **57:1 to 57:6**
 - General information searching and search engines, **54:6, 54:7**
 - Helpful websites, **53:1 to 53:7, 54:6 to 54:8**
 - How-search the biomedical/engineering literature, **54:1 to**

LITERATURE REGARDING CRASH-RELATED INJURIES, FORENSIC APPLICATIONS —Cont'd

- Searching for appropriate literature
 - Cont'd
 - 54:8, 481 to 485**
 - Important information sources, **54:8**
 - Junk science, relating to, **60:1 to 60:5**
 - MEDLINE, using, **482 to 484**
 - Performing the search, **54:4**
 - Prognosis, relating to, **56:1 to 56:7**
 - PubMed, using, **481 to 485**
 - Refining the search, **54:1 to 54:8**
 - Refuting validity of whiplash injuries, supra
 - Websites, helpful, **53:1 to 53:7, 54:6 to 54:8**
 - Where to search, **54:5**
- Uses of medical and engineering literature
 - Generally, **51:9**
 - Biomechanics testimony, prevalence of junk science, **51:7**
 - Defense's uses, **51:11**
 - Plaintiff's uses, **51:10**
- Websites, helpful, **53:1 to 53:7, 54:6 to 54:8**
- Whiplash Injury Determination with
 - Conventional
 - Spine Imaging and
 - Cryomicrotomy, **59:9**

LITIGATION CONSULTANT

- Role and duties, **6:2**

LITIGATION COSTS

- Damages item, generally, **15:3**

LITIGATION MANAGEMENT

- Attorney for claimant, mission of, **7:1 to 7:3**
- Consultants, **6:2, 29:1**
- Discovery teams, use of, **6:2**
- Duties of team leader, team attorney, and team support staff, **6:4**
- House counsel
 - Role and duties, generally, **6:2, 6:3**

LITIGATION MANAGEMENT

—Cont'd

- House counsel—Cont'd
 - Team work concept, **6:4**
- Insurance company
 - Consultants, **6:2**
 - Defense counsel, **6:3**
 - Legal maneuvers, **6:5**
 - Legal teams, **6:4**
 - MIST theory, **6:1**
 - Special investigation unit tactics, **6:6**
- Legal “teams,” **6:4**
- Maneuvers and tactics, **6:5**
- Outside counsel
 - Litigation consultant’s evaluation before transmittal to, **6:2, 29:1**
 - Retaining, **6:3**
 - Restructuring, **6:1**
 - Sample litigation plan discussion, **6:4**

LOSS OF CONSORTIUM

- Damages item, generally, **15:3**
- Interrogatories and discovery requests topic, **17:1**

LOSS OF ENJOYMENT OF LIFE

- Category entry, **4:1**
- Damages item, generally, **15:3**
- Interrogatories and discovery requests topic, **17:1**

LOSS OF USE OF VEHICLE

- Damages item, generally, **15:3**

LOST WAGES

- Adjuster’s capture of wage loss information, **5:3, 17:1**
- Damages item, generally, **15:3**
- Interrogatories and discovery requests topic, **17:1**

LYFT

- Ride Share Cases** (this index)

MAGNETIC RESONANCE IMAGING (MRI)

- Discogenic pain, correlation of magnetic resonance imaging and discography, **57:1, 63:8**

MALINGERING

- Defenses, **25:1 et seq.**
- Definitions, **8:4, 25:10 et seq.**
- Experts, **25:6 et seq.**
- Insurer’s Farm policy, **8:4**
- Warning given by Colossus, **3:1**

MANNERS

- Trial attorney’s behavior, **41:2**

MCKINSEY & COMPANY

- Agenda, **1:11**
- Allstate Insurance, relationship with, **1:9**
- Chasing the McKinsey documents, **1:12**
- Zero sum game, **1:10**

MEDIAL LIENS AND LIEN

FACTORING COMPANIES

- Generally, **42:1 to 42:11**
- Broad collateral source rule example, **42:7**
- Collateral source rule, **42:4 to 42:9**
- Economic damages, admissibility of MDC evidence to reduce, **42:9**
- Evidentiary issues, generally, **42:1 to 42:11**
- Narrow collateral source rule example, **42:8**
- State survey, **42:11**
- Trends, **42:10**
- Trial impacts of business model, **42:3**

MEDICAL CARE PROVIDERS

- Acupuncture treatment, physical therapy entry, **4:1**
- Advocates for patients, **22:3**
- Chiropractic services
 - Assessment by Colossus, **4:1, 13:2**
 - High percentage of injured persons using, **22:1**
- Cost containment management, **22:1 to 22:3**
- Deciding whether to depose, **6:5**
- Declaration of health care provider, **30:28 (Form)**
- Defense medical examination. **Medical Examiners and Examinations, Defense** (this index)
- Exhibits at trial, **40:6**

INDEX

MEDICAL CARE PROVIDERS

—Cont'd

- Forensic oriented, **22:3, 51:7**
- Hospital admissions decline, reasons for, **22:1**
- Medical Consultants Network, cost containment vendor, **22:2**
- Medical Examiners and Examinations, Defense** (this index)
- Physical therapy and therapists
 - Evaluation factor for Colossus, **13:2**
 - High percentage of injured persons using, **22:1**
- Physicians
 - Advocates for patients, **22:3**
 - Deciding whether to depose, **6:5**
 - Declaration of health care provider, **30:28 (Form)**
 - Forensic oriented, **22:3, 51:7**
 - What every adjuster should know about, **22:3**
- Trial witness
 - Generally, **40:6**
 - Preparing for trial, **34:7**
- What every adjuster should know about, **22:3**

MEDICAL CONSULTANTS NETWORK

- Cost containment vendor, **22:2**

MEDICAL EXAMINERS AND EXAMINATIONS, DEFENSE

- Arranging the exam, **23:1**
- Attending the exam, **23:3**
- Attorney representative, presence of, **23:3, 24:1**
- Audio taping examination, comparing written report to audio tape, **24:2**
- Background of examiner, acquiring knowledge about, **19:1, 24:1, 24:2, 24:6 (Form)**
- Bias against musculoligamentous neck and back injuries, **23:1, 24:4**
- Closing statement at trial, reference to forensic examination, **24:4**

MEDICAL EXAMINERS AND EXAMINATIONS, DEFENSE

—Cont'd

- Comprehensive Medical Review, cost containment vendor, **22:2**
- Conditions and parameters of exam, **23:1, 23:5 (Form), 23:6 (Form)**
- Cost containment management
 - Generally, **22:1**
 - Propaganda, **22:3**
 - Vendors, **22:2**
- Cost containment policy, **22:3**
- Cost containment vendor, **22:2**
- Course of care, referencing, **23:2**
- Cross examination, **64:6**
- Cross examination of medical examiner at trial
 - Generally, **24:4**
 - Outline for cross-examination, **24:8 (Form)**
- Deciding whether to do a medical exam, **6:5, 29:1**
- Deconstructing the examiner
 - Deposition, **24:2**
 - Exam, **24:1**
 - Trial, **24:4**
- Demand for exam
 - Generally, **23:1**
 - Letter to adjuster regarding conditions, **23:5 (Form), 23:6 (Form)**
- Deposition of examiner
 - Generally, **24:2**
 - Outline for taking examiner's deposition, **24:6 (Form)**
 - Subpoena duces tecum, **24:5 (Form)**
- Direct examination of medical examiner at trial, **24:4**
- Disclosure of, **17:1**
- Distinguishing between courtroom and clinical medicine, **22:3**
- Excluding medical examiner from testifying at trial, motion, **24:7 (Form)**
- Expenses. **Medical Expenses** (this index)
- Force of impact inquiries, **23:2**

**MEDICAL EXAMINERS AND
EXAMINATIONS, DEFENSE**

—Cont’d

Forms re defense medical examination

Letters. Letters, *infra*

Letter to client, **23:10 (Form)**

Motion to compel CR 35 exam

Objection to, **23:8 (Form)**

Order re, **23:9 (Form)**

Motion to exclude medical examiner from testifying at trial, **24:7 (Form)**

Outline, medical examiner deponent, **24:6 (Form)**

Outline, trial witness, cross examination of medical examiner, **24:8 (Form)**

Protective order requiring videotaping, **23:10 (Form)**

Subpoena duces tecum, medical examiner, **24:5 (Form)**

Intent of examination, **23:2, 24:1**

Letters to adjuster re exam demand/request

Conditions of exam, **23:1**

Defense medical exam request, **23:6 (Form)**

Personal injury protection/medical pay (involuntary exam), **23:5 (Form)**

Mechanics of injury inquiries, **23:2**

Medical Consultants Network, cost containment vendor, **22:2**

Motion to compel CR 35 exam

Objection to, **23:8 (Form)**

Order re, **23:9 (Form)**

Motion to exclude medical examiner from testifying at trial, **24:7 (Form)**

National Healthcare Resources, cost containment vendor, **22:2**

Nothing “independent” about it, **22:1 to 22:3, 24:1**

Objection to motion to compel CR 35 exam, **23:8 (Form)**

Opening statement at trial, reference to forensic examination, **24:4**

**MEDICAL EXAMINERS AND
EXAMINATIONS, DEFENSE**

—Cont’d

Order re motion to compel CR 35 exam, **23:9 (Form)**

Outlines

Cross examination of medical examiner at trial, **24:8 (Form)**

Deposition of medical examiner, **24:6 (Form)**

Plaintiff bar shares information, prior transcripts, and resources about examiner, **19:1, 24:1**

Pre-existing injuries, **23:2**

Preparing plaintiff for the exam, **23:2**

Present condition inquiries, **23:2**

Pro Review Utilization Review

Consultants, cost containment vendor, **22:2**

Records. **Medical Records** (this index)

Report of examiner, generally, **24:2**

Strategies against, **26:1 et seq.**

Subpoena duces tecum to examiner, **24:5 (Form)**

Time line of symptoms, **23:2**

Trial matters

Generally, **24:4**

Closing statement at trial, reference to forensic examination, **24:4**

Cross examination of medical examiner, **24:4, 24:8 (Form)**

Direct examination of medical examiner, **24:4**

Motion to exclude medical examiner from testifying, **24:7 (Form)**

Opening statement at trial, reference to forensic examination, **24:4**

Subpoena duces tecum to examiner, **24:5 (Form)**

Type of exam, **23:1**

Videotaping exam, **23:4, 23:10 (Form)**

What every adjuster should know about medicine, **22:3**

Who may request exam, **23:1**

INDEX

MEDICAL EXAMINERS AND EXAMINATIONS, DEFENSE—Cont'd

Worldwide Auditing Services, cost containment vendor, **22:2**

MEDICAL EXPENSES

Case value increase, effect of
Increased medical expenses, **22:1**

Cost containment management, **22:1 to 22:3**

Cost of having health care providers as trial witness, **40:6**

Damages item, generally, **15:3**

Directed verdict motion, **44:5 (Form)**
Exhibit at trial, **40:6**

Meticulous review by insurer, **13:2**

Mileage and parking, **15:3, 17:1**

Reasonable and necessary medical expenses

Motion for summary judgment, **30:27 (Form)**

Requests for admission, **18:4**

Reporting system, expected medicals, **4:1, 13:2**

Requests for admission, reasonable and necessary medical expenses, **18:4**

Summary judgment motion on reasonableness and necessity of, **30:27 (Form)**

MEDICAL LEGAL ART WEBSITE

Generally, **54:8**

MEDICAL LITERATURE, USE IN BACK AND NECK CASE

Generally, **58:1 et seq.**

Human tolerance levels, **58:5**

Preexisting conditions, **58:2**

Review of literature refuting whip-lash syndrome, **58:4**

Subjectivity of pain, **58:3**

MEDICAL MATRIX WEBSITE

Generally, **54:5**

MEDICAL RECORDS

Bias when reviewing, **22:1 to 22:3**

Deciding whether to review, **6:5**

MEDICAL RECORDS—Cont'd

Exhibit at trial, **40:6**

Note taking, importance of, **13:2**

MEDICAL TERMINOLOGY

Use of in complaint, **15:3**

MEDICAL WORLD SEARCH WEBSITE

Generally, **54:5**

MEDICAL WORLD WEBSITE

Generally, **54:5**

MEDIS SEARCH WEBSITE

Generally, **54:5**

MEDLINE

Generally, **54:5, 482 to 484**

MEDPAY

Bad faith, **48:2**

MEDSCAPE WEBSITE

Generally, **54:5**

MEDSCOUT WEBSITE

Generally, **54:5**

MENTORS

New Lawyers, **50:7**

METRIC TIME

Helpful websites, **53:1**

MILEAGE

Damages item, generally, **15:3**

Interrogatories and discovery requests topic, **17:1**

MINOR IMPACT SOFT TISSUE (“MIST”) CASES AND PROGRAMS

Adjuster's role, **5:1**

Biomechanics witness, **27:1**

Colossus, evaluations by, **5:1**

Creation of, **1:1**

Initial attorney-client meeting, explaining MIST, **9:3**

In limine motions, MIST considerations, **36:2**

Negotiation of claim, **13:1**

Nomenclature, **51:5**

**MINOR IMPACT SOFT TISSUE
("MIST") CASES AND
PROGRAMS—Cont'd**

Nuisance-value figure, offer of settlement, **5:1, 13:2**
Refusal-honor meritorious claims, policy and practice of insurance industry, **7:1 to 7:3**
Refusal to honor meritorious claims, policy and practice of insurance industry, **13:1, 27:1, 29:1**
Segmentation, **5:1, 29:1**
Special Investigations Unit, **1:1, 6:6**
Threshold and offsets, **5:1**
Trial brief, MIST considerations, **35:2**

MISREPRESENTATION

Fraud or Misrepresentation (this index)

MISSING DEFENDANTS

Service of Process (this index)

MIST

Minor Impact Soft Tissue ("MIST") Cases and Programs (this index)

MODIFICATION

Amendment or Modification (this index)

MORTALITY TABLE

Jury instruction, **37:20 (Form)**

MOTIONS

Developing a database, **30:1, 30:8**
Affidavit for motion to strike testimony of defense biomechanist/accident reconstructionist/engineer, **65:3 (Form)**
Affidavit in support of motion to correct error, **68:4 (Form)**
Amend complaint, motion for leave to, **29:2, 30:3, 30:10 (Form)**
Attorneys' fees and costs, **49:3 (Form)**
Biomechanic witness, excluding from testifying at trial, **28:1 et seq.**

MOTIONS—Cont'd

Compel discovery, motion to, **29:2, 30:4, 30:11 (Form)**
Controlling the tenor, **29:1 to 29:2**
Declaration of health care provider, **30:28 (Form)**
Default, motion for, **30:2, 30:9 (Form)**
Directed verdict
Generally, **44:1**
Causation and damages, **44:3**
Liability, **44:2**
Procedure, **44:4**
Sample motion, **44:5 (Form)**
Trial notebook section, **32:3**

Discovery (this index)

Discretionary review, **1:29 (Form)**
Emergency stay, **1:27 (Form)**
Exclude experts, motion to, **29:2**

In limine motions

Generally, **36:1**
Biomechanical engineer, preclusion of, **68:2 (Form)**
Closing argument referencing, **45:3**
Juror bias, precluding biomechanical engineer, **68:2 (Form)**
Malingering accusations, **36:9**
Memorandum to exclude prior injury or medical treatment, **36:6**

MIST considerations, **36:2**

Monetary gain accusations, **36:9**

Order granting motion in limine, **36:4 (Form)**

Sample, **36:3 (Form)**

Statements prejudicial to MIST cases, **36:10**

Trial notebook section, **32:3**

Intent of motions, generally, **29:2**

Judgment as matter of law, **44:3**

Juror bias

Affidavit in support of motion to correct error, **68:4 (Form)**

Correct error, motion to, **68:3 (Form), 68:4 (Form)**

In limine motion precluding biomechanical engineer, **68:2 (Form)**

INDEX

MOTIONS—Cont'd

Late designation of expert, motion to strike, **30:29 (Form)**

Medical examination of plaintiff

Motion to compel

Objection to motion, **23:8 (Form)**

Order re motion, **23:9 (Form)**

Motion to exclude medical examiner from testifying at trial, **24:7 (Form)**

Opposition to motion for discretionary review, **1:30 (Form)**

Pretrial motion practice

Developing a database, **30:1, 30:8**

Amend complaint, motion for leave to, **29:2, 30:3, 30:10 (Form)**

Compel discovery, motion to, **29:2, 30:4, 30:11 (Form)**

Controlling the tenor, **29:1 to 29:2**

Declaration of health care provider, **30:28 (Form)**

Default, motion for, **30:2, 30:9 (Form)**

Exclude experts, motion to, **29:2**

Intent of motions, generally, **29:2**

Late designation of expert, motion to strike, **30:7, 30:29 (Form)**

Quash discovery, motion to, **30:5, 30:18 (Form)**

Strike, motion to, **30:7, 30:29 (Form)**

Summary judgment motion, **30:6, 30:23 (Form), 30:27 (Form)**

Witness designation, motion to strike, **30:7, 30:29 (Form)**

Quash discovery, motion to, **30:5, 30:18 (Form)**

Reconsideration (this index)

Reply regarding discretionary review, **1:31 (Form)**

Response to motion for emergency stay, **1:28 (Form)**

Stay of enforcement, **1:26 (Form)**

Strike, motion to, **30:7, 30:29 (Form), 65:3 (Form)**

Summary judgment motion, **30:6, 30:23 (Form), 30:27 (Form)**

MOTIONS—Cont'd

Trial notebook section, **32:3**

MOVEMENT, RESTRICTION OF

Restriction of Movement (this index)

MULTIPLE DEFENDANTS

Complaint involving rear-end collision, property damage, multiple defendants, **15:9 (Form)**

Deposing co-defendants, deciding whether to depose, **6:5**

MUSCLE SPASM

Diagnosis, acceptance by Colossus, **13:2**

MUSCULOLIGAMENTOUS INJURY

Acknowledging but discounting the fact and mechanism of, **3:2**

Acute sprain, defined, **3:2**

Burden to prove injury on objective basis, **3:4**

Common complaints and symptoms, **3:2**

Diagnostic findings, **3:3**

Difficulty in diagnosing, **3:2, 3:3**

Disability resulting, **3:2**

Evaluation by Colossus, generally, **3:1**

Medical terminology used in complaint, **15:3**

Muscle spasm diagnosis, acceptance by Colossus, **13:2**

Prognosis, **3:2**

Reporting system, **4:2**

Rule out other possible causes for symptoms, **3:3**

Willful faking of injury symptoms, **3:4**

MYND CORPORATION

Purchase by Computer Sciences Corp., **1:2**

MYTHOLOGY

Helios, **1:2**

**NATIONAL HEALTHCARE
RESOURCES**

Cost containment vendor, **22:2**

**NATIONAL LIBRARY OF
MEDICINE**

Generally, **481, 482**

Website, **54:5**

**NATURE OF DEFENSE
TESTIMONY**

Generally, **51:7**

**NECESSITY AND
REASONABLENESS OF
MEDICAL EXPENSES**

Motion for summary judgment, **30:27
(Form)**

Requests for admission, **18:4**

NECK

Bias against nondemonstrable
injuries

Acknowledging but discounting
musculoligamentous injuries
of the neck, **3:2**

Diagnosis difficulty,
musculoligamentous injuries
of the neck, **3:3**

Independent medical examination,
bias of forensic examiner re
musculoligamentous injuries
of the neck, **23:1, 24:4**

Biomechanics/engineering literature

Curvature of neck and hyperexten-
sion at lower levels; motion of
cervical vertebrae, **59:1,
63:13**

Head/neck kinematic response
during low-speed rear-end
impacts, **59:3, 63:14 to 63:16**

Head/neck response during low-
speed rear-end impact, **59:2,
63:14, 63:15**

Head restraint, relationship to
driver neck injury, **59:6,
63:19**

Colossus evaluation and reporting
system, **3:1, 4:23**

Curvature of neck and hyperexten-
sion at lower levels; motion of

NECK—Cont'd

cervical vertebrae, **59:1, 63:13**

Diagnosis literature, findings and
outcome in whiplash neck
distortions, **57:6, 63:12**

Findings and outcome in whiplash
neck distortions, **57:6, 63:12**

Flexion/extension, Civil Rule 35
medical examination inquiry,
23:2

Head restraint, relationship to driver
neck injury, **59:6, 63:19**

Kinematics response after low-speed
rear-end impacts, **61:6, 63:28**

Medical examinations by defense,
bias against
musculoligamentous neck and
back injuries, **23:1, 23:2, 24:4**

Prognosis literature neck injuries
from rear-end collisions, **56:2,
63:2**

Refuting validity of whiplash
injuries, literature regarding

Human head and neck kinematic
after low-velocity rear-end
impact, understanding whip-
lash, **61:6, 63:28**

Kinematics and kinetics of the
human neck, **61:2, 63:25**

Strength and response of the
human neck, **61:3, 63:26**

Sprained neck or back.

Musculoligamentous Injury
(this index)

NECK FLEXION/EXTENSION

Civil Rule 35 medical examination
inquiry, **23:2**

NEGLIGENCE

Comparative negligence, incentives
for adjusters to find, **5:1**

Jury instruction, **37:10 (Form)**

Proximate Cause (this index)

NEGOTIATION

Personal injury Lawyer/First year
(this index)

Settlement and Compromise (this
index)

INDEX

NEIGHBORS AS WITNESSES

Disclosure of, **17:1**

NETWORKING

New Lawyers, **50:6**

NEUROSIS

Category entry, **4:1, 13:2**

NEW LAWYERS

Life after, passing the bar exam, **50:2**

Skills, **50:4**

NO-EXPERT DEFENSE

Defenses, **64:3**

NOMENCLATURE OF INJURIES

Generally, **51:5, 51:9**

Definitions (this index)

NONDEMONSTRABLE NECK AND BACK INJURIES

Evaluation by Colossus, generally,
3:1

Reporting system, **4:2**

NOTICE

Attorney-client relationship, notifying insurer

Generally, **10:3**

Initial letter to first party carrier
(PIP/MedPay), **10:4 (Form)**

Initial letter to first party carrier
(UM/UIM), **10:5 (Form)**

Initial letter to third party carrier
(BI), **10:6 (Form)**

Deposition, notice of taking

CR 30(b)(6) deponents, **16:7
(Form), 19:10 (Form)**

Defendant's insurance claims
adjusters, notice to, **19:11
(Form)**

Entity deponent, **19:4**

Deposition of entity, notice of taking,
19:4

Service of Process (this index)

Trial attendance, notice of

Generally, **40:3**

Form, **40:7 (Form)**

NUISANCE-VALUE FIGURE

Generally, **5:1, 13:2**

OBJECTIONS

Generally, **41:3**

Admissibility of evidence at trial,
36:1

Closing arguments, **45:4**

Jury instructions, **37:4**

Medical examination of plaintiff,
objection to motion to compel
CR 35 exam, **23:8 (Form)**

Opening statement, **39:2**

Quick reference sheet, **41:5 (Form)**

Trial notebook section, **32:14**

Trial objections, generally, **41:3, 41:5
(Form)**

Working knowledge of trial objections,
41:3

OCCUPANTS

Refuting validity of whiplash
injuries, occupant kinematic
response to low-velocity rear-
end impact, **61:7, 63:29**

OCCUPATIONS

Effect on auto accidents, **3:2**

OFFSET

MIST threshold, **5:1**

OPENING STATEMENTS

Generally, **39:1**

Cautionary rules, **39:2**

Delivery, **39:5**

Legal content, **39:2**

Objections, **39:2**

Outline, **39:3**

PowerPoint (this index)

Purpose, **39:1**

Reference to forensic examination,
24:4

Sample, **39:6 (Form)**

Themes, **39:4**

Trial notebook section, **32:7**

ORAL ARGUMENT

Closing Argument (this index)

Reasonable and necessary medical
expenses, motion for summary
judgment, **30:27 (Form)**

ORDERS OF COURT

- In limine motion, **36:1, 36:11, 37:4 (Form)**
- Medical examination of plaintiff, order on motion to compel, **23:9 (Form)**
- Trial notebook section, **32:3**

ORGANIZATIONS

- Deposition of, **19:4**

ORIGINS OF COLOSSUS

- Generally, **1:2**

OUTLINES

- Charts, Checklists, and Outlines**
(this index)

OUT-OF-POCKET DAMAGES

- Generally, **15:3**

OUT-OF-POCKET EXPENSES

- Interrogatories and discovery requests topic, **17:1**

PAIN

- Category entry, **4:1, 13:2**
- Chronic pain, medical literature supporting, **51:10**
- Competency of lay witness testimony about sensory perceptions of plaintiff's pain and suffering, **35:3**
- Damages, **15:3, 17:1**
- Diagnosing cervical discogenic pain, correlation of magnetic resonance imaging and discography, **57:1, 63:8**
- Interrogatories and discovery requests topic, **17:1**
- Jury instruction about admissibility of plaintiff's statements, trial brief provision, **35:3**
- Musculoligamentous injury, **3:2, 15:3**
- Radiating pain
 - Medical documentation and categorization, **4:1**
 - Settlement amount under Colossus, **4:1**
- Refuting validity of whiplash injuries, literature regarding
 - Pain after whiplash, **61:12, 63:34**

PAIN—Cont'd

- Refuting validity of whiplash injuries, literature regarding
 - Cont'd
 - Pain compensation, effect of eliminating upon insurance claims for whiplash, **61:13, 63:35**
- Terminology in complaint, **15:3**
- Trial brief provision on pain evidence, **35:3**
- Using medical literature to support, **51:10**

**PAIN AND
DISABILITY/SUFFERING
DAMAGES**

- Generally, **15:3**
- Interrogatories and discovery requests topic, **17:1**

PAIN IMPAIRMENT RATINGS

- Permanent impairment as value driver, **14:3**

PARALEGAL

- Jury voir dire assistance, **32:6**

PARKING EXPENSES

- Damages item, generally, **15:3**
- Interrogatories and discovery requests topic, **17:1**

PARTNERSHIPS

- Deposition of, **19:4**

PENALTY

- Disclosure of policy limits, failure to respond to request for, **13:3**

PENBERTHY V. CAPRETT

- Bad faith, **48:5**

PERCENTAGE OF FAULT

- Reporting system, **4:1**

**PERMANENT IMPAIRMENT AS
VALUE DRIVER**

- Generally, **14:1 to 14:3**
- Colossus assessments, increasing, **14:1**
- Pain impairment ratings, **14:3**
- Spinal impairment ratings, **14:2**

INDEX

PERSONAL INJURY

LAWYER/FIRST YEAR

- Generally, **50:1 to 50:17**
- Communicating with your client, **50:8**
- Complaint and Discovery, **50:12**
- Deadlines, **50:5**
- Deposition, **50:13**
- Forms
 - Sample offer to compromise(Form), **50:16**
 - Sample Rule 6.4 letter(Form), **50:17**
- Good Luck, **50:15**
- Legal Administrative staff, **50:3**
- Life after you pass the bar, **50:2**
- Local Rules, **50:10**
- Mentors, **50:7**
- Negotiations, **50:11**
- Networking, **50:6**
- Skills, **50:4**
- Terminating a client, **50:9**
- Voir Dire, **50:14**

PERSONAL INJURY

PROTECTION/MEDICAL PAY COVERAGE

- Defined, **10:1**
- Delayed payments, lower settlement consequences, **10:2, 17:1**
- Notifying insurer about attorney-client relationship, **10:4 (Form)**
- Subpoenaing insurer's claim file, **30:5, 30:18 (Form)**
- Tortfeasor's carrier communicating with claimant's carrier, **17:1**

PERSONAL PROTECTIVE EQUIPMENT

- COVID-19 Pandemic, trials in the time of, **70:6**

PHOTOGRAPHS

- Low impact cases, car photographs, **14A:3**

PHYSICAL THERAPY AND THERAPISTS

- Deposition testimony outline
- Plaintiff's physical therapist, **19:13 (Form)**

PHYSICAL THERAPY AND THERAPISTS—Cont'd

- Evaluation factor for Colossus, **13:2**
- High percentage of injured persons using, **22:1**
- Trial witness for plaintiff, typically, **40:2**

PHYSICIANS

- Advocates for patients, **22:3**
- Deciding whether to depose, **6:5**
- Forensic oriented, **22:3**
- Primary treating doctor as trial witness for plaintiff, typically, **40:2**
- What every adjuster should know about, **22:3**

PIP

- Bad faith, **48:2**

PLEADINGS

- Bad faith, drafting pleading, **48:8**
- Complaint** (this index)
- Trial notebook section, **32:16**

POLICE REPORT

- Absence of report, in limine motion topic, **36:3**

POLICY LIMITS

- Disclosure, **13:3**
- Effect on litigation tenor and scope, **17:1, 18:5**
- Exceeding policy limits, requests for admission re special injuries and damages, **18:4, 18:7 (Form)**

POWERPOINT

- Advantages, **47:1**
- Closing argument
 - Burden of proof, **47:7**
 - Causation, **47:8**
 - Content, basic, **47:6**
 - Eggshell theory, **47:7**
 - Medical examiner's opinions, **47:9**
- Content, **47:2**
- Depositions, demonstrative video doctor, **20:4**
- Opening statements
 - Causation, **47:5**
 - Happenings, showing, **47:4**

POWERPOINT—Cont'd

- Templates
 - Closing, **47:11**
 - Opening, **47:10**
 - Transparencies, **47:12**
- Working with, **47:3**

PRE-EXISTING CONDITION

- Assessment by Colossus, **13:2**
- Civil Rule 35 medical examination inquiries, **23:2**
- Credibility of client, establishing, **31:15**
- Jury instruction, **37:16 (Form)**
- Trial brief provision, **35:3**

PREJUDGMENT INTEREST

- Damages item, generally, **15:3**

PREJUDICE

- Bias or Prejudice** (this index)

**PRESENTING PLAINTIFF'S CASE
IN CHIEF**

- Trial** (this index)

PRESERVATION OF EVIDENCE

- Duty of insurer, **15:4**

PRESUMPTIONS

- See also **Burden of Proof** (this index)
- Spoilation of evidence, **15:4**

PRE-TEST PROBABILITIES

- Generally, **67:1 et seq.**
- Meaning of
 - All forensic methods are really tests, and all forensic opinions are really test results, **67:7**
 - Assessing the accuracy of forensic tests, why plaintiff tests are more accurate than defense tests, **67:8**
 - Example illustrating the concepts of true positives, **67:5**
 - False positives, **67:4**
 - Pre-test probabilities and injury litigation, **67:6**

**PRE-TEST PROBABILITIES
—Cont'd**

- Meaning of—Cont'd
 - The reason for the divergent results, **67:9**
 - True positives, **67:3**
- Practical application, **67:10**

PRETRIAL MOTION PRACTICE

- Motions** (this index)

**PRIOR ACCIDENT/MEDICAL
RECORDS**

- Deciding whether to do obtain, **6:5**
- In limine motion topic, **36:3**

PRIOR DRUG USE

- In limine motion topic, **36:3**

PRIOR TRANSCRIPTS

- Expert witnesses, plaintiff's bar shares information, prior transcripts, and resources, **19:1, 24:1**

**PROCESS AND SERVICE OF
PROCESS**

- Service of Process** (this index)

PROFITS

- Increasing profits by focusing on attorney-represented claimants, **1:3**
- Policy and means for maintaining profitability, **5:1**

**PROGNOSIS, FORENSIC
LITERATURE**

- Acceleration-extension injuries, prospective study, **56:7, 63:1**
- Acute injuries to cervical joints, **56:1, 63:1**
- Neck injuries from rear-end collisions, **56:2, 63:2**
- Presenting symptoms and signs after whiplash injury, **56:6, 63:6**
- Rate of recovery following whiplash injury, **56:5, 63:5**
- Second whiplash injury, **56:4, 63:4**
- Soft-tissue injuries of the cervical spine, **56:3, 63:3**
- Using medical literature-support prognosis, **51:10 to 51:11**

INDEX

PROPERTY DAMAGE UNDER ONE THOUSAND DOLLARS

Reporting system, **4:1**

PRO REVIEW UTILIZATION REVIEW CONSULTANTS

Cost containment vendor, **22:2**

PROXIMATE CAUSE

Jury instruction, **37:13 (Form)**

Proving, **44:3**

PUBMED LITERATURE SEARCHES

Generally, **481 to 485**

PUNITIVE DAMAGES

Frivolous or obstructionist conduct of insurer basis, **9:4**

QUASH

Discovery, motion to quash, **30:5, 30:18 (Form)**

QUOTATIONS

Helpful websites, **53:4**

RADIATING PAIN

Medical documentation and categorization, **4:1**

Settlement amount under Colossus, **13:2**

REAR-END COLLISION

Biomechanics/engineering literature
Clinical response to rear-end impact, **59:4, 63:17**

Head/neck kinematic response during low-speed rear-end impacts, **59:3, 63:14 to 63:16**

Head/neck response during low-speed rear-end impact, **59:2, 63:14, 63:15**

Complaint (clear liability)

Agency-complaint, **15:8 (Form)**

Simple complaint, **15:5 (Form)**

Complaint (property damage, multiple defendants), **15:9 (Form)**

Description of Injury mechanism, **51:2**

REAR-END COLLISION—Cont'd

Prognosis of injuries literature, neck injuries from rear-end collisions, **56:2, 63:2**

Refuting validity of whiplash injuries, literature regarding

Human head and neck kinematic after low-velocity rear-end impact, understanding whiplash, **61:6, 63:28**

Human subject kinematics and electromyographic activity during rear-end impact, **61:8, 63:30**

Human subjects, low speed rear-end collision testing using, **61:9, 63:27, 63:31**

Human test subject kinematic responses to low velocity rear-end impacts, analysis of, **61:5, 63:27**

Occupant kinematic response to low-velocity rear-end impact, **61:7, 63:29**

Using medical literature to support injuries, **51:10, 51:11**

Whiplash (this index)

REASONABLENESS AND NECESSITY OF MEDICAL EXPENSES

Motion for summary judgment, **30:27 (Form)**

Requests for admission, **18:4**

RECONSIDERATION

Motions, generally, **1:23 to 1:25 (Forms)**

Opposition to motions, **1:24 (Form)**

Order denying, **1:25 (Form)**

RECORDS

Criminal records, deciding whether to do obtain, **6:5**

Deciding whether to do review, **6:5**

Employment records

Deciding whether to do obtain, **6:5**

Duty of claimant's attorney to obtain, **11:3**

Exhibit at trial, medical records, **40:6**

RECORDS—Cont'd

- In limine motion, prior accident/medical records, **36:3**
- Insurer's claim file, subpoenaing, **30:5**
- Medical records
 - Bias or prejudice on review of records, **22:1 to 22:3**
 - Deciding whether to review, **6:5**
 - Exhibit at trial, **40:6**
 - Note taking, importance of, **13:2**
- Note taking in medical records, importance of, **13:2**
- Prior accident/medical records
 - Deciding whether to do obtain, **6:5**
 - In limine motion topic, **36:3**
- School records, deciding whether to do review, **6:5**

REFERENCE SEARCH ENGINES

- Helpful websites, **53:7**

REFUSAL-HONOR

MERITORIOUS CLAIMS

- Duties and strategies of plaintiff's attorney, **7:1 to 7:3**
- Policy and practice, **7:1 to 7:3**

REFUSAL TO HONOR

MERITORIOUS CLAIMS

- Imposing sanction awarding claimant additional attorney's fees, **9:4**
- Policy and practice, **13:1, 27:1, 29:1**
- Trial appearance, defendant's refusal, **29:1**

RELEASES

- Discovery requests, obtaining release from plaintiff, **17:1**

REPORTS

- Automobile Injuries And Their Compensation In The United States, 1979 publication, generally, **1:1**
- Biomechanic expert, letter to defense attorney, **27:2 (Form)**
- Colossus evaluation system
 - Reports generated, generally, **4:3**
 - Consultative report produced by, **30:1, 30:2**

REPORTS—Cont'd

- Forensic investigator's sample report on collision, **11:3**
- Insurance Research Council
 - Analysis (1999) of auto injury claims, **1:3, 10:2, 22:1**
 - Fourth National Survey of auto injury claims, **1:1**

REPRESENTATION INDICATOR

- Reporting system, **4:1**

RESERVATION OF RIGHTS BY INSURER

- Effect on discovery requests, **17:1**
- Effect on litigation tenor and scope, **17:1**

RESPONDEAT SUPERIOR

- Ride share cases, **69:17**

RESTRICTION OF MOVEMENT

- Settlement amount under Colossus, **13:2**

RIDE SHARE CASES

- Generally, **69:1 to 69:24**
- Arbitration. Uber Arbitration Agreement, below
- Discovery considerations, **69:19**
- Drivers, company accountability for actions of, **69:17**
- Forms
 - Arbitration, opinion finding Uber arbitration agreement unenforceable, **69:21 (Form)**
 - Employees, order on preliminary injunction to requiring Uber and Lyft to classify drivers as, **69:21 (Form)**
 - Interrogatories to defendants-redacted, **69:23 (Form)**
 - Requests for admissions to defendants-redacted, **69:22 (Form)**
 - Requests for production of documents to defendants-redacted, **69:24 (Form)**
- Issues relevant to ride share cases, **69:2**
- Liability, limitations on, **69:18**

INDEX

RIDE SHARE CASES—Cont'd

- Lyft and Uber, generally
 - Employees, order on preliminary injunction to requiring classification of drivers as, **69:21 (Form)**
 - Insurance for ride share drivers, **69:5**
 - Origins of, **69:3**
- Respondeat superior, **69:17**
- Uber Arbitration Agreement
 - Generally, **69:7 to 69:16**
 - See also Lyft and Uber, generally, above
 - Agreement to binding arbitration, **69:8**
 - Changes, **69:14**
 - Decision of arbitrator, **69:12**
 - Enforceability, challenges to, **69:16**
 - Fees, **69:13**
 - Governing law, rules and, **69:9**
 - Location and procedure, **69:11**
 - Opinion finding Uber arbitration agreement unenforceable, **69:21 (Form)**
 - Procedure, location and, **69:11**
 - Process, **69:10**
 - Rules and governing law, **69:9**
 - Severability, **69:15**
 - Survival, **69:15**

RULES

- Local, new lawyers, **50:10**

SANCTIONS

- Requests for admission, failure to properly admit within allowed time, **18:1**

SCHOOL RECORDS

- Deciding whether to do obtain, **6:5**

SEAT BELT

- Decline in hospital admissions, use as reason for, **22:1**
- Utilization of, **23:2**

SECOND LEVEL ADJUSTER

- Evaluation Consultant/Coordinator** (this index)

SECOND WHIPLASH INJURY DOCTRINE

- Generally, **51:2, 56:4, 63:4**

SEGMENTATION OF CLAIMS

- MIST, **5:1, 29:1**

SELECTION OF JURY

- Jury** (this index)

SERVICE OF PROCESS

- Generally, **16:1**
- According to statute, requirement, **16:3**
- Chart, **16:5 (Form)**
- Courteous copy to tortfeasor's insurer, **16:2, 30:2**
- Deposing insurer when defendant's whereabouts unknown
 - Generally, **16:4**
 - Motion to allow CR 30(b)(6), **16:6 (Form)**
 - Notice pursuant to CR 30(b)(6), **16:7 (Form), 19:10 (Form)**

Forms

- Chart, **16:5 (Form)**
- Deposing insurer when defendant's whereabouts unknown
 - Motion to allow CR 30(b)(6), **16:6 (Form)**
 - Notice pursuant to CR 30(b)(6), **16:7 (Form), 19:10 (Form)**
- Motion shortening time, deeming answers as admissions, and allowing service by other means, **16:9 (Form)**
- Motion to allow CR 30(b)(6), deposing insurer when defendant's whereabouts unknown, **16:6 (Form)**
- Motion to allow deposing insurer when defendant's whereabouts unknown, **16:6 (Form)**
- Motion to allow service by other means, **16:9 (Form)**
- Notice pursuant to CR 30(b)(6), deposing insurer when defendant's whereabouts

SERVICE OF PROCESS—Cont'd

Forms—Cont'd

unknown, **16:7 (Form), 19:10 (Form)**

Requests for admissions to insurer, identification and location of defendant, **16:8 (Form)**

Status log, **16:5 (Form)**

Vehicular accidents

Chart regarding service methods and requirements, **16:5 (Form)**

Status log on service efforts/ attempts, **16:5 (Form)**

Missing defendants problems

Generally, **16:4**

Deposing insurer, *supra*

Requests for admissions to insurer, *infra*

Motion to allow service by other means, **16:9 (Form)**

Requests for admissions to insurer, identification and location of defendant

Generally, **16:4**

Form, **16:8 (Form)**

Motion shortening time, deeming answers as admissions, and allowing service by other means, **16:9 (Form)**

Status log, **16:5 (Form)**

Statute of limitations problems, **16:4**

SETTLEMENT AND COMPROMISE

Adjuster's role, **5:1, 13:1 to 13:2, 29:1**

Binding, making any settlement, **13:8**

Colossus evaluation of claim

Feeding data to Colossus, **13:2**

Relationship to settlement, **5:1**

Use of Colossus software, generally, **4:1, 30:3**

Demand for settlement

Generally, **13:3**

Damages discussion, **13:4**

Diagrams, **13:4**

Electronic, **13:5, 13:13 (Form)**

Evidence and examples, **13:4**

SETTLEMENT AND

COMPROMISE—Cont'd

Demand for settlement—Cont'd

Photographs, **13:4**

Sample pre-suit settlement demand by claimant's attorney, **13:11 (Form)**

Do's and don'ts of negotiation, **13:9**

Educating claimant about fair claim settlement, sample letters, **5:3**

Electronic settlement demands, **13:5**

Evaluation consultant's role, **5:1**

Feeding Colossus data to evaluate, **13:2**

Forms

Demand for settlement

Electronic, **13:13 (Form)**

Sample pre-suit settlement demand by claimant's attorney, **13:11 (Form)**

Letters to tortfeasor's insurer

Initial letter, **13:10 (Form)**

Reminder letter, **13:14 (Form)**

Incentives for adjuster maintaining less than 102% of Colossus amounts, **5:1**

Inducing low settlements, denial or delay of medical payments or biased paper reviews, **10:2, 17:1**

Inflation in MIST settlements, **5:1**

Initial letter to tortfeasor's insurer, **13:10 (Form)**

Insurance companies, generally, **13:1, 29:1**

Letters to tortfeasor's insurer

Initial letter, **13:10 (Form)**

Reminder letter, **13:14 (Form)**

Litigation consultant, **6:2, 29:1**

Negotiation

Generally, **29:1**

Arrogance and methods of insurer, **13:1 to 13:2**

Disclosure of policy limits prerequisite, **13:3**

Do's and don'ts, **13:9**

Feeding data to Colossus for evaluation, **13:2**

Retraction of offer, **13:3, 13:6**

Steps of, **13:7**

INDEX

SETTLEMENT AND

COMPROMISE—Cont'd

Negotiation—Cont'd

Use of Colossus software, generally, **4:1, 30:3**

Offer to settle. Demand for settlement, *supra*

Personal injury protection/medical pay coverage, effect of, **10:2, 17:1**

Plaintiff's overtures, **13:3**

Relationship to Colossus evaluation amounts, **5:1**

Reminder letter, **13:14 (Form)**

Retraction of offer, **13:3, 13:6**

Steps, synopsis of settlement-related, **13:7**

Take it or leave it approach of insurer, **13:1, 13:3, 29:1**

Unrepresented claimants, adjuster's handling of, **5:3, 9:1, 16:4, 17:1**

Use of Colossus software, **4:1, 30:3**

SEVEN WONDERS OF THE ANCIENT WORLD

Generally, **1:2**

SHOULDER BELT

Description of injury mechanism, **51:2**

SHOULDER HARNESS

Utilization of, **23:2**

SIDE IMPACT PROTECTION

Decline in hospital admissions, reason for, **22:1**

SKELETONS

Exhibit at trial, **40:6**

SKILLS

New lawyers, **50:4**

SLIDESHOWS

PowerPoint (this index)

SMART DEVICES

Generally, **22A:1 et seq.**

Evidence, generally, **22A:1 et seq.**

Finding witnesses, **22A:3**

GPS, **22A:2**

SMART DEVICES—Cont'd

Health of client at time of accident, showing, **22A:4**

Increase in cost issue, **22A:6**

Necessity of asking client, **22A:7**

Use at time of accident, **22A:1**

Wearable devices, **22A:2 et seq.**

SOCIAL MEDIA

Generally, **21:1 et seq.**

Discovery, generally, **21:1 et seq.**

Document requests, **21:7**

Formal discovery, **21:5**

Forms

Do's and don'ts (Form), **21:13**

Memorandum in opposition (Form), **21:16**

Motions to compel authorizations, **21:19, 21:20 (Forms)**

Motion to compel supporting brief (Form), **21:15**

Order adopting magistrate's report (Form), **21:12**

Order determining no expectation of privacy (Form), **21:14**

Order sanctioning plaintiff (Form), **21:11**

Orders regarding requests for production (Forms), **21:17, 21:18**

Informal investigation, **21:2, 21:3**

Interrogatories, **21:7**

Managing client's, **9:5**

Methods of obtaining information, **21:6, 21:7**

Privacy, **21:8**

Relevance and scope of discovery, **21:9**

Spoliation issues, **21:4**

Subpoenas, **21:6**

Weight of evidence, **21:10**

SPASM OF MUSCLE

Diagnosis, acceptance by Colossus, **13:2**

SPECIAL INVESTIGATIONS

UNITS (SIU)

Creation of, **1:1**

Litigation tactics and protocol, **6:6**

SPECIALS UNUSUAL

Reporting system, **4:1**

SPECIAL VERDICT

Jury instruction, **37:23 (Form)**

SPECULATION

Witness testimony, **40:5**

SPEECHES

Helpful websites, **53:1**

SPEED/FORCE INJURY

Biomechanics and Engineering
(this index)

SPINAL IMPAIRMENT RATINGS

Permanent impairment as value
driver, **14:2**

SPINAL SOFT TISSUE INJURIES

Musculoligamentous Injury (this
index)

SPINE

Description of injury mechanism,
51:2

Pre-existing spinal degeneration,
forensic literature, **63:20**

Soft-tissue injuries of the cervical
spine, prognosis, **56:3, 63:3**

Spine Research Institute of San
Diego, **54:8**

Whiplash

Direct and indirect trauma injury
descriptions, **51:2**

Whiplash Injury Determination with
Conventional

Spine Imaging and
Cryomicrotomy, **59:9**

**SPINE RESEARCH INSTITUTE OF
SAN DIEGO**

Generally, **54:8**

SPOILIATION OF EVIDENCE

Generally, **15:4**

SPORTS

Effect on auto accidents, **3:2**

SPRAINED NECK OR BACK

Musculoligamentous Injury (this
index)

STANDARD OF PROOF

Burden of Proof (this index)

**STATEMENT BY CLAIMANT TO
INSURER**

Generally, **11:1**

Duty of claimant's attorney to obtain,
11:3

**STATE OF WASHINGTON TRIAL
BAR**

Using email list serves to discuss,
develop, and exchange motions
and strategies, **30:1**

STATISTICS

Epidemiology, evaluation of, **51:8**

Helpful websites, **53:5**

Motor vehicle crashes deaths and
injuries, generally, **51:1, 51:3**

STEERING WHEEL

Description of injury mechanism,
51:2

Whiplash direct trauma injury
description, **51:2**

STOIC PLAINTIFF

Trial testimony preparation, **34:3**

SUBPOENA

Deposition of entities, **19:4**

Discovery process

Deposition of entities, **19:4**

Forensic medical examiner,
subpoena duces tecum to,
24:5 (Form)

Insurer's claim file, quashing
subpoena for, **30:5, 30:18**
(Form)

Forensic medical examiner, subpoena
duces tecum to, **24:5 (Form)**

Forms

Discovery process

Forensic medical examiner,
subpoena duces tecum to,
24:5 (Form)

Insurer's claim file, quashing
subpoena for, **30:5, 30:18**
(Form)

INDEX

SUBPOENA—Cont'd

Forms—Cont'd

Forensic medical examiner,
subpoena duces tecum to,
24:5 (Form)

Insurer's claim file, quashing
subpoena for, **30:5, 30:18**
(Form)

Trial attendance, **40:8 (Form)**

Insurer's claim file, quashing
subpoena for, **30:5, 30:18**
(Form)

Trial attendance, **40:8 (Form)**

SUBSEQUENT UNRELATED INJURIES OR MEDICAL TREATMENT

In limine motion topic, **36:3**

SUDDEN EMERGENCY DOCTRINE

Generally, **44:2**

SUMMARY JUDGMENT

Burden of proof, **44:3**

Liability, motion grounds, **29:2,**
30:23 (Form)

Motion

Liability grounds, **30:23 (Form)**

Practice tips, **30:6**

Reasonable and necessary medical
expenses grounds, **30:27**
(Form)

Trial notebook section, **32:4**

Reasonable and necessary medical
expenses, motion grounds,
30:27 (Form)

Trial notebook section, **32:4**

SUMMARY OF CLAIMS

Jury instruction, **37:14 (Form)**

SURVEILLANCE

Cautioning client about, **9:3**

Deciding whether to do, **6:5**

Interrogatories and requests for pro-
duction, **18:1**

SYMPTOMS' TIMELINE

Civil Rule 35 medical examination
inquiry, **23:2**

TASTAD VS. ALLSTATE

Colossus software program, **1:8**

TAXATION

In limine motion issue, **36:3**

Tax returns, obtaining from client,
11:3

TAX RETURNS

Obtaining from client, **11:3**

TEMPORALMANDIBULAR

Diagnosis, evaluation by Colossus,
13:2

TERMINATION

New Lawyer

A client, **50:9**

THIRD PARTY

Bad faith, **48:3**

THRESHOLD OF INJURY, DETERMINING

Generally, **51:6**

TIME

Attorney's travel time, compensation,
6:5

Directed verdict motion, **44:1**

Discovery requests, timeliness of
Admission, requests for, **18:1**

Interrogatories and requests for
production, **17:1**

Discovery responses, timeliness of,
17:2, 30:7

Educating claimant about fair claim
settlement, **5:3**

Global metric time services website,
53:1

**Medical Examiners and Examina-
tions, Defense** (this index)

Motion shortening time, deeming
answers as admissions, and
allowing service by other means,
16:9 (Form)

Objections, asserting at trial, **41:3**

Policy limits, disclosure of, **13:3**

Requests for admissions, **16:9**
(Form), 18:1

Symptoms timeline inquiry, CR 35
medical exam, **23:2**

TIME—Cont'd

Witness disclosure time periods, **30:7**

TIMELINE OF SYMPTOMS

Civil Rule 35 medical examination inquiry, **23:2**

TORTIOUS INTERFERENCE WITH CONTRACT

Colossus software program, **48:7**

TRANSCRIPTS

Expert witnesses, plaintiff's bar shares information, prior transcripts, and resources, **19:1, 24:1**

TREATING PHYSICIAN

Deciding whether to depose, **6:5**

TRIAL

Aggressive advocacy and civility concepts, **41:2**

Appearance or attendance

Notice of trial attendance, **40:3, 40:7 (Form)**

Sequencing trial witnesses, **40:2**

Subpoena for trial attendance, **40:8 (Form)**

Attorney's behavior, **41:2**

Brief. **Trial Brief** (this index)

Civility of trial attorney, **41:2**

Closing Argument (this index)

Countering the defense

Generally, **41:1**

Civility matters, **41:2**

Common dilemmas, **41:4**

Objections, quick reference sheet, **41:5 (Form)**

Objections, working knowledge of, **41:3**

Courtroom demeanor, **41:2**

COVID-19 Pandemic, trials in the time of, **70:1**

Directed Verdict (this index)

Exhibits

Health care providers evidence, **40:6**

Objections to, **41:5**

Flow chart, **32:20 (Form), 32:21 (Form)**

TRIAL—Cont'd

Judgment as matter of law, **44:3**

Notebook. **Trial Notebook** (this index)

Notice of trial attendance, **40:7 (Form)**

Objections (this index)

Opening Statements (this index)

Outline of closing argument, **45:7 (Form)**

Outline of direct examination of

Defendant, **40:9 (Form)**

Lay witness, **40:11 (Form)**

Plaintiff, **40:10 (Form)**

Treating health care provider, **40:12 (Form)**

Outline of opening statement, **39:3**

Presenting plaintiff's case in chief

Generally, **40:1**

Defendant, interrogating the defendant

Generally, **40:3**

Outline direct examination, **40:9 (Form)**

Health care providers

Generally, **40:6**

Outline direct examination, **40:12 (Form)**

Lay witnesses

Generally, **40:5**

Outline direct examination, **40:11 (Form)**

Notice of trial attendance, **40:7 (Form)**

Outline of direct examination of

Defendant, **40:9 (Form)**

Lay witness, **40:11 (Form)**

Plaintiff, **40:10 (Form)**

Treating health care provider, **40:12 (Form)**

Plaintiff, interrogating

Generally, **40:4**

Outline of direct examination of, **40:10 (Form)**

Subpoena for trial, **40:8 (Form)**

Usual plaintiff witnesses, list, **40:2**

Sequencing trial witnesses, **40:2**

INDEX

TRIAL—Cont'd

- Strategy. Presenting plaintiff's case in chief, *supra*
- Subpoena for trial, **40:8 (Form)**
- Witnesses, sequencing of, **40:2**

TRIAL BAR OF STATE OF WASHINGTON

- State of Washington Trial Bar** (this index)

TRIAL BRIEF

- Generally, **35:1 et seq.**
- Findings of fact and conclusions of law, **35:6 (Form)**
- MIST considerations, **35:2**
- Sample, trial brief, **35:3 (Form) to 35:5 (Form)**
- Stipulations for issuance of case scheduling order, **35:7 (Form)**
- Trial notebook section, **32:3**
- Trial** (this index)

TRIAL NOTEBOOK

- Generally, **32:1**
- Briefs, **32:3**
- Closing argument, **32:13**
- Defendant
 - Generally, **32:10**
 - Witnesses of, **32:11**
- Divider format, **32:1, 32:17 (Form)**
- Evidence
 - Generally, **32:5**
 - Chart, **32:22 (Form), 32:23 (Form)**
- Format, **32:1, 32:17 (Form)**
- Jury
 - Instructions, **32:12**
 - Voir dire, generally, **32:6**
 - Voir dire chart, **32:24 (Form)**
- Law, **32:15**
- Motions, **32:3**
- Objections
 - Generally, **32:14**
 - Quick reference sheet, **41:5 (Form)**
- Opening statement, **32:7**
- Orders of court, **32:3**
- Plaintiff
 - Generally, **32:8**

TRIAL NOTEBOOK—Cont'd

- Plaintiff—Cont'd
 - Witness chart, **32:18 (Form), 32:19 (Form)**
 - Witnesses of plaintiff, generally, **32:9**
- Pleadings, **32:16**
- Summary judgment, **32:4**
- To do section
 - Generally, **32:2**
 - Trial flow chart, **32:20 (Form), 32:21 (Form)**
- Trial flow chart, **32:20 (Form), 32:21 (Form)**
- Trial orders, motions, and briefs, **32:3**
- Voir dire
 - Generally, **32:6**
 - Chart, **32:24 (Form)**
- Witnesses of defendant, **32:11**
- Witnesses of plaintiff
 - Generally, **32:9**
 - Chart, **32:18 (Form), 32:19 (Form)**

TRIGGER POINT INJECTIONS

- Generally, **4:1**

TRUST RELATIONSHIPS

- Unrepresented claimants, adjuster's objective regarding, **5:3, 9:1, 16:4, 17:1**

UBER ARBITRATION AGREEMENT

- Ride Share Cases** (this index)

UNAVOIDABLE ACCIDENT

- In limine motion topic, **36:3**

UNDERINSURED MOTORISTS

- Attorney-client relationship, notifying first party carrier about, **10:5 (Form)**
- Definition of policy, **10:1**

UNINSURED MOTORISTS

- Attorney-client relationship, notifying first party carrier about, **10:5 (Form)**
- Definition of policy, **10:1**

**UNRELIABLE EXPERT
TESTIMONY**

Expert Witnesses and Testimony
(this index)

UNREPRESENTED CLAIMANTS

Insurer's handling of, **5:3, 9:1, 16:4, 17:1**

Service of process on insured, **16:4**

VALUATION

Diminution in value, damaged vehicles, **15:3, 17:1**

VEHICLE DAMAGE

Absence of significant damage but
Increasing incidence of whip-
lash, **51:4**

Complaint (rear-end collision, prop-
erty damage, multiple
defendants), **15:9 (Form)**

Diminution in value, **15:3, 17:1**

Disclosure of body shop estimators,
17:1

Expenses recoverable, **15:3**

Forensic literature, relationship
between vehicle damage and
injury

Generally, **51:3**

Increasing incidence of whiplash
in absence of significant vehi-
cle damage, **51:4**

Vehicle damage and injury delta vs
crash pulse, relationship
between, **59:8, 63:21**

Vehicle damage bears no relation-
ship to injury, **59:5, 63:18, 63:19**

Interrogatories and discovery
requests topic, **17:1**

Loss of use of vehicle, **15:3**

Mechanic, typically trial witness for
plaintiff, **40:2**

Relationship between damage and
injury. Forensic literature, supra

Repairs

Body shop estimators, disclosure
of, **17:1**

Mechanic, typically trial witness
for plaintiff, **40:2**

Reporting system, **4:1**

VEHICLE DAMAGE—Cont'd

Service of process

Chart regarding service methods
and requirements, **16:5 (Form)**

Status log on service efforts/
attempts, **16:5 (Form)**

Service of process chart, vehicular
accidents, **16:5 (Form)**

VERDICT, DIRECTED

Directed Verdict (this index)

VIDEOTAPES

Depositions (this index)

Exhibit at trial, **40:6**

Medical examinations, **25:4, 25:11 (Form)**

VISION DISTURBANCE

Diagnosis, evaluation by Colossus,
13:2

**VOCATIONAL EXAMINATION OF
PLAINTIFF**

Generally, **23:1**

VOID AND VOIDABLE CONDUCT

Failure of insured to cooperate, effect
on policy coverage, **16:2**

VOIR DIRE

Generally, **38:1 to 38:9**

Case study, **38:4**

Challenges for cause, **38:8**

Challenging the jury, **38:5 to 38:8**

COVID-19 Pandemic, trials in the
time of, **70:10**

Defendant's proposed questions,
38:13

Discussion point outline, **38:9 (Form)**

For cause challenges, **38:7, 38:11 (Form)**

Meaningful voir dire, concepts to
remember for, **38:2**

Medical expenses, **38:3**

Peremptory challenges, **38:6**

Personal injury Lawyer/First year
(this index)

Plaintiff's general questions, **38:10 (Form)**

INDEX

VOIR DIRE—Cont'd

- Plaintiff's memorandum of law regarding bias, **38:14 (Form)**
- Plaintiff's proposed questions, **38:12**
- Poisonous jurors, identification of, **38:3**
- Questioning techniques and tactics for meaningful voir dire in MIST cases, **38:3**
- Reframing, **38:3**
- Skeptical jurors, **38:3**
- Trial notebook chart, **32:6, 32:24 (Form)**

WEB SITES

- Achoo, **54:5**
- Almanacs, **53:2**
- Attorney's web site, placing client intake form on, **8:2**
- Boolean Searching, **54:4**
- Computer Sciences Corporation, **1:2**
- Encyclopedias, **53:2**
- HealthAtoZ, **54:5**
- Healthfinder, **54:5**
- Health Web, **54:5**
- Helpful web sites, generally, **53:1 to 53:7, 54:5 to 54:8**
- Injury Forum, **54:8**
- Injury Resources, **54:8**
- Insurance Research Council, **1:1**
- Internet Grateful Med, **54:5**
- Language, **53:3, 54:4**
- Library catalogs, **53:6**
- Litigation support for attorneys, **54:8**
- Medical Legal Art, **54:8**
- Medical Matrix, **54:5**
- Medical World Search, **54:5**
- Medis Search, **54:5**
- Medscape, **54:5**
- MedScout, **54:5**
- National Library of Medicine, **54:5**
- Power Searching 101, **54:6**
- Quotations, **53:4**
- Reference search engines, **53:7, 54:7**
- Spine Research Institute of San Diego, **54:8**
- Statistics, **53:5**

WELLS V. ALLSTATE CLASS ACTION

- Bad faith, **48:6**

WHIPLASH

- Associated disorders, **60:3, 63:23**
- Definitions, **51:2**
- Description of injury mechanism, **51:2**
- Disc pathology after whiplash, **57:5, 63:11**
- Findings and outcome in whiplash neck distortions, **57:6, 63:12**
- Injury Determination with Conventional Spine Imaging and Cryomicrotomy, **59:9**
- Musculoligamentous Injury** (this index)
- Pre-existing spinal degeneration, relationship to whiplash symptoms, **59:7, 63:20**
- Prevalance of 8220Whiplash8221 Symptoms Following Placebo Rear-End Collision, **60:5**
- Rate of recovery following whiplash injury, **56:5, 63:5**
- Refuting validity of whiplash injuries, literature regarding Acceleration perturbations, **61:10, 63:32**
- Biodynamics Research Corporation (BRC), **61:4**
- Crash-test literature, **61:1**
- Human head and neck kinematic after low-velocity rear-end impact, understanding whiplash, **61:6, 63:28**
- Human subject kinematics and electromyographic activity during rear-end impact, **61:8, 63:30**
- Human subjects, low speed rear-end collision testing using, **61:9, 63:27, 63:31**
- Human test subject kinematic responses to low velocity rear-end impacts, analysis of, **61:5, 63:27**
- Junk science. Junk science, *supra*

WHIPLASH—Cont'd

- Refuting validity of whiplash injuries, literature regarding—Cont'd
 - Kinematics and kinetics of the human neck, **61:2, 63:25**
 - Methodological critique of literature refuting whiplash syndrome, **60:2, 63:22**
 - Natural evolution of late whiplash syndrome, **61:11, 63:33**
 - Occupant kinematic response to low-velocity rear-end impact, **61:7, 63:29**
 - Pain after whiplash, **61:12, 63:34**
 - Pain compensation, effect of eliminating upon insurance claims for whiplash, **61:13, 63:35**
 - Strength and response of the human neck, **61:3, 63:26**
 - Relationship between vehicle damage and injury, **51:3, 51:4**
 - Second whiplash injury, **51:2, 56:4, 63:4**
 - Statistics, **51:1, 51:3**

WITNESS IDENTIFICATION AND TESTIMONY

- Abusive questioning at trial, **41:3**
- Argumentative questions, using at trial, **41:3, 41:5**
- Availability bias concept, **40:2**
- Biomechanics and Engineering** (this index)
- Coaching the witness at trial, **41:5**
- Conjecture, **40:5**
- Co-workers witnesses, disclosure of, **17:1**
- Cutting off witness answers, **41:5**
- Deciding whether to depose witness, **6:5**
- Defendant as trial witness for plaintiff
 - Generally, **40:2**
 - Interrogating defendant, **40:3**
 - Refusal of defendant to appear, **40:3**
- Defense testimony
 - Generally, **65:1, 65:2, 65:3 (Form)**

WITNESS IDENTIFICATION AND TESTIMONY—Cont'd

- Defense testimony—Cont'd
 - Accident reconstruction testimony, **65:1, 65:2, 65:3 (Form)**
 - Affidavit for motion to strike, **65:3 (Form)**
 - Biomechanical testimony, **65:1, 65:2, 65:3 (Form)**
 - Cross-examination of treating physician at discovery deposition, **65:2**
 - Deposition, **65:2**
 - Engineering testimony, **65:1, 65:2, 65:3 (Form)**
 - Motion to strike, **65:3 (Form)**
 - Nature of, **51:7**
- Direct examination testimony at trial
 - Defendant's examination, **40:9 (Form)**
 - Health care provider's examination, **40:12 (Form)**
 - Lay witness's examination, **40:11 (Form)**
 - Medical examiner, **27:3**
 - Plaintiff's examination, **40:10 (Form)**
- Discovery or disclosure
 - Deciding whether to depose witness, **6:5**
 - Duty of claimant's attorney to obtain identification of witnesses, **11:3**
 - Interrogatories and discovery requests topic, witness identification and date, **17:1**
 - Motion to strike designated witness, **30:7, 30:29 (Form)**
 - Work product doctrine, witness statements, **17:1**
- Duty of claimant's attorney to obtain identification of witnesses, **11:3**
- Excluding nonparty witnesses from courtroom, **36:3**
- Expert Witnesses and Testimony** (this index)
- Eye Witnesses to Collision** (this index)

INDEX

WITNESS IDENTIFICATION AND TESTIMONY—Cont'd

- Failure to call witness, in limine motion topic, **36:3**
- Form of the question, Evidence Rule 611, **41:5**
- Gestures or signals to witness, **41:5**
- Harassing the witness at trial, **41:5**
- Health care providers as trial witness for plaintiff
 - Generally, **40:6**
 - Direct examination outline, **40:12 (Form)**
- Hostile trial witness, **40:3**
- Hypothetical, **40:5**
- Impeachment of witness, **40:3**
- Interrogatories and discovery requests topic, witness identification and date, **17:1**
- Lay witnesses
 - Direct examination testimony, outline, **40:11 (Form)**
 - Plaintiff's case in chief, generally, **40:5**
 - Preparing for trial, **34:6**
 - Sensory perceptions of plaintiff's pain and suffering, competency of lay witness testimony, **35:3**
- Leading questions, using at trial, **40:3, 41:3, 41:5**
- Motion to strike designated witness, **30:7, 30:29 (Form)**
- Objections to testimony. Objections, this index
- Open questions, using at trial, **40:3**
- Pain and suffering of plaintiff, competency of lay witness testimony, **35:3**
- Plaintiff as trial witness
 - Generally, **40:2**
 - Preparing the plaintiff, **34:1 to 34:4**
 - Questioning the plaintiff, **40:4**
- Plaintiff as trial witness, preparing
 - Generally, **34:1**
 - Additional preparation, **34:4**
 - Emotional plaintiff, **34:2**
 - Stoic plaintiff, **34:3**

WITNESS IDENTIFICATION AND TESTIMONY—Cont'd

- Plaintiff's usual trial witnesses, list, **40:2**
- Preparing trial witnesses
 - Expert witnesses, **34:7**
 - Health care providers, **34:7**
 - Lay witnesses, **34:6**
 - Plaintiff, **34:1 to 34:4**
- Presentation of trial witnesses, generally, **40:2**
- Rebuttal witness, **40:2**
- Reporting system, **4:1**
- Sensory perceptions of plaintiff's pain and suffering, competency of lay witness testimony, **35:3**
- Sequencing trial witnesses, **40:2**
- Speculation, **40:5**
- Techniques of questioning trial witnesses, **41:3, 41:4**
- Trial notebook sections
 - Defendant as witness, **32:10**
 - Defendant's witnesses, **32:11**
 - Plaintiff as witness, **32:8**
 - Plaintiff's witnesses
 - Generally, **32:9**
 - Chart, **32:18 (Form), 32:19 (Form)**
- Trial witnesses, generally
 - Preparing. Preparing trial witnesses, supra
 - Rebuttal, **40:2**
 - Sequencing of, **40:2**
 - Techniques of questioning, **41:3, 41:4**
- Trial notebook sections. Trial notebook sections, supra
- Work product doctrine, witness statements, **17:1**

WORDS AND PHRASES

- Acute sprain, **3:2**
- Biomechanic, **27:1**
- Bodily injury liability coverage, **10:1**
- Civility concept, **41:2**
- Clinical testimony, **51:7**
- Comprehensive medical review, **22:2**
- Direct injury or trauma, **51:2**
- Epidemiology, **51:8**

WORDS AND PHRASES—Cont'd

Force of impact, **23:2**
Independent medical examination,
22:2
Indirect injury or trauma, **51:2**
Insurance, **5:1**
Junk science, **51:7**
Low damage crash, **51:5**
Low impact soft tissue injury (LIST),
51:5
Low speed crash, **51:5**
Malingering, insurer's manual provi-
sion, **8:4**
Mechanics of impact, **23:2**
Minor impact soft tissue injury
(MIST), **51:5**
Negotiation, **13:1**
Personal injury protection/medical
pay coverage, **10:1**
Soft tissue injury, **51:5**
Spoliation of evidence, **15:4**

WORDS AND PHRASES—Cont'd

Trend (evaluation consultant), **5:1**
Types of insurance coverage, **10:1**
Underinsured motorist coverage,
10:1
Uninsured motorist coverage, **10:1**
Whiplash, **51:2**

**WORKER'S COMPENSATION
CLAIM**

In limine motion topic, **36:3**

WORK PRODUCT DOCTRINE

Witness statements, **17:1**

**WORLDWIDE AUDITING
SERVICES**

Cost containment vendor, **22:2**

X-RAYS

Exhibit at trial, **40:6**