

Medical Reporting in Personal Injury Cases

Robert Clayton

Consultant Orthopaedic Surgeon

Resolve Medicolegal



ResolveMedicolegal
Expert Medical Reports for Scotland

- Training and background
- How I prepare a report
- The pathway – to Court

- Controversies
 - Difficult cases
 - Advancement

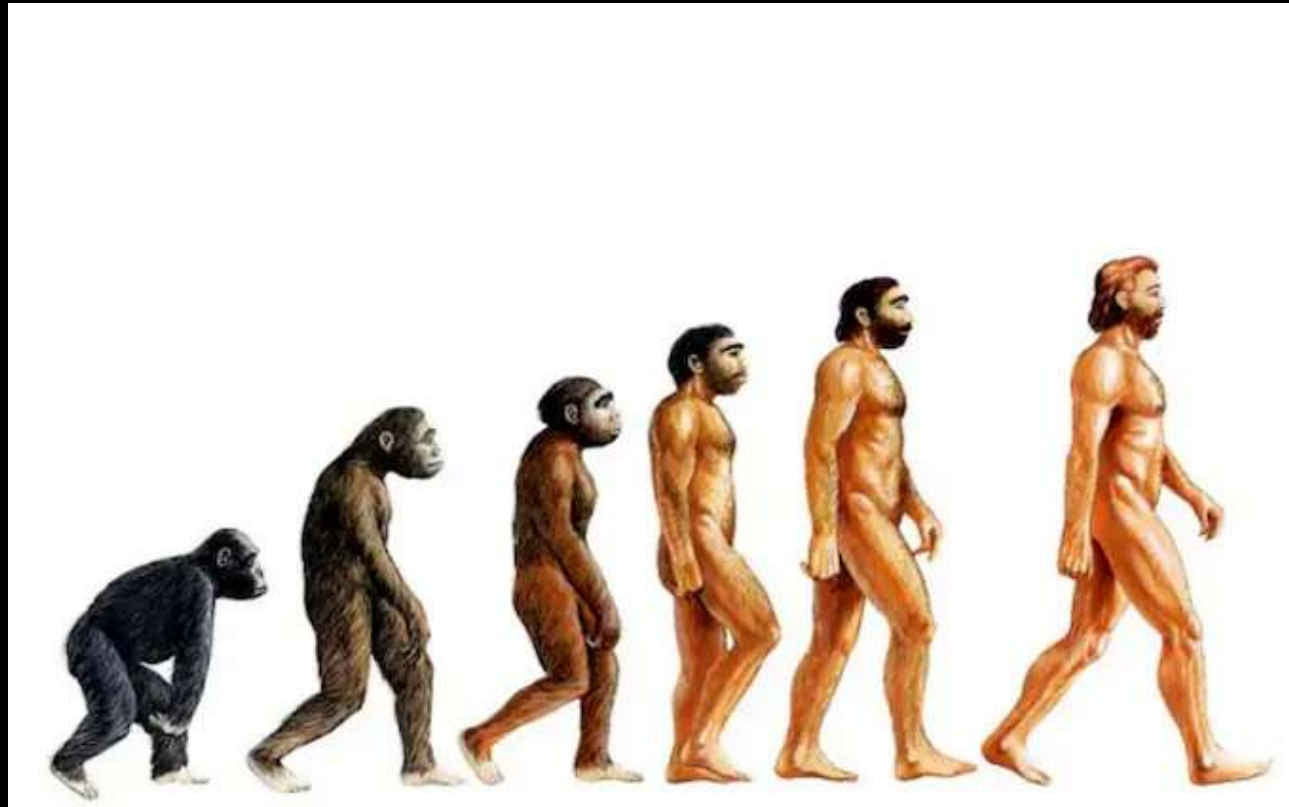
What is an expert?

- “An expert is an ordinary fellow from another town” (Mark Twain)

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- “For every expert, there is an equal and opposite expert” (Arthur C Clarke)

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- The only difference between doctors and lawyers is that lawyers merely rob you whereas doctors rob you and kill you (Anton Chekov)

Evolution of an Expert



How do you become an Orthopaedic Surgeon?



- 5-6 years – University (1994-2000)
 - *Primary Medical degree*
 - *+/- BSc in Medical Science*

How do you become an Orthopaedic Surgeon?



- 5-6 years – University (1994-2000)
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- *Then choose specialty*
 - *Medicine*
 - *Surgery*
 - *GP*
 - *Radiology*
 - *Pathology, O&G, Paediatrics, Microbiology, Anaesthesia....*

How do you become an Orthopaedic Surgeon?



- 5-6 years – University
 - *Primary Medical degree*



- 3-4 years - Basic Postgraduate Training (2000-3)
 - *A&E, General Surgery, Vascular Surgery, Orthopaedics*



How do you become an Orthopaedic Surgeon?



- 5-6 years – University
 - *Primary Medical degree*



- 3-4 years - Basic Postgraduate Training
 - *A&E, General Surgery, Vascular Surgery, Orthopaedics*



- 6 years – Higher Specialist Training
 - *Orthopaedic Surgery*



Higher Surgical Training

- 2003-2009
 - Trauma Surgery (fractures, other injury)
 - Hip and knee Surgery
 - Foot and Ankle Surgery
 - Shoulder and Elbow Surgery
 - Hand Surgery
 - Spinal Surgery
 - Children's Orthopaedics



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 - *Orthopaedic Surgery*



- 1 year – Fellowship Subspecialist Training
 - *Foot and Ankle, Lower Limb orthopaedics*



Fellowship Training

- Glasgow Royal Infirmary 2009
- Advanced Foot and Ankle surgery



Fellowship Training

- University of Toronto 2009
- Advanced lower limb reconstruction surgery



Consultant post

- Appointed Consultant Orthopaedic Surgeon in 2010
 - General trauma
 - Subspecialist foot and ankle trauma
 - Elective lower limb surgery



Fife Trauma





Typical Orthopaedic Surgeon's Practice

- “Trauma” surgery – 1 day
- “Elective” surgery – 1-2 day
- Outpatients – 1-2 days
- Emergency out of hours – mostly fractures, other more severe injuries or urgent conditions

- 1500-2000 patients per year, 300-1000 operations.

My own practice

- Monday: NHS trauma surgery.
 - All fractures with a focus on complex foot and ankle injuries
- Tuesday: Out patient clinic
 - Fracture clinic
 - New patient and review clinic
- Wednesday: private practice. Foot and Ankle
 - Half day operating,
 - half day out patients
- Thursday:
 - private operating
 - medicolegal appointments
- Friday: NHS operating (elective foot and ankle surgery)

Other duties

- Teaching and training
- Research
- British Orthopaedic Foot and Ankle Society



British Orthopaedic Foot and Ankle Society

- 500 surgeons across UK (20 in Scotland)
- Teaching: face to face and online
- Professional update meetings
- Research
- Quality improvement



British Orthopaedic Foot and Ankle Society

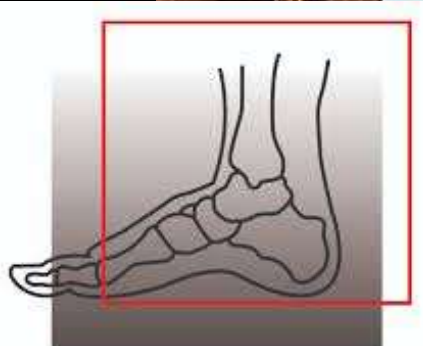
- Governing council since 2017
- President-Elect 2024
- President 2025

BOFAS duties



EFAS CONGRESS 2022
EDINBURGH / UK
27-28-29 OCTOBER 2022
European Foot & Ankle Society


www.efas.net



EFAS 17-18-19
European Foot & Ankle Society OCTOBER
CONGRESS 2024
BRUSSELS
BELGIUM



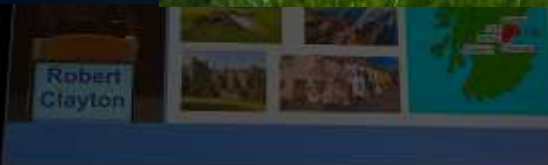
Gesellschaft für Fuß- und Sprunggelenkchirurgie e.V.
Society for Foot and Ankle Surgery



AMERICAN ORTHOPAEDIC FOOT & ANKLE SOCIETY®
Dynamic. Decisive. Dedicated.



BOFAS duties



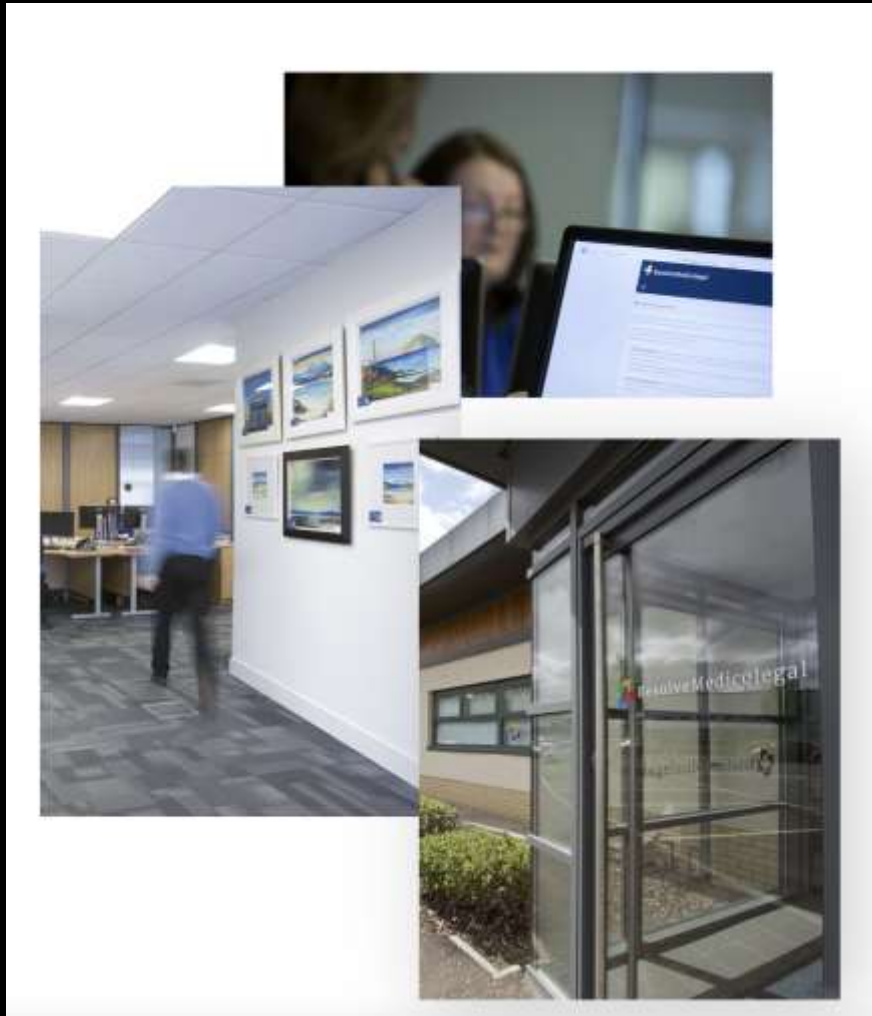
So my area of expertise is...

- What I see in clinical practice!
 - Complex foot and ankle conditions
 - Generality of adult and children's injuries
- Personal injury
- Medical negligence:
 - Liability both generalist and specialist
 - Causation, Condition and Prognosis

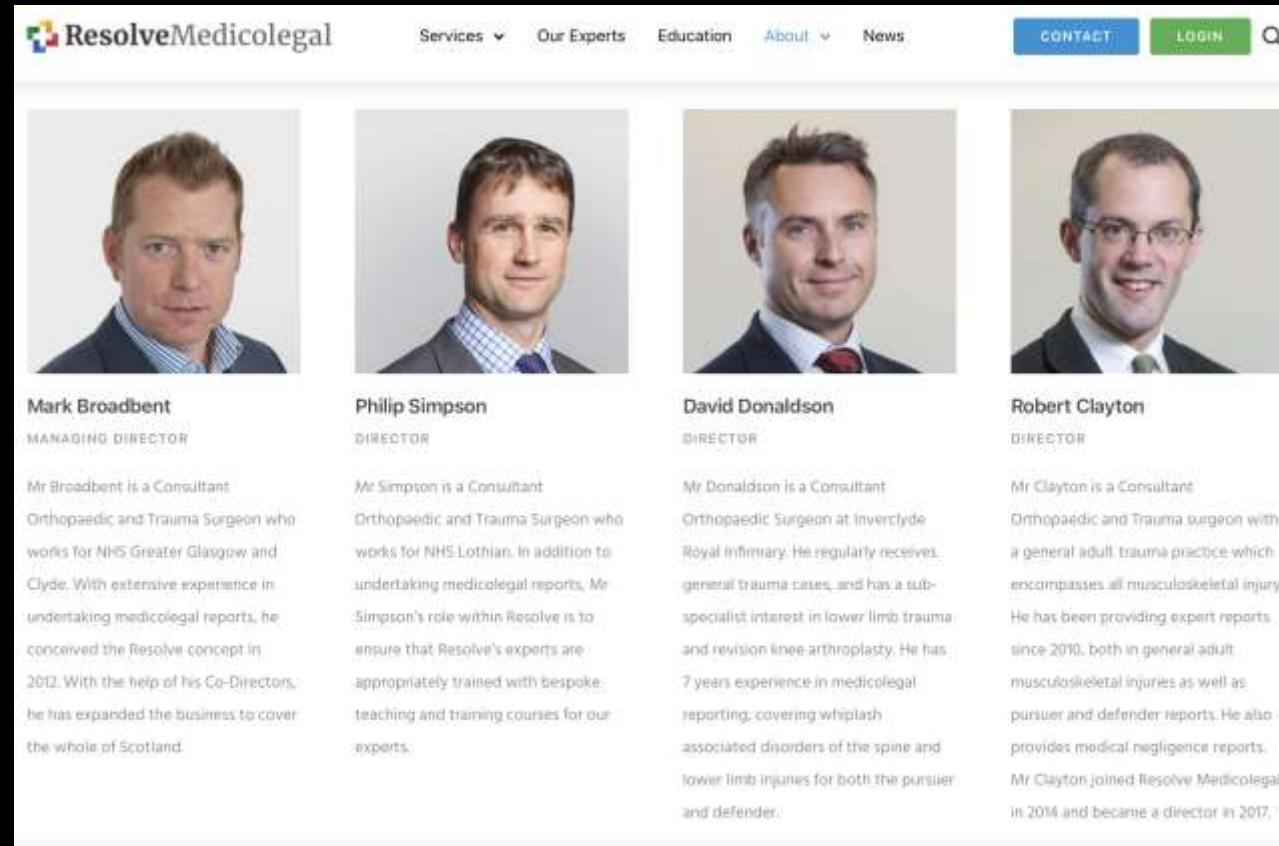
Expert Witness Work

- Started in 2010
- Joined Resolve Medicolegal in 2014
- Appointments across southern Scotland

Resolve Medicolegal



Resolve Medicolegal



The screenshot shows the website for Resolve Medicolegal. At the top, there is a navigation menu with links for Services, Our Experts, Education, About, and News. There are also buttons for CONTACT and LOGIN, and a search icon. Below the navigation is a grid of four expert profiles, each featuring a portrait photo, a name, a title, and a short biography.

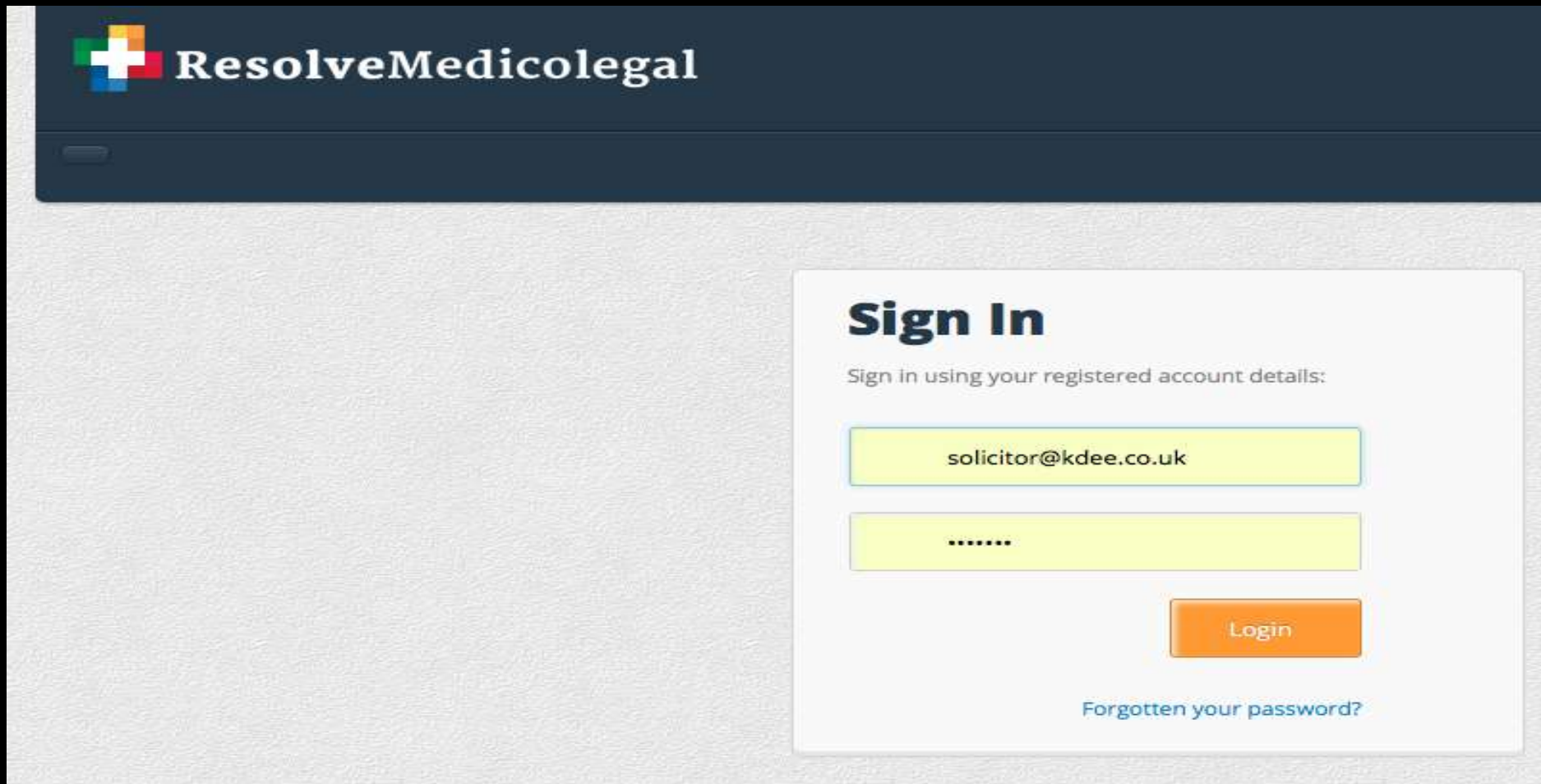
| Name | Title | Biography |
|-----------------|-------------------|---|
| Mark Broadbent | MANAGING DIRECTOR | Mr Broadbent is a Consultant Orthopaedic and Trauma Surgeon who works for NHS Greater Glasgow and Clyde. With extensive experience in undertaking medicolegal reports, he conceived the Resolve concept in 2012. With the help of his Co-Directors, he has expanded the business to cover the whole of Scotland. |
| Philip Simpson | DIRECTOR | Mr Simpson is a Consultant Orthopaedic and Trauma Surgeon who works for NHS Lothian. In addition to undertaking medicolegal reports, Mr Simpson's role within Resolve is to ensure that Resolve's experts are appropriately trained with bespoke teaching and training courses for our experts. |
| David Donaldson | DIRECTOR | Mr Donaldson is a Consultant Orthopaedic Surgeon at Inverclyde Royal Infirmary. He regularly receives general trauma cases, and has a sub-specialist interest in lower limb trauma and revision knee arthroplasty. He has 7 years experience in medicolegal reporting, covering whiplash associated disorders of the spine and lower limb injuries for both the pursuer and defender. |
| Robert Clayton | DIRECTOR | Mr Clayton is a Consultant Orthopaedic and Trauma surgeon with a general adult trauma practice which encompasses all musculoskeletal injury. He has been providing expert reports since 2010, both in general adult musculoskeletal injuries as well as pursuer and defender reports. He also provides medical negligence reports. Mr Clayton joined Resolve Medicolegal in 2014 and became a director in 2017. |

Resolve Medicolegal

- A single point of contact between solicitors and medical experts
- Covers all of Scotland
- “Can do” office team
- 100 experts all based in Scotland
- Includes most medical specialties
- 1500 solicitors registered



The Resolve Portal



The screenshot shows the login interface for the ResolveMedicolegal portal. At the top left, there is a logo consisting of a white cross with colored squares (green, orange, red, blue) and the text "ResolveMedicolegal". Below the logo is a dark blue navigation bar. The main content area is light gray and features a white "Sign In" box on the right. Inside this box, the heading "Sign In" is followed by the instruction "Sign in using your registered account details:". There are two input fields: the first contains the email address "solicitor@kdee.co.uk" and the second contains masked characters ".....". Below these fields is an orange "Login" button. At the bottom of the box is a blue link that says "Forgotten your password?".

Resolve Medicolegal not only offer a full Medicolegal service, we also have the facility to organise investigations such as nerve conduction studies, MRI, CT or ultrasound scans, X-rays and most other investigations.

We have close ties to the top clinicians working in the private sector in Scotland, so we can also arrange private consultations for clinical treatment and physiotherapy programmes.

Medicolegal Cases

Use the medicolegal case management system to instruct new cases or view existing cases.

[View existing cases](#)[Instruct a new case](#)

Medical Investigations

Use our investigations area to organise MRI scans, CT or ultrasound scans, X-rays & more.

[View existing investigations](#)[Instruct a new investigation](#)[Prices](#)

Private Clinical Appointments

Arrange a private consultation for clinical treatment with a doctor or allied health professional (eg. physiotherapy).

[View existing appointments](#)[Instruct a new clinical appointment](#)[Prices](#)

[Home](#) / [New Case](#)

Submit A New Case - Step 1 of 2

Please provide some background information about the case prior to uploading your formal letter of instruction in step 2.

Submit a new case

Your Case Ref Number:

Case Type: Defendant: Pursuer:

Specialist In:

| | | |
|--|--|---|
| <input type="checkbox"/> Orthopaedic | <input type="checkbox"/> Hand and Wrist | <input type="checkbox"/> Hip |
| <input type="checkbox"/> Elbow | <input type="checkbox"/> Knee | <input type="checkbox"/> Spine Injury Complex |
| <input type="checkbox"/> Foot and Ankle | <input type="checkbox"/> Shoulder | |
| <input type="checkbox"/> Spine Injury Soft Tissue (Whiplash) | | |
| <input type="checkbox"/> Acute & General Medicine | <input type="checkbox"/> Anaesthetics / ITU | <input type="checkbox"/> Cardiologists |
| <input type="checkbox"/> Dermatology | <input type="checkbox"/> Emergency Medicine - (AE) | <input type="checkbox"/> Endocrinology (inc |

| | | |
|--|--|---|
| <input type="checkbox"/> Plastic Surgery | <input type="checkbox"/> Prosthetics | <input type="checkbox"/> Psychiatrists |
| <input type="checkbox"/> Radiologist | <input type="checkbox"/> Rehabilitation Expert | <input type="checkbox"/> Respiratory |
| <input type="checkbox"/> Rheumatology | <input type="checkbox"/> Urological Surgery | <input type="checkbox"/> Vascular Surgery |

Name of Individual To Be Examined

D.O.B of Individual To Be Examined

Telephone of individual to be examined
(if mobile given then SMS reminder may be sent to client)

Postcode
(of individual to be examined)

Geographic Area:

Specific expert required? Yes: No:

Name of specialist

Who to instruct?

- Generalist report
 - “Would I see this in my clinic?”
- Subspecialist
 - Back and neck: where any surgery has been required
- Multiple experts
- The Resolve team or expert can advise!

Partnership with EWI



Resolve Annual Medicolegal Conference



ResolveMedicolegal
Expert Medical Reports for Scotland

RESOLVE MEDICOLEGAL WOULD LIKE TO INVITE YOU TO OUR
SCOTTISH WINTER MEDICOLEGAL MEETING
AT OLD COURSE HOTEL, ST ANDREWS
ON SATURDAY 30TH NOVEMBER 2019
REGISTRATION & BREAKFAST FROM 0900, WELCOME AT 1000

HOT TOPICS — WORK RELATED CLAIMS — TENDONOPATHIES —
— CONTROVERSIES AROUND RTA CLAIMS —
— NEGLIGENCE CLAIMS

MEDICAL EXPERTS DUNCAN MACDONALD & NEAL MILLAR
ADVOCATES JAN MEEALL, JOHN THOMSON & PRESTON LLOYD

DAY DELEGATE RATE £85
AUTHORISED CPD HOURS

PLEASE RSVP TO meetings@resolvemedicolegal.co.uk
by 7th October 2019



| Time | Session Title | Speaker(s) |
|-------|---|---|
| 9:15 | Welcome / Functional Neurological Disorders | Mark Broadbent |
| 9:45 | FND - the neurology and neuropsychiatry perspective | Laura McWhirter & Ed Newman |
| 11:00 | Morning Break | |
| 11:30 | FND - the legal perspective | Suzanna Brophy (Thompson) & Greg MacDonagall (Lyde & Etc.) |
| 12:30 | Questions | FND Panel |
| 13:00 | Lunch and networking | |
| 14:00 | The defendant partner - Court room discussion | Ian McCull, Preston Lloyd & John Thomson |
| 15:15 | Afternoon Break | |
| 15:45 | Negligence | Robert Carter & Michaela Guthrie, Partner, Balfour + Manson |
| 17:00 | Close | |




ResolveMedicolegal
Expert Medical Reports for Scotland

Scottish Medicolegal Conference in association with
Resolve Medicolegal

EXPERT WITNESS
INSTITUTE



Expert Witness Certification



The banner features a background of overlapping, wavy, semi-transparent lines in shades of grey and green. At the top, there is a navigation menu with links: 'Find an Expert', 'Membership', 'For Lawyers & the Public', 'Knowledge Hub', 'Web Shop', 'News', and 'About'. On the right side, there are 'Join Us' and 'Login' buttons. The logos for 'EXPERT WITNESS INSTITUTE' and 'ResolveMedicolegal Expert Medical Reports for Scotland' are prominently displayed in the upper left and center respectively.

Scottish Medicolegal Conference and EWI Certification day in association with Resolve
Medicolegal

Surgeons Quarter

29 Apr 2022 9:00AM - 11:30PM

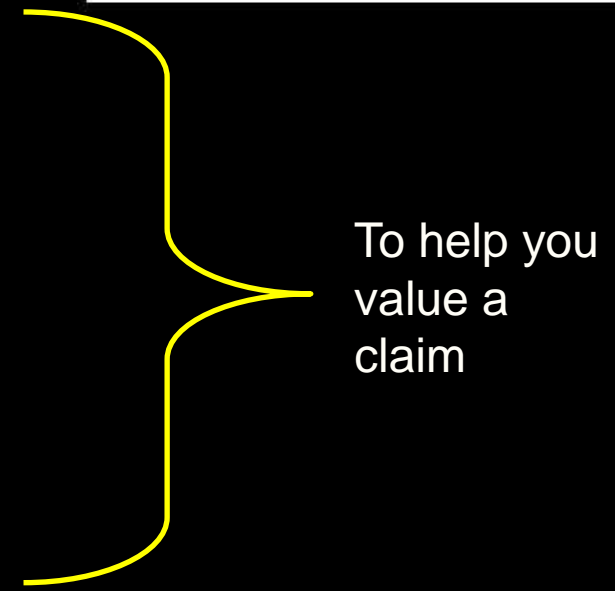
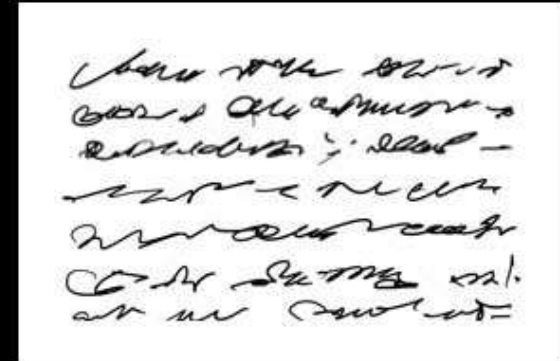
Imaging Service

Medical imaging requests may require a doctor



What is the Role of the Medical Expert?

- (Liability aspects)
- (Clarify the mode of injury)
- Explain the injuries sustained
- Causation
 - Reasonableness
 - Co-existing / pre-existing conditions
- Prognosis
- Treatment recommendations



To help you
value a
claim

Negligence cases

- Liability
 - Simple or complex foot and ankle
 - General orthopaedic conditions
- Causation
- Condition and Prognosis

Standard Instruction

- injuries sustained;
- medical treatment to date and whether it was appropriate;
- whether you would recommend any further treatment or assessment;
- present symptoms and impact on day to day functioning/activity;
- time period(s) during which each of the injuries resolved;
- future prognosis, where applicable, for any ongoing injuries;
- the impact on our client's ability to work;
- the impact on our client's ability to carry out personal care, housework, shopping and day to day tasks and whether any assistance was required
- whether our client presents with complaints that are out with your area of speciality and should be subject to investigation or additional expert opinion; and
- any other matters you feel would be relevant to our assessment of the impact of this accident on our client.

How do I form an Opinion?

- Routine:
 - History
 - Physical examination
 - Review medical records
 - Review x-rays / scans
- Additional:
 - Supplementary imaging
 - Video footage

The Assessment

At the Outset

- Introduce
- Explain
- Consent
- ID / save photo



The Assessment

- History of events according to pursuer
- Ongoing symptoms
- Restrictions
 - Activities of Daily Living
 - Sports / Hobbies
 - Employment

Physical Examination

- From start to finish
- Gait? Ease of movement? Clothing?
- Inconsistency?

Online assessments



Online client
assessments
– the
aspiration



Online client assessments – the reality



Why I don't like online assessment



My Opinion

- What was the injury?
- Is it consistent with the reported mechanism?
- Are the recovery and restrictions within the normal range for this injury?
- If not is there an alternative explanation?
 - Do I need more imaging?
 - (Other specialists eg Chronic Pain, FND)

My Opinion

- Are there other medical conditions or injuries contributing?
- Any relevant prior symptoms or conditions?
- Was the treatment reasonable?

Prognosis

- Recovery from symptoms
- Employment
 - Return to work
 - Potential for late restrictions

Further treatment

- Surgery?
- Physiotherapy?
- Orthotics?

Risk of deterioration





03/10/2019 1



03/10/2019 2

ling

07/02/20

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STANDING

