

Accident Injuries – An Expert's perspective

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Accident and injuries resulting in medicolegal claims are on a rise. These include motor vehicle accidents (MVA), work place accidents and random accidents e.g. fall or slip. Over the last decade, I have been involved in reporting on almost all types of injuries as an Expert Witness. It helps to be employed at a busy NHS Hospital, regularly managing emergency and elective surgery. The following is a snapshot of the accident injury claims.

MVA resulting in injuries are easier to establish and make a successful claim. These are more easily corroborated by medical records, which include ambulance records, GP records and hospital records.

The common injuries in my speciality include:

- **Solid visceral injuries e.g. injuries to liver, spleen and pancreas**
- **Hollow visceral injuries i.e. intestinal injuries**
- **Soft tissue injuries to the abdominal wall or supporting intra-abdominal tissues.**
- **Other Soft tissue injuries e.g. haematomas, cuts, lacerations, other wounds.**

The degree of laceration or injuries to the above organs has a significant impact on the recovery and the prognosis. An objective grading of the solid visceral injury helps in predicting the associated prognosis. Radiology reports play a significant role and sometimes it is useful to get an expert opinion from a Radiology Expert Witness if detailed image analysis is required. A documented hospital report from a Radiology Consultant can be adequate for the purposes of most reports.

A laparotomy not only has immediate impact on recovery but long-term implications including prolonged rehabilitation, scar tissue, adhesions, incisional hernia, chronic pain, psychological issues and need for future surgery. All of these can impact future employability and quality of life, in general. Any bowel resection or stoma carries its own significance. An Expert should be able elaborate on all the immediate issues and future prognoses. Quite often abdominal injuries are associated with other organ injuries in cases of poly-trauma. This can need multiple expert opinions.

Non-MVA injuries and claims remain a bigger challenge for the solicitors and the expert witness. In a litigious environment, it is not unusual to find claims, which may be exaggerated, inaccurate or spurious. It is not uncommon for lay population to attribute a range of clinical problems to an accident. An expert remains bound by his duty to the courts alone. The key to a successful claim is to establish a temporal relation between the incident and the claimed outcome.

The key aids for an expert to support a claim are:

1. **Factual narration by the client**
2. **Incident report filled at the time of the stated accident. This is especially useful in work place accidents e.g. hernia or other trauma.**
3. **Symptoms and signs, which can be attributed to the mechanism of the accident injury and evidenced by medical literature.**
4. **Consultation with a doctor, preferably within the first 72 hours. Delays are accepted provided the timing and diagnosis is clearly corroborated by the medical documentations and the incident report.**
5. **Medical records clearly documenting the incident and the resulting clinical problem.**
6. **No previous documentation of the same problem, pre-dating the incident.**