

DxAnalyzer

How to Win at Trial with Objective Proof of Your Patient's Injury.

by Matthew Powell, Esq.

AS A PERSONAL INJURY TRIAL ATTORNEY, I AM FREQUENTLY ASKED by other lawyers how I win my cases. They also ask me why they are unable to obtain larger settlements for their clients, like I do? What do I do differently?

The answer is quite simple. You have to show the injury before they (the insurance adjusters or the jury) will show you the money. All too often we, myself included, try to persuade a jury, a defense lawyer or an insurance claims adjuster that our client's injuries really exist, by relying on the medical records, X-rays, MRI's and our treating physicians—without success. But now, I have seen for myself how to really “prove” the injury with objective tangible evidence that anyone can understand.

By using the reports generated by the DXAnalyzer[®] (computer aided X-ray digitizing software) with Flexion and Extension Motion X-ray in combination, I can easily persuade the most skeptical audience about the seriousness of my client's injuries by presenting clear Evidence Based Objective Documentation.

With the use of Motion X-rays, the doctor can pinpoint the joint with the most damage and, with the DXAnalyzer[®] software, the doctor can now measure exactly how bad the injury is. Before this technology was available, the whole injury issue was a swearing contest of vague opinions. But now, with the DXAnalyzer[®] software, the doctor has exacting measurements which the defense doctor cannot refute. Or if he/she tries to argue against the injury, the defense expert loses credibility. The opinions are now gone and replaced with measurable observable injuries.

Here are a few reasons why the DXAnalyzer[®] reports are an absolute must for every trial lawyer:

- Seeing is believing: It is hard for non-physicians to understand what my treating chiropractor is talking about and how serious the injury is, if they can't see the damage. The report from the DXAnalyzer[®] software makes identifying and understanding the injury very obvious and simple.
- Credibility builder: Now we are not just using words to prove our case, we are showing objective measured documentation that removes doubt and skepticism.
- Juries love to look at things, especially scientific things. Shows like CSI have made everyone a forensics expert. Give them something to look at and analyze.

- Defense teams love to use the word “subjective.” Defense Attorneys can no longer use the word “subjective” to describe the evidence based objective documentation that has now been placed into evidence.

My testifying chiropractors feel a lot more comfortable on the witness stand explaining to the jury what the DXAnalyzer's[®] biomechanical report demonstrates. It builds the doctors' credibility, and they find it much easier to testify when they have this powerful objective document to prove their clinical findings and treatment plans. When they take the stand, it is now show and tell, rather than just tell.

The DXAnalyzer[®] images make the defense look like they are holding an empty bag. The jurors think, “Okay, the injured person has shown us proof of the injury; what is the defense going to show us?” The defense can't “show” anything.

I used to try my cases by having the doctor stand in front of the jury with a view box, and try his best to show where the injury was on the static X-rays. This is a recipe for disaster. No juror knows what he/she is supposed to see, or what you are talking about and, generally, the plain film static X-rays alone don't show very much at all to the untrained eye. But with the motion X-ray, objectified with

exact computer mensuration, viola! We have clarity, understanding, recognition, and a fair jury verdict.

As a trial lawyer, it is my duty to use every reasonable way to prove my client's case. I cannot imagine ever trying a case again without using the DXAnalyzer[®] reports to prove to the court where and how badly my client was injured. It just does not make sense to try to explain something, when you can show them instead. It really goes to the old adage, “A picture is worth a thousand words.”

*Matthew Powell is a trial lawyer in Tampa, FL, who started his career representing over 20 insurance companies. After learning the defense side, he quickly found he could not represent insurance companies, and started out on his own to represent injured victims. He is a frequent speaker and instructor teaching lawyers and chiropractors how to sharpen their skills in trying low-speed rear-end car collision cases. He has had the honor of obtaining a \$1,000,000 verdict for a case the defense described as a minor fender bender. He can be reached at matt@eatonandpowell.com. **TAC***

For more information on the DXAnalyzer call: 888-668-8728

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