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FEBRUARY 2025

Special Newsletter for

Personal Injury

Attorneys

This Month's Question:

How Do You Determine Traumatic Injury Causation?

GO MD Review Answer:

Establishing causation is vital for determining liability and compensation. Proving causation can be challenging, as many cases are complex, with causes that are not immediately clear or involve multiple contributing factors.

A recent review article by March 2020 Meilia et al. discussed the literature on the existing causal analysis methods. Notable methods of causal analysis include:

- The 2013 guide on disease and injury causation released by the AMA
- The Forcier-Lacerte medicolegal causal analysis model
- The epidemiology-based approach by Siegerink et al.
- The 3-step medicolegal causation approach by Freeman
- The INFERENCE approach introduced by Meilia et al. Nov 2020

Using the right approach to causation is crucial when evaluating cases of varying complexity. A 2016 10th Circuit US Court of Appeals ruling endorsed a three-step causal methodology as the accepted standard for determining injury causation. That decision referenced a 2009 publication by Freeman et al. publication that applied the method to spinal disk injuries from motor vehicle collisions.

Q: What are the 3-Step MedicoLegal Causal Methodology criteria when assessing Causation?

- There must be a biologically plausible link between the exposure and the outcome.
- There must be a temporal relationship between the exposure and the outcome.
- There must not be a more likely or probable alternative explanation for the symptoms.

ALLOW ME TO ANALYZE YOUR CLAIM FOR CAUSATION & OPTIMIZE ITS VALUE

- * **Assessment of Case Validity and Value**
- * **Determination of Future Medical Care**
- * **Assistance with Strategies to Promote Medical Theories & Causation**
- * **Medical Summary Reports for Settlement Letters**
- * **Medical Research and Delivery of Medical Journal Articles**
- * **Answering Specific Medical Questions**
- * **Interpretation of Meaning, or lack thereof, of Medical Reports & Records**
- * **Standard of Care Reviews**
- * **Deposition & Trial Question Preparation**

*** Facilitation of Communication with Clients, Families & Professionals**

*** IME Observation & IME Rebuttal Reports**

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Best regards,

Joe Schifilliti MD, MJ

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