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## **BackTalk Newsletter**

### **September 2025**

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I used to love September,  
but now it just rhymes  
with remember.

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**PERSONAL INJURY POWERHOUSE SEMINAR**

Sponsored by Personal Injury Training LLC & Larson Law

**SATURDAY, OCTOBER 25TH, 2025**

**8 CE HOURS for only \$80**

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Bryan A. Larson • Adam G. Larson

## Personal Injury Powerhouse Seminar

Sponsored by Personal Injury Training, LLC & Larson Law

8 CE hours for only \$80

Saturday, October 25, 2025

7:30 AM – 4:30 PM

Springhill Suites

11280 S River Heights Drive

South Jordan, UT 84095

Time	Topic	Speaker
7:30 AM - 8:00 AM	Registration & Breakfast	
8:00 AM - 8:50 AM	"Fresh Eyes on Familiar Roads: What One Year Taught Me About Utah PI Cases"	Becky Rice, DC
8:50 AM - 9:40 AM	"Rewiring Pain: A Multimodal, Neurofunctional Approach to Chronic Pain Rehabilitation"	Michael Ahuna, DPT
9:40 AM - 9:55 AM	<b>BREAK</b>	
9:55 AM - 10:45 AM	"Shoulder injuries after Motor Vehicle Collisions"	Daniel Gibbs, MD
10:45 AM - 11:35 AM	"The Concussion Discussion"	Wayne Croft, PhD MMS AIB-C
11:35 AM - 12:15 PM	<b>BREAK / LUNCH</b>	
12:15 PM - 1:05 PM	"Patient-Centered Care for Crash Injuries"	Joe Brimhall, DC
1:05 PM - 1:55 PM	"Attracting PI Patients – Bonus: New Research on Serious Complications of Cervical Reverse Curve"	Jeff States, DC
1:55 PM - 2:05 PM	<b>BREAK</b>	
2:05 PM - 2:55 PM	"The Use of Flexion/Extension MRI in PI Practice"	Gary Lee, DC
2:55 PM - 3:45 PM	"The Importance of Spinal Ligament Injuries in PI Cases"	Scott Tauber, MD
3:45 PM - 4:30 PM	"Question & Answer"	Bryan & Adam Larson

**TO REGISTER:** Click link below

Or call Larson Law at 801-601-8323 or email Selina at [selina@larsonlawutah.com](mailto:selina@larsonlawutah.com)

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Please go to the Events tab to register

# **Strategies for Treating Physicians to Minimize Allegations of Patient Malingering in Personal Injury Cases**

## ***Best Practices for Ensuring Credibility and Integrity Part 2***

**By Joseph Brimhall DC**

### **Clear Communication**

Effective communication with patients is essential to minimize misunderstandings and ensure that symptoms are accurately reported and addressed. Physicians should establish a trusting relationship with their patients and employ clear and empathetic communication techniques.

- **Inform patients:** Explain the importance of honest and accurate symptom reporting. Educate patients about the potential consequences of exaggerating or feigning symptoms.
- **Use active listening:** Encourage patients to express their concerns and symptoms openly. Practice active listening to validate their experiences and foster trust.
- **Clarify expectations:** Set clear expectations for treatment outcomes and recovery timelines. Keep patients informed about their progress and any changes in the treatment plan.

### **Collaborate with Other Medical Professionals**

Collaboration with other healthcare providers can enhance the credibility of the physician's findings and reinforce the legitimacy of the patient's reported symptoms.

- **Refer to specialists:** Refer patients to specialists for further evaluation when indicated. Documentation from multiple providers can help substantiate the patient's condition and cause of injury.
  - **Seek second opinions:** Obtain second opinions from other physicians to corroborate the diagnosis and treatment plan. This can provide additional evidence to counter allegations of patient malingering.
  - **Coordinate care:** Work closely with other healthcare providers involved in the patient's care to ensure a cohesive and comprehensive approach to treatment.
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### Maintain Professional Integrity

The physician's professional integrity and ethical standards are paramount in minimizing allegations of malingering. Physicians must remain impartial and prioritize the patient's well-being above all else.

- Avoid biased reporting: Ensure that all medical reports and testimonies are based on objective findings and clinical judgment, free from bias or advocacy.
- Follow ethical guidelines: Adhere to ethical guidelines established by regulatory boards and associations. Maintain transparency and honesty in all professional interactions.
- Recognize limitations: Acknowledge the limitations of the physician's medical knowledge and avoid overstating the certainty of diagnoses, prognoses, permanent impairment, or causation.

*This article is **Part 2 of a 3-part series**. We'll share **Part 3** in next month's newsletter—stay tuned!*

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Joseph Brimhall, DC is the immediate past President of the University of Western States, and a Senior Consultant with Personal Injury Training institute. He is Certified in Motor Vehicle Collision Injuries by PI ONLINE Training Institute. He is th Chief PI Consultant for Personal Injury Trainings.



PI ONLINE Trainings teaches about Malingering and Biopsychosocial issues, and how to effectively address these subjects in just minutes, in EVERY personal injury case.

Dr. Brimhall will be presenting at the **Personal Injury Powerhouse Seminar** sponsored by Larson Law on October 25th, 2025!

Dr. Jeffrey A. States, Principal and Founder of PI ONLINE Trainings. (1996)



# What Determines Settlement?



*By: Bryan A. Larson*

Numerous factors determine when a case should be settled or when it should be pushed to trial. Here are a few of the most important considerations.

## Strength of the Plaintiff as a Witness

The most critical factor is often the **plaintiff's credibility and presence as a witness**. If a plaintiff comes across as honest, sincere, and sympathetic, the case is likely stronger. On the other hand, some individuals present poorly—appearing untrustworthy, evasive, or as if they have hidden motives. Juries are human and often form judgments within seconds of hearing a witness speak. While this may not feel “fair,” it is the reality of trial.

## Testimony and Records of Other Witnesses

The credibility of other key witnesses, especially **treating physicians**, also plays a major role. A physician who is clear, organized, and provides consistent, credible testimony strengthens the case. Likewise, **well-documented medical records** add weight, while disorganized or questionable records can weaken it.

## Cost and Risk of Trial

Trials can be costly. Even with significant injuries, if **liability issues** are not favorable, the chances of success diminish. Additionally, if the medical care provided appears

excessive, duplicative, or overpriced, juries may reduce or deny compensation. Juries are instructed to award only what is **necessary and reasonable**.

For example, if a juror has experienced chiropractic care costing \$5,000–\$10,000, they may be skeptical of bills in the \$15,000–\$25,000 range for similar treatment. Defense attorneys often highlight such discrepancies, arguing that care was inflated or unnecessary.

### Scrutiny of Medical Procedures

Defense counsel may challenge certain treatments as “experimental” or “unproven.” Even if effective, these procedures are subject to jury scrutiny. To strengthen credibility, physicians should:

- Cite **recognized studies** supporting the treatments used.
- Explain the studies in their reports and testimony.
- Be transparent about preexisting conditions and how they compare to current injuries.


### Conduct of the Defendant

The nature of the defendant’s actions also influences outcomes. A simple mistake may garner jury sympathy, while reckless conduct—such as speeding through a school zone—can result in harsher judgments and larger verdicts.

### The Bottom Line

The decision to settle or proceed to trial is **highly complex and fact-specific**. No universal rule applies, and every case must be evaluated on its own merits.

That’s why it is essential to consult with an **experienced trial attorney** who can assess all factors and guide the best course of action.

 *If you have questions about a specific case, please reach out to us. We’re here to help.*

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We are truly grateful for the trust you place in us to handle your personal injury patient's needs.

Your referrals mean the world to us—they are the highest compliment we can receive.

If you know someone who could benefit from experienced legal support after an accident, we're here to help them get the care and compensation they deserve.

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**If you have any recommendations for our BackTalk newsletter or our upcoming  
seminar,**

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## Find Us Online



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This email is being sent to you as a respected chiropractor in our community.

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