

TAKING AN ERASER TO THE BLACKBOARD: NEW STRATEGIES FOR COMBATTING THE EVER-INCREASING COST OF MEDICAL CARE IN LITIGATION

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It is a common fact pattern in personal injury litigation: Plaintiff is injured and the Defendant is clearly at fault. The medical care received seems reasonable, and it appears to be a straightforward claim, but then the demand arrives. It is no secret that the cost of post-accident medical care is increasing. Contributing to that increase is a dramatic cost increase in chiropractic and pain management care, including injections, radiofrequency ablations, and nerve blocks. Together, it has become common to see six-figure medical specials stemming from even minor, low speed automobile accidents. These outrageous totals are then black boarded for the jury, leaving Defendants struggling to justify an award for less than the medical bills.