

2005

WRITING AND DEFENDING  
YOUR IME REPORT

*A Customized Seminar Designed to Meet Your Needs*

Saturday, January 29, 2005  
Radisson Hotel, Seattle Airport  
Seattle, WA

SPONSORED BY:



*Excellence in Education since 1980*

In Cooperation With:

Washington State Department of Labor and Industries

SEMINAR LEADER:  
James J. Mangraviti, Jr., Esquire

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# WRITING AND DEFENDING YOUR IME REPORT

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## Executive Summary:

A well-written IME report is the key to a successful IME. A well-written IME report is immensely helpful to the referral source and may well lead to future referrals. A poorly written IME report can and will be used to impeach the examiner in the case at hand and future cases for years to come. *Writing and Defending Your IME Report* is a lively, hands-on program that features numerous interactive writing exercises and mock trial demonstrations. The mock trial demonstrations will be based on actual IME reports (with confidential information redacted) from the attendees which will be submitted in advance. *Writing and Defending Your IME Report* will teach you how to write more valuable and more defensible IME reports and how to avoid the most common pitfalls involved in IME report writing. Attendees will learn how to structure their IME reports so as to be resistant to cross examination. There will be ample time set aside for questions and answers.

## Learning Objectives:

Upon completion of this interactive workshop, you will be able to:

- Dramatically improve your IME report writing skills.
- Avoid the most common pitfalls in drafting IME reports.
- Understand the tactics attorneys use to attack an IME report and learn how to protect and defend against each of these tactics.
- Be a more valuable and more successful independent medical examiner.

## Distinguished Faculty:

**James J. Mangraviti, Jr., Esq.**, has trained hundreds of physicians across the United States and Canada. He is an attorney with experience in defense and plaintiff personal injury law and insurance law. He currently serves as Vice President and General Counsel of SEAK, Inc. Mr. Mangraviti received his BA degree in mathematics *summa cum laude* from Boston College and his JD degree *cum laude* from Boston College Law School. His publications include the texts *Writing and Defending Your IME Report: The Comprehensive Guide*, *The Independent Medical Examination Report: A Step-by-Step Guide with Models*, *Writing and Defending Your Expert Report: The Step-by-Step Guide with Models*, *SEAK Law School for Physicians*, *Law School for the Safety and Health Professional*, *The Successful Physician Negotiator: How to Get What You Deserve*, *Cross-Examination: The Comprehensive Guide for Experts*, *How to Excel During Cross-Examination: Techniques for Experts That Work*, *How to Excel During Depositions: Techniques for Experts That Work*, and *The Comprehensive Forensic Services Manual: The Essential Resources for All Experts*.

### Here's what previous attendees have to say about this course:

*"Lecture was very informative as well as entertaining"*

*"Great job"*

*"Enjoyed the legal teaching"*

*"Don't change a thing, it was great"*

*"Highly recommended"*

*"Lively"*

*"A fun learning experience"*

*"Highly knowledgeable trainer"*

### Each Registration Includes:

- Continental Breakfast
- Breaks
- Lunch with faculty
- A detailed seminar manual
- A unique, interactive learning experience, and a free *How To Detect Symptom Magnification* videotape if your registration is received prior to Dec. 1, 2004.

## Continuing Medical Education Information:

SEAK, Inc. is accredited by the Accreditation Council for Continuing Medical Education (ACCME) to provide continuing medical education (CME) for physicians. SEAK, Inc. designates this continuing medical education activity for a maximum of 7.0 Category 1 credits toward the Physician's Recognition Award of the American Medical Association. Each physician should claim only those credits that he/she actually spent in the activity.

**Reminder: All IME examiners for the Department of Labor and Industries are required to stay current in methods of rating impairment, performance of IME's and other important areas. Completion of this seminar will help you meet this requirement.**

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## 8:00-8:30 Continental Breakfast

**8:30-9:00 Introduction:** Students will learn when to write their IME reports and more importantly when not to write their IME reports. The law governing the discoverability and admissibility of IME reports will be explained. The specific reasons why a well-written IME report is of crucial importance will be explained. **Questions and Answers**

**9:00-9:15 Formatting:** Students will learn the optimum ways to format an IME report (including L&I's required format) and how proper formatting can assist them during cross-examination. The importance of proper formatting will be emphasized, with a specific discussion of cover pages, fonts, topic headings, paragraph breaks and lengths, spacing, and page numbering. Model reports with superior formatting will be provided. **Questions and Answers**

**9:15-10:00 Properly Documenting the Medical Records and Other Documents Reviewed:** Through a combination of a didactic presentation, interactive writing exercises, and mock trial demonstrations, students will learn the best ways to document in their IME reports the medical records and others documents received and reviewed by the examiner. **Questions and Answers**

## 10:00-10:15 Break (Networking Opportunity)

**10:15-10:45 Qualifications of the Examiner:** The examiner's stating of his own qualifications in an IME report is an area where avoidable mistakes with severe consequences are all too often made. Through didactic presentations, interactive writing exercises and a mock trial demonstration, students will learn the importance of accurately and objectively stating one's qualifications and the common errors that examiners often make in this area. The importance of not giving opinions beyond your true area of expertise will be stressed. **Questions and Answers**

**10:45-11:15 History and Physical Examination:** A well-grounded opinion depends on a detailed and accurate documentation of both the history taken from the examinee and the examiner's physical examination of the examinee. In this segment attendees will learn best practices in documenting the examinee's history and the physical examination performed as part of the evaluation. A mock trial demonstration and interactive exercises will drive home common mistakes. **Questions and Answers**

**11:15-11:45 Properly Expressing Your Expert Medical Opinions:** The purpose of an IME report is the expression of the examiner's expert medical opinions on common IME issues such as causation, impairment, disability, appropriateness of care, and prognosis. These opinions should be expressed in a clear, confident and supportable manner. Through didactic presentations, interactive writing exercises and a mock trial demonstration, students will learn how to properly express their expert medical opinions, the reasoning for these opinions and the common pitfalls to avoid in this area. **Questions and Answers**

**11:45-12:00 Catching Mistakes Before They Catch You:** Through didactic presentations and a mock trial demonstration examiners will learn the importance of proofreading their IME reports and how to catch and correct the most commonly made errors in IME reports. **Questions and Answers**

## 12:00-1:00 Lunch (Provided with Faculty)

**1:00-2:45 Drafting a Powerful, Defensible IME Report:** Through didactic presentations, interactive writing exercises and a mock trial demonstration, students will learn 20 proven techniques to make their IME report more powerful, persuasive, and defensible. Specific techniques explained will include: avoidance of absolute words, staying within the examiner's true area of expertise, red flag words to avoid in IME reports, common damaging superfluous language that should not appear in IME reports, the avoidance of hedge words and over a dozen more specific techniques. **Questions and Answers**

## 2:45-3:00 Break (Networking Opportunity)

**3:00-4:00 Defending Your IME Report At Deposition and Trial:** Through didactic presentations and mock trial demonstrations students will learn the 25 most effective tactics counsel uses to attack an examiner through his IME report and, more importantly, specific advice on how to defend against each and every one of these tactics. **Questions and Answers**

**4:00-4:30 Trick and Difficult Cross-Examination Questions For Independent Medical Examiners:** The instructor will ask the attendees numerous trick and difficult questions that they can expect to be asked at deposition or trial. Truthful and artful responses to each question will be suggested. **Questions and Answers**

**4:30-5:00 Conclusion and Takeaways:** Concluding remarks will be preceded by the attendees and faculty working together to create a list of specific action steps that the attendees should consider taking as a result of what was learned in this workshop. **Questions and Answers**

Space is Limited. Register Today!

