



# 10 Things Attorneys May Not Know

A practical review of defense and independent medical examinations

## 01 “Independent” is not proof of neutrality

Review the retaining party, referral questions, supplied records, and reasoning. The AMA calls for an independent, objective assessment. [1]

## 06 Duration alone does not prove quality

Ask whether the examiner gathered enough relevant information to support each opinion. Compare the work performed with the breadth of the conclusions.

## 02 Ethical duties still apply

The AMA recognizes a limited physician-patient relationship. Confidentiality and disclosure of important incidental findings still matter. [1]

## 07 A finding is not its interpretation

Identify what was measured, the method used, and what limited performance. Then ask how that finding supports the examiner’s ultimate opinion.

## 03 Define the scope before the visit

In California, the physical-exam demand must specify scope, manner, conditions, examiner, and specialty. Compare the actual exam with that scope. [2]

## 08 Inconsistency needs context

Explore timing, fatigue, medication, instructions, and fluctuating symptoms before accepting conclusions based on differences in reported and observed function.

## 04 Physical and mental exams differ

California permits observation and recording of spoken words at discovery physical exams. Mental-exam audio rights and attendance are separate issues. [3]

## 09 Separate the medical questions

Diagnosis, causation, impairment, and work capacity require distinct reasoning. A report may support one opinion while leaving another unexplained.

## 05 An observer creates a factual record

Document instructions, tests, measurements, symptoms, breaks, and exact statements. California observers may monitor physical exams without disrupting them. [3]

## 10 Audit the report against the exam

Compare the history, tests, findings, and conclusions with the exam record. California provides a report-demand procedure; review related exchange and waiver rules. [4]

DME: defense medical examination. IME: independent medical examination. Legal examples concern California civil discovery; other rules and court orders may apply.

Sources: [1] AMA Code of Medical Ethics, Opinion 1.2.6. [2] Cal. CCP § 2032.220. [3] Cal. CCP §§ 2032.510, 2032.530. [4] Cal. CCP §§ 2032.610-2032.630.