



Affirming Physicians' Reports

Accident defendants' doctor reports are usually "affirmed under penalty of perjury." That makes them admissible to the court for motions and other uses, short of trial. This is a handy, dandy way to preserve doctors' findings, especially for the No-Fault "serious injury" or "threshold" motion, so common in car or automobile accident cases.

Lawyers for injured plaintiffs don't usually get doctors' reports affirmed. Years later, when opposing a No-Fault threshold motion, we're in trouble if our doctor can't be found. This is a particular problem with radiologists reading diagnostic films, who seem to move often if they are not owners of the testing facility but merely employees.

I don't know why things work this way, they just do.

From: Gary E. Rosenberg (personal injury and accident attorney and lawyer; serving Brooklyn Queens Bronx)