

## **Pot & P.I. – The Medical Marijuana Debate Continues**

by [Jessica S. Grigsby](#) on 09/15/10

This is no news flash; [medical marijuana](#) is legal in California. And the use of it is all on the up and up, right? A person goes to a doctor who fills out a one-page sheet that says they have a medical condition that would benefit from the use of *medical marijuana*. Then they are issued a card, and as a card-carrying marijuana user, they can head to their local dispensary to taste the rainbow. I don't want to make light of the drug for its medicinal uses. After all, I lived in Mendocino County for a good many years and it seems just downright against my heritage to speak out against the revered plant. In fact, I believe that for those who are stuck in the hell of taking pain pills that render them non-functioning, [medical marijuana](#) is a wonderful alternative to getting their life back.

So what's the rub? The rub for me as a lawyer isn't the long-fought battle over the legality of the substance, or even the debate over the medicinal properties of the drug, my problem – as shallow as this may sound, is about the perception. Make no mistake, the esthetics of a case can be just as important as the merits. When you make a claim for personal injury, your credibility is a precious commodity and you should protect it against any threat of tarnish. Remember, we are all intrinsically skeptics and most folks eye lawsuits with suspicion. As the Plaintiff, jurors and the defense alike are always looking for that "tell" that this lawsuit is frivolous. So, clients who chose the route of treatment for medical marijuana are facing an uphill battle against society's judgments on the matter.

Let's do a quick gut check test: Be honest, when you hear medical marijuana what are the first thoughts that come to mind? Not all positive, right? Well it gets worse when the defense gets a hold of this little gem and goes to town at a deposition. You are obligated to disclose all

medical treatment for injuries arising out of the lawsuit. If it's "medical" and it's "treatment" you are claiming from the accident, they are allowed to ask any question they darn well please....and it is ugly. "Really, you have it in your salad dressing? So you put the marijuana on your salad at night? Oh, and you bake your own brownies with marijuana in it...[snicker, snicker, snicker]." Suddenly, it is sounding less like "treatment" and more like a good time from back in the dorm-room college days.

So here's my once and for all take on the whole thing – think about this option before you go this route. Have you really exhausted every avenue with conventional medicine and is it well documented that you cannot tolerate pain medications? Are you willing to deal with the judgments of others and do you accept that this might ultimately negatively affect your case, even if you don't personally feel that is fair? Perceptions may be changing, but if I'm honest, every time I receive that fax from a doctor's office that my client has applied for a [medical marijuana](#) card, I know I'm in for a different kind of fight.