

Medical Sources for Proving Whiplash

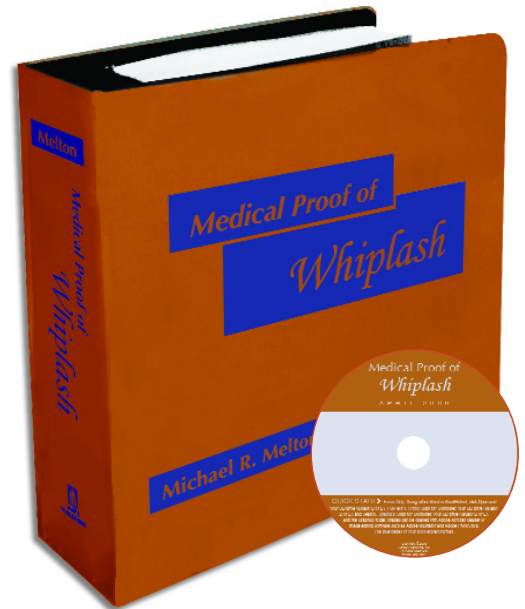
Overcome insurer suspicion and juror skepticism with scientific studies and PowerPoint exhibits.

For decades physicians believed that injury in rear-end auto accidents was caused by extension of the spine beyond its normal range of motion. Hyperextension did not explain low-speed injury, however, and insurers seized upon this anomaly to deny or lowball otherwise meritorious neck injury claims.

New medical research, based upon high-speed x-ray videotapes of spinal motion in simulated collisions, shows that compression and shear occurring 25 milliseconds prior to hyperextension can cause damage to facet joints ... even in low-speed crashes.

Now you can use this study and others like it to obtain fair value for your whiplash claims. Michael Melton's *Medical Proof of Whiplash* provides:

- **Summaries of over 400 medical and engineering studies** that demonstrate the underlying causes of whiplash injuries and the serious and widespread damage that can result. Full citations and dates of studies are included. See inside for study excerpts.
- **Scientifically-supported rebuttals to insurer claims** that whiplash injuries heal within six weeks, whiplash injuries can be faked, patients are cured by a verdict, reconstructionists can accurately calculate G force, head restraints safeguard occupants, and low speed collisions are safe.
- A detailed explanation of **low velocity whiplash biomechanics**, complete with 99 citations to medical articles and studies.
- **A factor and variable checklist** that determines an accident's potential for injury with only 14 questions.
- **89 four-color medical illustrations** in print and on CD help you prepare customized settlement or brief exhibits, mount enlarged illustrations as demonstrative evidence, assist in medical depositions or settlement conferences, or provide your artist a money-saving headstart on customized illustrations.



"I had 'Medical Proof of Whiplash' for less than one week when I got a call from an insurance claims adjuster on one of my auto accident cases. I proceeded to rattle off some of the many statistics and facts that I found in your book. He quickly changed from an aggressive tone to one of being quite passive, as well as mentioning to me that I really seemed to know my information."

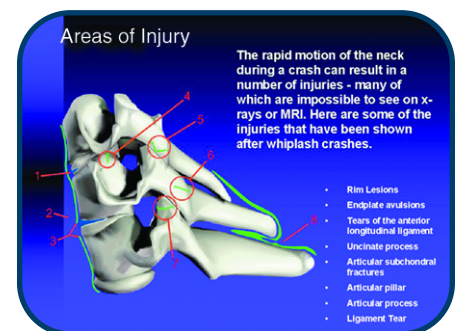
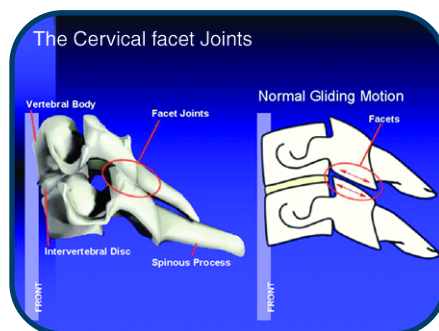
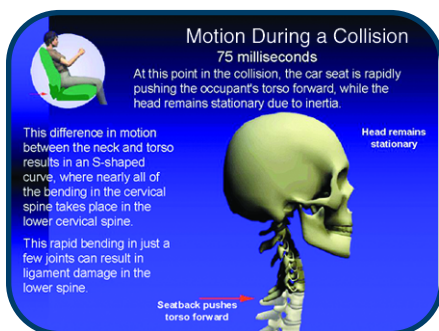
Grant P. Evans, Jr.
Reynoldsburg, OH

Free PowerPoint Slides

Here is valuable help with the difficult task of explaining whiplash biomechanics to a skeptical jury or disbelieving adjuster.

The free CD accompanying *Medical Proof of Whiplash* contains a 26-slide, four-color PowerPoint presentation. The slides show and tell the anatomy of

the cervical spine, how facet joints can be injured in a low-speed collision, and why head restraints are ineffective. Each phase of a collision is illustrated, with simultaneous animations of the motion of the occupant, cervical spine, and facet joints. The presentation is annotated with 29 medical and engineering studies, and includes a free copy of PowerPoint software.



About the Authors

Michael R. Melton has been immersed in the field of whiplash injuries for more than a decade. He wrote and published his first book, *The Guide to Whiplash*, in 1995. The following year, he started a newsletter for professionals who work with personal injury cases, the *Injury Resources Monthly*. In recent years, Mr. Melton has written and produced a variety of materials in different media that make it easy to explain injuries to lay people. Mr. Melton is the owner of BodyMind Publications (www.injuryresources.com).

Steven R. Young earned his Bachelor's degree, cum laude, from the University of Utah and his law degree in 1980 from the Pepperdine University School of Law. He is a 1996 graduate of the Gerry Spence Trial Lawyers' College. Mr. Young is an author and frequent speaker at MCLE programs on topics including trial techniques, jury selection, and motion in limine practice.

Mr. Young is different from other "litigators" because he takes cases to trial. Since 1983, when he tried his first case, Mr. Young has taken more than one hundred cases to trial, with most of these tried by a jury. His no-nonsense approach to case preparation and motion practice has resulted in numerous multi-million dollar verdicts and settlements in favor of his clients.

Mr. Young practices in Irvine, California. He can be reached at (949) 788-3999 or bestlawyer@aol.com. If you would like to order a copy of *Medical Proof of Whiplash*, please contact James Publishing directly at (800) 440-4780 or www.jamespublishing.com.

About the Book and CD

The book contains 900 letter-sized pages in a sturdy 3-ring binder. The first two parts of the book are textual discussions of the causes of whiplash injury and the resulting damage, supported with 69 illustrations and 400 citations. The third part of the book is devoted to summaries of over 400 medical and engineering studies that explain and support whiplash.

The fourth part of the book is devoted to practice tools. A big chapter on trying MIST cases walks you from issues to address before trial through closing argument. The fifth and final section contains 89 four-color medical illustrations suitable for courtroom use.

Included at no extra charge is an intuitive, full-text CD which requires no installation before use. It may be searched by key word, case name, topic, or form. You may also open and modify any of the CD's forms simply by using your favorite word processor; you need not work with the CD's search program. The CD also contains a four-color, 26-slide PowerPoint presentation, and the book's 89 four-color medical illustrations.

\$99 buys the book and CD. The book is updated annually for \$79.99 with replacement pages and a new CD. Both the book and its update are sold on a 30-day trial basis, and may be returned if not to your liking. The update service may be cancelled at any time.

Partial Table of Contents:

Part 1 All Cases

1. Biomechanics

No-Vehicle-Damage Accidents, How the Cervical Spine is Injured, Factors and Variables to Consider, Crash-Related Factors and Risk of Whiplash Injury, 15 Million People Suffer From Chronic Whiplash in US

2. Symptoms

Neck Pain, Headache, Fibromyalgia, Temporomandibular Joint Pain, Thoracic Outlet Syndrome, Low Back Pain, Dysphagia, Carpal Tunnel Syndrome, Dizziness, Cervical Trauma and Tremor, Systemic Sclerosis and Trauma, Visual Symptoms, Sleep Disturbances

3. Prognosis

The Quebec Task Force, Delayed Onset

4. Controversies

Mild Traumatic Brain Injury and Post-Concussion Syndrome, Psychological Symptoms, Post-Traumatic Stress Disorder

5. Legal Issues

Malingering, Litigation (Are Patients Cured by a Verdict?), How Accurate is Accident Reconstruction?

6. Other Issues

Safety Devices and Whiplash Injuries, Head Restraints, Neck and Chest Injuries from Seat Belts, Airbag Injuries, Anti-Lock Brakes, Children and Whiplash, Side Impact and Frontal Collisions

Part 2 Low Velocity Cases

7. Law of Physics

Momentum, Conservation of Momentum, V (Change in Velocity), Acceleration, Inertia

8. Biomechanics

History, Basic and Detailed Biomechanics, Injuries from Low Velocity Impacts, Relationship Between Delta V and G Forces

9. Mechanisms of Injury in Low Speed Collisions

Phases of a Rear-End Collision, Why G Forces Are Dangerous, Shear, Compression, Tension and Torque, The Ball and Chain, Hyperextension, Not the Culprit, X-Ray Analysis of Low Velocity

Kinematics, Muscle Activity During Impact, Extension and Damage to Anatomical Structures

10. Factors and Variables Determining Injury Severity

Engineers vs. Physicians, Injuries from Experimental Collisions, Angle of Collision, Body Position, Body Size, Braking, Bumpers, Gender, Head Restraints, Level of Preparedness, Patient Pre-Existing Conditions, Physiological Limits, Posture, Road Conditions, Seat Back Characteristics, Seat Backs and Ramping, Seat Belts, Secondary Impacts, Tire Position, Vehicle Size, Vehicle Speeds

What Readers Say

"Melton's book is the most accessible and organized source of information regarding injuries associated with moderate and lower speed motor vehicle crashes that I have come across. I own dozens of rather expensive texts on the subject, yet when I need to find well researched and accurate information on whiplash injuries quickly, the first reference that I use is Melton's. It is particularly helpful when looking for relevant citations. I tell every audience that I lecture to on the subject that there is no better way to quickly educate themselves regarding whiplash injuries."

Michael D. Freeman, PhD, DC, MPH
Forensic Trauma Epidemiologist, Salem, Oregon

"Your book has a ton of vital research information on various aspects of whiplash trauma. I particularly think your chapter on Factors and Variables is outstanding. I use its outline when I take the case history."

Solomon M. Aordkian
Naugatuk, CT

"*Medical Proof of Whiplash* has been extremely useful to me. I received it on Monday, was able to read and understand it thoroughly that same night after work, and gave much better expert witness testimony in a whiplash case the next day. It is an excellent publication."

Dr. Daniel Bergher
Sedona, AZ

"I recommend this book to attorneys, doctors, and insurance adjusters. It belongs on The New York Times bestsellers list."

William D. Robison
Vancouver, Washington

"The statistical and evaluative information is unique, and will no doubt be of considerable assistance to the court should this matter come to trial."

Lester Brayham
United Kingdom

"You have enhanced my knowledge and skills greatly."

Connie Arendt
Monroe, IA

(8 0 0) 4 4 0 - 4 7 8 0
o r w w w . j a m e s p u b l i s h i n g . c o m

Part 3 Medical Studies

11. Whiplash

Biomechanics,
Brain Injury,
Dizziness,
Imaging,
Litigation,
Prognosis,
Psychology,
Symptoms, TMJ,
Treatment

Chronic Pain,
Fibromyalgia,
Headache, Head
Restraints,
Miscellaneous,
Neck Pain, PTSD,
Rheumatoid
Arthritis, Shoulder
Pain, Thoracic
Outlet Syndrome,
TMJ, Traumatic
Brain Injury/Post-
Concussion
Syndrome,
Worker's
Compensation

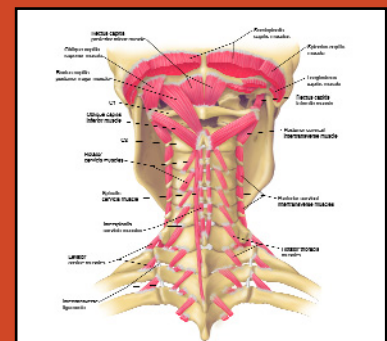
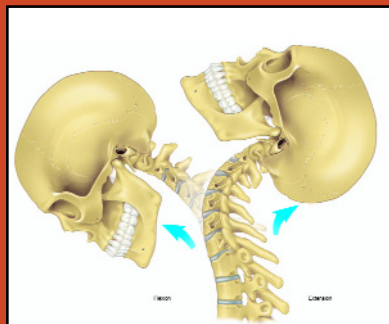
12. Related Problems

Back Pain, Carpal
Tunnel Syndrome,
Chiropractic,

Part 5 Medical Illustrations

89 anatomically-correct,
professional-quality illustrations
suitable for use in settlement

packages, doctor depositions,
and courtroom exhibits.



Part 4 Practice Tools (MIST Injury Cases)

Traumatic Brain Injury, Discovery, Experts, Motions in
Limine, Jury Selection, Opening Statement, Trial
Exhibits, Presentation of Case at Trial, Issue- and

Symptom-Based Trial Examinations, Cross-
Examination of Defense Experts, Jury Instructions and
Verdict Forms, Closing Argument, Rebuttal Close

Helpful Medical Studies

Whiplash remains an injury whose pain often does not correlate with objective radiological findings and so continues to be doubted. Whiplash scholar Michael Melton, who has been analyzing medical and engineering studies regarding the injury for over ten years, fights this skepticism with scientific knowledge.

In his *Medical Proof of Whiplash*, he evaluates and summarizes over 400 hard-to-find studies that will convince even the most suspicious. Following are excerpts from a few of the recent studies he includes:

Low-speed collisions

■ "These are the first studies to subject cadavers to 'minor' collisions and then to carefully examine the bony and soft tissues for sign of injury. The findings were dramatic: injuries were found in 4 of 6 cadavers in the first study, and 4 of 5 in the second. Furthermore, many of these were injuries that would not be detected on normal X-rays or even CT scans. Most of the injuries in these test specimens were only detected upon autopsy." §1105.32

Long-term effects

■ "43% of patients with cervical whiplash still had symptoms sufficiently severe to interfere with their ability to work two years after their injury." §1125.20

■ "Study of trauma care has frequently focused on physical recovery, complications, mortality, and cost. Research in this study focused on outcomes related to overall satisfaction with recovery, function at work, and general wellness. The researchers evaluated 247 patients and found prevalent and compromising levels of posttraumatic stress disorder, depression, and increased use of drugs and alcohol." §1280.20

■ "Headaches are, after neck pain, the most common symptom experienced by patients after a whiplash injury. These headaches can be caused by muscle strain or emotional stress that is common after a car crash. Also common are cervicogenic headaches, or headaches that originate in trauma to the deep structures of the neck, such as ligament injury." §1110.11

■ "TMJ is a recognized symptom of whiplash injuries, but the belief that TMJ is mainly a psychological affliction is so pervasive that a *New England Journal of Medicine* article recommended counseling as the main treatment for TMJ. We found obvious TMJ intra-articular disorders (significant clicking, lock, TMJ synovitis) in 86%, or 258 of the 300 patients studied. This finding is difficult to ascribe to psychological or cultural factors." §1145.15

■ "Past research has shown that a sizable minority of those who experience physical trauma will develop psychological symptoms including anxiety, depression, and post-traumatic stress disorder. The authors of this work assessed 152 patients and found, 'This research supports two main conclusions: first, that physical trauma need not be great to precipitate adverse psychological sequelae and, second, that even individuals who have stable backgrounds and who have high levels of life contentment before their trauma can develop acute psychological distress.'" §1250.32

Diagnosis and treatment

■ "One of the most frustrating aspects about whiplash is the lack of objective signs that the patient has been injured after a collision. A study from the Netherlands may change this situation. Patients with Grade II whiplash-associated disorder were not able to relax the upper trapezius muscles to baseline levels." §1140.42

■ "Although little exists in the literature to recommend it, the standard treatment (rest, the use of a soft cervical collar, and gradual self-mobilization) is still commonly prescribed in cases of acute whiplash. A Swedish study showed that active treatment was more effective than standard treatment in reduction of pain. The active treatment protocol was more effective when initiated early." §1150.20

Risk factors

■ "A turned head has consistently been reported in the literature as a risk factor for increased symptoms. A study with cadavers from Duke University demonstrates that a pre-twist of the head and neck increases strain magnitude in the facet capsule." §1105.33

■ "This is the first study to look at the effect of a previous hyperextension injury on prognosis in a second whiplash injury. The researchers conducted a retrospective study of 79 patients who had suffered two whiplash injuries. Results showed that after the second injury, 84% of patients reported increased symptoms." §1130.21

Head restraints

■ The Insurance Institute for Highway Safety admitted, "The head restraints in most cars are inadequate, neither high enough nor close enough to many people's heads to prevent whiplash injuries or associated neck disorders in crashes." §1105.31

■ "Significantly, the data shows that the peak of shear in the vertebral segments occurs *before* the head hits the head restraint." §1105.32

Rebuttal

■ Researchers at the University of Alberta in Canada studied the medical claims of 7,462 Saskatchewan residents before and after a no-fault insurance system was implemented. The study concluded, "claimants recover faster if compensation for pain and suffering is not available." The serious problems with the study are exposed, including (1) insurance funding, (2) resignation and suit by a researcher, and (3) contradictory results in a second study *conducted by the same researchers*. §1125.21

■ "This is a very common scenario in low speed crashes: a patient is injured, the car shows little or no vehicle damage, and the defense expert testifies that, based on his calculations, the acceleration that the occupant experienced during the crash was minor and that injury was impossible. The expert's testimony may be very impressive to a jury, since his or her report seems to be authoritative and accurate – 'the occupant did not experience an acceleration greater than 3.12Gs.' The truth is that these numbers are not accurate – in fact they are pulled out of thin air...." §1105.49

YES, send me one copy of Melton and Young's *Medical Proof of Whiplash* and its CD with an invoice for \$99 plus shipping. If not satisfied, I may return the book within 30 days. Send the annual supplements on the same 30-day review basis. I may cancel the update service at any time.

FOUR EASY WAYS TO ORDER

MPW2a
MAIL: James Publishing, Inc. / P.O. Box 25202 / Santa Ana, CA 92799-5202

PHONE: 800-440-4780 **FX:** 714-751-2709 **INTERNET:** www.jamespublishing.com

Please complete all blanks, providing a street address for your office.

Printed Name: _____

Firm Name: _____

Office Address: _____ Suite: _____

(not residence)

City, State, Zip: _____

Telephone: (____) _____ Fax: (____) _____

Bar #: _____ E-mail: _____

Signature: _____

I understand that: (1) this looseleaf book is supplemented annually with change pages and a replacement CD for \$79.99 plus \$7.95 shipping, (2) I am entering a subscription for these annual supplements that will last until I cancel, (3) I may cancel my supplement subscription at any time, (4) I may return any supplement within 30 days of receipt for full credit, and (5) supplements published within 3 months of my book purchase are free.

Prepay and save \$7.98 shipping (U.S. addresses only)

 Check enclosed for \$99
 (CA residents add \$8.17 sales tax / *Make check payable to James Publishing*)

 Charge \$99 to my credit card: Visa Mastercard AMEX

Card #: _____ Exp. Date: _____

3(or 4)-digit security code: _____

Invoice option

 Bill firm \$161 (*shipping included / CA residents add \$8.17 sales tax*)

 Bill me the same

 PRSRT STD
 U.S. Postage
 Paid
 James Publishing

Scientific Whiplash Proof

At last, here is an arsenal of medical and engineering studies to counter insurers' claims that rear-enders do not cause serious injury.

Michael Melton's *Medical Proof of Whiplash* walks you through the anatomy of the cervical spine, the forces exerted on the spine in a rear-end auto accident, and the possibility of lasting injury.

His text is supported by 89 medical illustrations, a PowerPoint presentation suitable for juries or creating settlement attachments, and most important, extensive citations and summaries of supportive studies.

Over 400 medical and engineering studies are digested. This hard-to-find research provides convincing proof that:

- Whiplash cannot successfully be faked. \$505.3
- Pain is due to organic causes, not psychological disturbance. \$505
- Serious neck injury can occur with only minor vehicle damage. \$105
- 90% of head restraints do not protect occupants from injury. \$605.1
- Seat belts increase the incidence of cervical strain. \$605.2
- A turned head greatly increases the incidence and severity of injury. \$1105.16
- Litigation does not 'cure' whiplash symptoms. \$510

And much more. See inside.



Practice tools included. Contains a big chapter on preparing and trying MIST cases, plus 89 four-color medical illustrations suitable for courtroom use. Only \$99.

"Your work proved pivotal in four very complex and highly contested cases in which we were involved. Once the opposition had copies as we entered the information into evidence, they immediately asked for a recess and negotiated a settlement (much more generous than what they had offered earlier) right in the hallway outside the courtroom. This stuff works."

James Bowman
 Stevens Point, WI