

ML Consultants of New York PLLC

Physicians Helping Attorneys Helping People

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Newsletter

August 2023

This Month's Question:

How can a Medical/Legal Consultant help prove up medical damages in a case?

MD Consulting Services Answer:

We recently had a case of a 43 y/o woman who suffered a work-related repetitive motion injury. The repetitive motion injury led to a Cumulative Trauma Disorder that presented as ruptured cervical discs. Our client attorney wanted to know if we could help back up her theory for the case with evidence from the medical literature. We found several medical journal articles to help her prove up the case.

The best medical journal article we found was from the Department of Neurological Surgery, University of California, San Francisco School of Medicine. The paper is titled *Conferences and Reviews, Cervical Spondylosis, An Update* by McCormick and Weinstein.

The authors state "Repeated occupational trauma may contribute to the development of cervical spondylosis. An increased incidence has been noted in patients who carried heavy loads on their heads or shoulders, dancers, gymnasts, and in patients with spasmodic torticollis...Cervical spondylosis may result in symptomatic spinal cord compression." The client reported that in 2019 she was given the job of removing heavy boxes filled with files from filing shelves. Many of the file boxes were above her head and she removed the boxes by first balancing the box on her head and then getting the box down on a table. She would then move the box from the table to the floor. She started moving the boxes by starting at the highest level of the shelving and working her way down. It was our opinion to a reasonable degree of medical probability moving the file boxes in this manner contributed to the client developing work-related ruptured cervical discs.

The authors go on to state "The spinal cords of patients with cervical spondylotic myelopathy are flattened at the levels of spondylotic protrusions...Cervical spondylotic radiculopathy is

caused by nerve root compression in the neural foramina.” The client’s pre-surgical cervical MRI dated August 18, 2020 stated “C5-6 and V6-7 broad-based protruding disc lateralized to the right with question of C7 posterior displaced intracannular nerve root on the right” indicating the client had nerve root compression as the authors describe.

The client reported in addition to the repetitive lifting and reaching she did to reorganize the filing system, she also was required to do a great deal of typing at a computer. Ming et al. in a Pathophysiology article titled *Neck and shoulder pain related to computer use* state “Based on our experience, NSPRCU (neck and shoulder pain related to computer use-my addition), can be divided into: (1) local neck and shoulder disorders, which include nonspecific NSP, cervical disc degeneration, nerve root compression, etc....”

The authors go on to state “Moreover, a poor work posture with the consequent overload of the neck and shoulder muscles can result in calcifying tendonitis and cervical spondylosis. Nerves passing from the spinal cord via the notches between the vertebrae can get compressed and NSP and paresthesias may develop.” Given the long hours the client spent typing it is more likely than not her posture was adversely affected. The authors state with long lasting computer use work-related cervical disc degeneration with nerve root compression does occur in some individuals with work-related neck and shoulder pain.

It was our opinion to a reasonable degree of medical probability there was good evidence in the medical literature that the client’s cervical disc protrusions and nerve root compressions were a direct result of her work-related Cumulative Trauma Disorder.

This situation is another example of how we can assist you with all the medical issues in your cases. Please reply to this email or call 516-902-0438 to schedule a time to talk about one of your cases.

Let Us Know How We Can Help You

- Medical Summary Reports for Settlement Letters
- IME Rebuttal Reports
- Reports Answering Specific Medical Questions
- Standard of Care Reviews
- Liaison with Treating Doctors
- Help with Strategies to Promote Medical Theories
- Interpretation of Meaning, or lack thereof, of Medical Reports & Records
- Independent Record Reviews
- Assessment of Case Validity Regarding Medical Issues
- Referral to Expert Medical Witnesses
- Medical Research
- Facilitation of Communication with Clients, Families, Professionals and Service & Governmental Agencies

- Case Coordination
- Deposition & Trial Question Preparation
- Table-side Deposition & Trial Assistance

As you know, **we have purposefully kept our fees exceptionally low** allowing you the opportunity to have us review your cases early in your representation while controlling your expenses.

CONTACT US for information or fee schedule.

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