

Second Edition

Litigating Neck & Back Injuries

Michael J. Morse

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ISBN 0-938065-26-2

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Revision Editor
James Publishing, Inc.
3505 Cadillac Ave., Suite H
Costa Mesa, CA 92626

First Edition, 4/87
Second Edition, 8/95
Revision 1, 5/96
Revision 2, 4/97
Revision 3, 5/98
Revision 4, 2/99
Revision 5, 1/00
Revision 6, 1/01
Revision 7, 1/02
Revision 8, 1/03
Revision 9, 3/04
Revision 10, 5/05
Revision 11, 8/06
Revision 12, 5/07
Revision 13, 6/08
Revision 14, 6/09
Revision 15, 7/10
Revision 16, 7/11
Revision 17, 8/12

ABOUT THE AUTHOR

Michael J. Morse is the owner of the Law Offices of Michael Morse, P.C. and the Auto Accident Claim Center in Southfield, Michigan. Mr. Morse is a trial attorney who handles only personal injury matters. He began his education at the University of Arizona where he earned a Bachelors of Science in business. To continue his college career, Michael graduated in 1992 with honors from the University of Detroit School of Law with his Juris Doctor. Prior to founding Michael J. Morse, P.C., Michael was employed with a medium-sized personal injury law firm. Since the opening of his firm in September of 1995, Michael J. Morse has grown to be the largest law firm in Michigan specializing in automobile, truck and motorcycle accidents. Michael frequently lectures on automobile claims and technology in law firms nationwide. He is an executive board member of the Michigan Association for Justice, and a respected member of the State Bar of Michigan and the American Association for Justice. In addition to serving as legal counsel to his clients, Michael also serves as a case evaluator and arbitrator in Wayne, Oakland and Macomb counties.



Mr. Morse lectures frequently on trial techniques and on various aspects of Michigan's No-Fault law. He has given numerous seminars for various national organizations, including legal, medical and chiropractic organizations.

Further, Michael is an adjunct professor at University of Detroit-Mercy School of Law where he teaches law practice management.

In 2007, Michael was appointed by Governor Jennifer Granholm to Michigan's Chiropractic Board. Michael is one of the public members on the Board. His term is 4 years.

As of June of 2011, Michael Morse, PC employs 75 people, including 26 attorneys. The entire firm specializes in handling automobile, truck and motorcycle accidents, both first and third party. The firm has a strong emphasis on spinal cord injuries, as well as other back and neck injuries and traumatic brain injuries. Besides the firm's third party negligence practice, a large portion of the firm's resources are dedicated to first party litigation against Michigan No-Fault insurance companies. Referral fees are guaranteed in writing.

If any reader of this book has suggestions, comments or questions, please email Michael@morse-law.com.

FROM THE AUTHOR

I am honored to be the new author of *Litigating Neck and Back Injuries*. I will continue the tradition of this book in presenting the medical complexities of neck, back and head injuries in a manner that is easy to understand and engaging to the reader. It is my belief that an attorney must fully understand the medical and legal issues associated with these injuries in order to present his or her case to the jury in a meaningful and persuasive way. I hope you find *Litigating Neck and Back Injuries* helpful in that endeavor.

Michael J. Morse

AUTHOR - FIRST & SECOND EDITION

John A. Tarantino wrote the First and Second Editions of *Litigating Neck & Back Injuries*, and wrote the annual supplements through 2005. Mr. Tarantino is a trial attorney, principal, and president of the law firm of Adler Pollock & Sheehan P.C. with offices in Providence, Rhode Island and Boston, Massachusetts.

He lectures frequently on trial techniques and is the author of several legal texts including *Personal Injury Forms: Discovery & Settlement* (2d ed. James Publishing), *Trial Evidence Foundations* (James Publishing), *Estimating & Proving Personal Injury Damages* (James Publishing), *Personal Injury Trial Handbook* (Wiley Law Publications), *Premises Security Law & Practice* (Wiley Law Publications), *Commercial Premises Liability* (Wiley Law Publications), *Strategic Use of Scientific Evidence* (Aspen Law Publications), *Environmental Liability Transaction Guide* (Aspen Law Publications), and many trial articles. He has written articles on personal injury, trial practice and procedure, evidence, discovery, products liability, ethics and trial strategy.

He has also given seminars for various national organizations including the American Bar Association, the Association of Trial Lawyers of America, and the National Institute of Trial Advocacy, as well as many national, local and specialty bars.

He is a member of the Rhode Island and Massachusetts Bars, the United States Supreme Court Bar, the American Bar Association of Trial Lawyers of America (Defense Member), the Defense Research Institute, the National Italian-American Bar Association, the Justinian Society, the American Inns of Court (where he holds the rank of Barrister), and the Rhode Island Defense Counsel Association. He is a former Regent and Founding Member of the National College for DUI Defense, and is a provisional member of the American Academy of Forensic Sciences, Jurisprudence Section. He has served as Vice Chair of the ABA Science and Technology Committee on Scientific Evidence, and has served as Chair of the Rhode Island Bar Association's Committees on Ethics and Professionalism, Public Relations, Lawyer Advertising and Judicial Independence.

From 1992 to 1999, John Tarantino served on the Rhode Island Bar Association's Executive Committee, and in 1997 to 1998, during the Rhode Island Bar Association's Centennial Year, he served as President of the Rhode Island Bar Association. He has also served as a member of the board of Directors of the New England Bar Association, and in 2002-2003, served as President of the New England Bar Association. In 2003 to 2004, Mr. Tarantino served as President of Defense Counsel of Rhode Island and in 2004 was awarded the Exceptional Performance Citation by DRI.

Mr. Tarantino has been selected as one of the "Best Lawyers in America" in the fields of personal injury litigation, business litigation and criminal defense, and has been chosen by his peers as one of the "Best Lawyers in Rhode Island" by Rhode Island Magazine, earning top honors in litigation. In 2002, Mr. Tarantino was selected as one of ten "Lawyers of the Year" by Lawyers Weekly USA. Finally, Mr. Tarantino is a Fellow of the American College of Trial Lawyers and a Fellow of the International Academy of Trial Lawyers.

INTRODUCTION

TO FIRST & SECOND EDITION

The neck and back injury case, though one of the most common in personal injury law, is also often the most difficult to prepare, investigate, negotiate and eventually try. Many attorneys lack sufficient understanding of the medical and legal complexities inherent in these cases to maximize the best result for their clients and, accordingly, cases either settle for much less than their true value or cases are lost that should have been won.

Several years ago when the First Edition of *Litigating Neck & Back Injuries* was published, there was little in the way of practical legal or medical literature available to attorneys to aid them in the preparation, investigation, negotiation and trial of a neck and back injury case. There were a number of texts that discussed and analyzed soft tissue injury cases, but the texts often did not offer practical guidelines, hands-on experience and everyday trial tips that most attorneys want and need to prepare these common, but often uncommonly difficult, cases.

It was the purpose of *Litigating Neck & Back Injuries* to fill that void and I believe that the First Edition did so.

In the Second Edition, comments, suggestions and constructive criticisms from readers and practice-oriented users of this book (both from a medical and legal community) assisted in a total redesign of the book to make it more readable, better organized, more practice oriented and comprehensive. Every element of a neck and back injury case is now covered from the medical and legal viewpoint. The book is also designed to be understandable, useful, useable and practical. I hope that this book will enjoy the same kind of success that the First Edition of *Litigating Neck and Back Injuries* has: It will be one of your standard practice companions, always at your fingertips and constantly referred to and repeatedly used. Just as the First Edition was not a reference text, neither is this edition. I have added more discussion on reference material including various case law citations throughout the text, but this text is principally a trial practice guide.

The suggestions made in the book are ones that have worked, and are continuing to work for me in the real world. I hope and believe that the practical and practice-oriented information contained in the Second Edition of *Litigating Neck and Back Injuries* will help you to be more successful, economical and rewarded in your practice. I believe that by using *Litigating Neck and Back Injuries* in your dealings with clients, insurance adjusters, defense counsel and the court, you will find yourself representing clients in neck and back injury cases in a more organized and efficient manner.

John A. Tarantino

ABOUT THE ILLUSTRATOR

Chris Brown has over twenty-five years experience as a medical and biological illustrator. He received his primary education at the School of the Art Institute of Chicago, and studied gross anatomy at Cook County School of Medicine. The past fifteen years have been devoted almost exclusively to forensic art with occasional forays into print. Chris has worked closely with physicians and attorneys in preparation of all facets of medical illustration, either in 2 or 3 dimensions. Chris Brown can be reached at loftstudio@netzero.net.

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