

How to Write Like an Attorney

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Why Do You Want to Write Like An Attorney?

- Your audience is made up of attorneys and judges.
- Attorney writing is meant to persuade the reader.
- This method helps the report to be substantial medical evidence.

How Do Attorneys Write?

- **IRAC**

- **Issue**
- **Rule**
- **Analysis**
- **Conclusion**

Elements of the Report

- Describe the Facts
- **I** - Identify the Issues
- **R** - Indicate the Rules/Guidelines
- **A** - Show how they Apply
- **C** - Provide your conclusions

Describe the Facts - History and Exam

- Subjective Complaints
 - History of Injury
 - Previous Medical History
 - Family History
 - Employment History
- Objective Findings
 - Physical Exam
 - Medical Record Review
 - Review of Test Results

I - Identify the Issues - Medical Diagnoses or Issues in Dispute

- Injured Body Parts
- Diagnoses
- Comorbidities
- Causation
- Permanent Impairment
- Apportionment
- Treatment

R - Indicate the Rules/Guidelines/Research

- Be sure you give the citation to what guideline or research you are relying upon.
- Provide the key elements of the guideline or research.
- Treatment Issue Guidelines
 - MTUS
 - Other treatment guidelines
- Disability Issue Guidelines/Cases
 - AMA Guides
 - Almaraz/Guzman
 - Ogilvie

A - Show How They Apply - Discussion/Analysis

- This is the area where most reports are deficient.
- Develop the foundation for your conclusions in this section.
- Take the information from the guidelines or research and apply it to the specific facts of the injured worker's case.

Low Back Pain - Aquatic Therapy Example

- **Indication for a trial of aquatic therapy Subacute or Chronic LBP**
 - Meets criteria for supervised exercise therapy
 - Has co-morbidities (e.g. extreme obesity, significant degenerative joint disease, etc.) that preclude effective participation in a weight-bearing physical activity.
- **Frequency/Duration**
 - 4 to 6 visit per week
 - Demonstrate evidence of functional improvement within first 2 weeks
 - Program should include up to 4 weeks of aquatic therapy with progression to land based, self-directed physical activity or self-directed aquatic therapy program by 6 weeks

Example Facts

- **Injured worker:** A 52 year-old man with a chronic low back injury.
- **Comorbidities:** Arthritis in both knees, BMI 278
- **Exercise:** Cleared for exercise - previously attempted land-based exercises within the past 30 days, but it exacerbated his arthritis
- **Recommendation:** Aquatic Therapy Trial

Suggested Discussion Language

Patient is diagnosed with chronic low back pain. Per the Low Back Guidelines for a trial of Aquatic Therapy he must be qualified for exercise, and have comorbidities. He has a history of arthritis in both knees and is morbidly obese. He has attempted land-based exercise within the past month, but it made his arthritis flare up. I recommend a course of Aquatic Therapy 4 times per week for 2 weeks. Will assess effectiveness at reevaluation.

C - Provide Your Conclusions

- After showing how guidelines/research apply to the injured worker's case, draw your conclusions
- Make references back to the Discussion/Analysis section to support your findings.

Take Aways

- Make sure that your discussion section adequately discusses how the patient's case meets the guidelines for the issue being covered.
- Don't provide conclusions or recommendations that have not been thoroughly discussed.
- Remember that your reader is not a physician and needs an explanation that is understandable to a layperson.
- Don't put in extraneous information, stick to what's relevant to the case.

QUESTIONS?

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