What to Expect at an Independent Medical Exam After a Truck Crash

The Defense Doctor's Report Can Shape How Serious Injuries Are Valued

Months into a serious truck crash case, many injured people learn the trucking company wants its own doctor to examine them. The request usually comes after treating doctors have recommended surgery, diagnosed a brain injury, or placed permanent limits on work. The exam happens without a treating doctor in the room, and the report that follows can shape how every injury in the case is valued.

For the injured person and the truck accident lawyer handling the claim, the exam is rarely a routine appointment. Federal rules and their state counterparts set conditions on when an exam can be ordered and how it's conducted. The time to negotiate those conditions is before the visit, while the court still has room to set fair limits.

What to Know Before an IME

- **The Other Side Picks the Examiner** – The trucking company's lawyers or insurance company usually choose and pay the doctor who performs the exam.
- **A Court Order Requires Good Cause** – Once a lawsuit is filed, the defense must show the condition is genuinely in dispute and that it has a legitimate reason for the exam.
- **Courts Can Set Limits** – The order must spell out the time, place, conditions, and scope of the exam, and lawyers can ask for reasonable protections.
- **The Report Can Be Challenged** – Treating doctors, cross-examination, and questions about the examiner's defense work can all test the findings.

What Is an Independent Medical Exam in a Truck Accident Case?

An independent medical exam (IME) is an evaluation by a doctor or other licensed professional chosen by the other side. In a truck accident case, the trucking company's lawyers or insurance company usually pick the examiner and pay the bill. Lawyers and courts often call it a defense medical exam for that reason, and in federal court it's also known as a Rule 35 exam.

The examiner evaluates the injured person for the litigation, not for care. A doctor-patient relationship usually doesn't form, and the visit typically includes no treatment, prescriptions, or referrals. The examiner's main job is to produce a report, and often testimony, on what the injuries are, whether the crash caused them, and what care is still needed.

The examiner's specialty usually matches the injury in dispute. A person recovering from spinal surgery may see an orthopedic surgeon, while someone with a brain injury may see a neurologist or a neuropsychologist. Federal Rule of Civil Procedure 35 allows exams by any

suitably licensed or certified examiner, so a psychologist, for example, may handle a mental exam.

Why Do Trucking Companies Ask for These Exams?

The exam is a tool for attacking the medical side of a claim. A trucking company may admit its driver caused the crash and still dispute the injuries and what they will cost. That split keeps many cases in court long after fault is settled, and the exam gives the defense its own medical opinion to set against the treating doctors.

The stakes rise with the injuries. Future surgeries, lifetime care, lost earning ability, and home modifications add up quickly in catastrophic cases involving several injuries at once, and each future cost needs medical support. A report questioning even one diagnosis can lower what the trucking company or its insurance company will pay on the entire claim.

These reports tend to return to a few familiar themes. The examiner may attribute symptoms to an older injury or normal aging, conclude that the person has already recovered, or decide another surgery isn't needed. An opinion that the person can return to work can also undercut a claim for lost future earnings after a truck accident.

Do You Have to Attend an Independent Medical Exam?

Once a lawsuit is filed, Rule 35 allows a court to order an exam of a party whose physical or mental condition is "in controversy," meaning it's actually disputed in the case. The trucking company must file a motion (a formal written request to the judge) and show good cause, a legitimate reason the court accepts. Many states have similar rules, so attendance often becomes mandatory once the court rules.

The U.S. Supreme Court addressed these requirements in *Schlagenhauf v. Holder*, a case that arose after a bus struck the back of a tractor-trailer. The Court held that the condition-in-controversy and good-cause requirements aren't satisfied by conclusory allegations in the pleadings. It also recognized that a person who claims a physical or mental injury places that condition in controversy, which is why court-ordered exams are common in truck injury lawsuits.

The picture can change before a lawsuit is filed. The trucking company's insurance company generally has no contract with the injured person and usually can't force an exam at that stage. The injured person's own auto policy is different, so it's worth having a lawyer review that policy language before anyone schedules a visit.

Two common coverages raise this issue. Uninsured motorist coverage pays when the at-fault driver has no insurance or too little, and medical payments coverage helps with medical bills regardless of fault. Both often include cooperation terms that can require an exam before benefits are paid, and refusing a valid request under the policy can put those benefits at risk.

What Happens During the Exam?

Exams requested by the defense tend to follow a predictable pattern, although the details vary by specialty and by any limits a court sets. Knowing the usual steps can make the day less stressful and help the injured person stay accurate.

- **Intake Paperwork** – The office may hand over forms about medical history, prior injuries, and current symptoms. Lawyers often review these forms in advance or limit them by agreement.
- **The Interview** – The examiner usually asks how the injuries feel and how daily life has changed. These answers often appear in the report, either quoted or summarized.
- **The Physical Evaluation** – The examiner may test range of motion, strength, reflexes, and sensation in the injured areas.
- **Observation Outside the Exam Room** – Some examiners note how a person walks, sits, or gets out of a car, and those observations can end up in the report.
- **A Review of Medical Records** – The examiner often studies treatment records, imaging, and test results.

The hands-on portion is often brief compared to the time the examiner spends with the records, yet that short visit can carry real weight in the final report. A brief exam is also fair ground for cross-examination (questioning by the other side's lawyer under oath), so writing down the start and end times helps the legal team test the report later.

What Limits Can a Court Place on the Exam?

A court-ordered exam isn't an open invitation for the defense to search for anything it can use. Under Rule 35, the order must list the time, place, manner, conditions, and scope of the exam, and it must name the person or people who will perform it. That requirement gives the injured person's lawyer room to request reasonable protections.

Requests for protection usually focus on keeping the exam fair and tied to the case. A lawyer may ask the court to limit the exam to the body parts or conditions actually at issue, cap its length, or reduce how far the injured person must travel. Some lawyers also ask the court to bar painful or invasive testing, and judges decide these issues case by case.

Observers and recording are among the most hotly contested issues. Some courts allow an attorney, a nurse, or another observer to attend, or they permit audio recording. Others refuse, especially for psychological testing, out of concern that an observer could affect the results, which is why lawyers often settle these terms well before the exam date.

Why Can the Word "Independent" Be Misleading?

The label suggests a neutral doctor with no stake in the outcome. In practice, the trucking company's lawyers or its insurance company usually select the examiner and pay for both the

exam and the report. Some examiners do this work regularly, and a meaningful share of their income may come from it, which doesn't make an opinion wrong on its own but does matter.

Jurors can weigh where an opinion comes from. Courts often allow questions about how often an examiner works for trucking or insurance companies and how much that work pays. That questioning usually happens at a deposition (sworn questioning outside court, recorded by a court reporter) or at trial, and the answers help jurors decide how much weight the opinion deserves.

Treating doctors stand in a different position, and the contrast often becomes central at trial. The comparison below shows why.

Issue	Treating Doctor	Defense Examiner
Who chooses the doctor	The injured person	The trucking company's lawyers or insurer
Who pays	The patient or the patient's coverage	The defense
Time with the patient	Months or years of visits, tests, and follow-up	Usually one visit plus a records review
Purpose	Diagnosing and treating the injury	Producing a report and testimony for the case
Treatment provided	Yes	Typically none

What Happens to the Examiner's Report?

The examiner's written findings usually go to the trucking company's lawyers first. Under Rule 35(b), the injured person can request a copy, and the report must set out the examiner's findings in detail, including diagnoses, conclusions, and test results. The trucking company must also turn over reports of any earlier exams of the same condition.

Requesting the report comes with a trade-off. The trucking company can then seek similar reports of other exams of the same condition. Requesting the report or deposing the examiner can also waive certain privileges (legal protections that keep some medical communications confidential) about that condition, so lawyers weigh those effects before making the request.

When a report attacks the injuries, the injured person's own doctors can respond by explaining how the crash caused the condition, why the recommended care is needed, and where the examiner's analysis falls short. Rule 35(b) also allows a court to exclude the examiner's

testimony at trial if the report isn't provided as required. That rule gives the injured person's lawyer leverage to insist on a complete report.

How Can Injured People Prepare for an Independent Medical Exam?

Good preparation centers on accuracy and on knowing the ground rules ahead of time. A lawyer can tailor these steps to the court's order and the specific injuries involved.

- **Review the Exam Terms With a Lawyer** – Confirm the date, place, examiner, time limits, and any rules on observers or recording.
- **Describe Symptoms Honestly and Consistently** – Avoid exaggerating or downplaying pain. Answers that match what treating doctors have recorded tend to carry more weight.
- **Explain Good Days and Bad Days** – Describe how symptoms change over a typical week, including flare-ups a short visit may miss.
- **Keep Crash Details Brief** – Lawyers often advise keeping any discussion of the crash short and factual, since fault is a legal question for the case.
- **Write Down What Happened Afterward** – Record the start and end times, the tests performed, and anything notable that was said, then share the notes with the legal team.

Notes made right after the visit give the legal team a reliable record to compare against the examiner's report, and they help a lawyer spot errors or missing details quickly. Consistent answers also make it harder for the trucking company to claim exaggeration, an argument that often sits at the center of disputes over future care.

Getting Ahead of the Defense Exam

Defense exams in truck cases rarely happen in isolation. They often arrive alongside requests for years of medical records, surveillance, and defense expert reports, and court rules on scope, observers, and recording vary from state to state. The terms set before the exam often decide how much damage a one-sided report can do.

Our attorneys at Fried Goldberg, LLC have handled truck cases in more than 40 states, and we push for fair limits on these exams before they happen. In one Henry County, Georgia case, the defense argued that a nursing assistant's injuries came from four earlier crashes involving the same parts of her body. The jury rejected that argument and returned an $8,208,774 verdict.

If a trucking company or its insurer has asked for a medical exam, talk with us before the appointment. Consultations are free for injured people and their families. Lawyers facing a defense exam in their own truck case can also reach out about working with us as co-counsel.