

TAKING THE PAIN OUT OF PAIN DISORDER CASES

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“The situation in which a person develops symptoms and impairments are greater than, or inconsistent with, the extent of their injuries or severity of pathophysiological identifiable disease is not unique to personal injury litigation, but commonly encountered in all fields of clinical medicine”.

McWhirter, Carson, Stone and Hoeritzauer JPIL 2020 ,115

**ORIGINAL
DIAGNOSIS**

**INCIDENTAL
FINDING**

**INVOLUNTARY
SYMPTOMS**

**SEIZURE LIKE
EPISODES**

**PARALYSIS
WEAKNESS**

**FUNCTIONAL
NEUROLOGICAL
DISORDER**

**COGNITIVE-
MEMORY AND
CONCENTRATION**

**ABNORMALITY
OF MOVEMENT**

**SENSORY
ABNORMALITIES**

COMPLEX
REGIONAL PAIN
SYNDROME

CHRONIC FATIGUE
SYNDROME

POST-
CONCUSSION
SYNDROME

FND

CHRONIC PAIN
SYNDROME

SOMATIC SYMPTOM
DISORDER

SURVEILLANCE

**ORIGINAL
DIAGNOSIS**

**INCIDENTAL
FINDING**

**IDENTIFY AS
FND**

**EARLY
INSTRUCTION**

“AT IT”

**ISSUES
&
PREPARATION**

**IDENTIFY
CORRECT
EXPERT**

**FND RAISED
ONLY IN
DEFENDERS
REPORT**

**NEW
CONDITION**

**PURSUER DOES
NOT ACCEPT
DIAGNOSIS**

EXACERBATION

CH42A?

**JUDGE WITHOUT
P.I
BACKGROUND**

**PROOF
&
PRESENTATION**

**EXPERT
EVIDENCE
FIRST**

**AGREE
CHRONOLOGY**

Sharon Cossey v Buccleuch Estates Ltd (2022) CSOH 50

- 45 year old woman fell into manhole on estate
- Liability admitted
- Minor soft tissues injuries accepted
- Accepted by all experts that had somatoform symptom disorder (SSD)
- Claimed exacerbation of pre-existing SSD
- No argument of exaggeration or fabrication
- Not accepted that overall condition made worse
- Awarded £4,200