

Attorneys Zero in on Chiropractors

Leon Grumling, DC

Practice management books and literature have gotten a new bunch of readers lately -- attorneys who hope to use this material to discredit chiropractors on the witness stand.

In a paper circulated among attorneys titled "Dealing with Chiropractors," Texas Attorney James G. Noland recommends that attorneys purchase and read a number of chiropractic practice management texts and periodicals to glean from them information which will help convince a jury that chiropractors are "motivated more by avarice and greed than by a desire to cure and/or relieve the patient's condition as soon as practicable."

Noland also recommends that cross-examining attorneys question the chiropractor about the early history of chiropractic, about distasteful and/or misleading advertisements by chiropractors, about "so-called seminars and postgraduate courses" which are geared to practice building, and about the disputed efficacy of the chiropractic adjustment.

Noland's article has created some stir in chiropractic circles. A copy of the article was mailed to a number of chiropractic educators by Attorney George P. McAndrews, who stated in a cover letter, "I believe Mr. Noland's article should be published and republished until it is read by every doctor of chiropractic in the land. While attorney Noland is obviously hostile to the interests of doctors of chiropractic, his comments should jolt some of the fringe chiropractors into a sense of reality regarding how the public may view some of their 'weird' behavior."

McAndrews added, "Attorney Noland does not work for the American Medical Association. While his points of view do not seem 'balanced' it would be a complete mistake to ignore his point of view which he seems to have widely published.

"Personally I look on attorney Noland's critique as a remarkable opportunity for self criticism and, where necessary, corrective action by the profession."

In his article, Noland notes that chiropractors are increasingly seen in the courtroom. In the cases he has seen, he states, "The DC has invariably run up an incredibly thick and heavy stack of bills for large sums of money (\$5,000 to \$20,000) over long periods of time."

Noland writes that he knows a number of lawyers who have persuaded juries "that 'manipulations' of the kind practiced by many chiropractors nowadays are neither necessary nor reasonable nor curative nor relieving; that such 'manipulations' represent instead an abuse and misuse of the patient, the patient's insurer, the 'free medical' provisions of the Worker' Compensation Act and, indeed, a manipulative abuse and misuse of the system in general."

In order to lead juries to that conclusion, Noland recommends that his fellow attorneys consult the following materials:

1. Textbook of Office Procedure and Practice Building for the Chiropractic Profession by James Parker, D.C.

2. Chiropractic Malpractice by Peter Modde, D.C.
3. The Chiropractic Adjuster by D.D. Palmer
4. The Case Against Chiropractic -- At Your Own Risk by Ralph Lee Smith
5. Anything Can Cause Anything by W.D. Harper
6. 477 Practice Building and Office Procedures Ideas "The Best of Share," by the Parker Chiropractic Research Foundation, Inc.
7. Secrets of Practice Consultant by Peter Fernandez, D.C.
8. Texas Journal of Chiropractic

Noland lists each publication with its publisher, then in a few paragraphs describes what the attorney should glean from it. He states that chiropractors are "aware that the seminars and literature pushed by the likes of DCs Parker and Fernandez sound like outright quackery and deal far more with questionable means and methods whereby a chiropractor can 'get rich quick' -- and stay that way -- than how to cure and relieve patients of whatever their complaints might be."

"Attorneys should also get the chiropractic witness to talk about the early history of chiropractic," Noland says. After getting the chiropractor to acknowledge "D.D. Palmer's strong belief he could cure anything by adjusting some one or another vertebra one way or another," the attorney should try to get the chiropractor to admit that nowadays "chiropractors claiming to cure acne, ulcers, impotency, menopause, and the like, is one reason why some skepticism about chiropractic is still extant to some limited extent, at least."

Noland then zeros in on what he calls "distasteful and/or misleading" advertising. "It is well to have a copy of the Yellow Pages from the telephone book at hand when cross-examining along these lines," he says.

He explains how he goes after chiropractors who advertise that they specialize in "accident cases -- workers' compensation -- industrial injuries -- personal injuries." Noland says he likes to ask if there is any board or other authoritative body which certifies a chiropractor as being a specialist in these areas. He then goes on to "establish that the chiropractor has advertised himself to be a specialist in accident, personal injury and workers' compensation cases because ... 'that's where the money is.'"

Noland urges attorneys to "get your chiropractor witness to boasting a bit about the many seminars he or she has attended ... " He then notes that many of these "so-called seminars and postgraduate courses" actually have to do with practice building -- "a phrase which actually means how chiropractors can get rich and stay rich by scaring the patients into coming back and back and back to the chiropractor's office -- all at the expense of the insurance company and not the patient."

George McAndrews has written in response, "I am always amazed when I see a doctor of chiropractic actually list attendance at a practice management seminar(s) as part of his or her curriculum vitae when applying for hospital privileges or membership in a learned professional society. Somebody has failed horribly in communicating to those chiropractors that the medical community collectively ridicules both the attempt to use that type of program as evidence of achievement and the naivete of the chiropractor in being so unaware of the disdain in which those programs are held by the medical and scientific community."

