

Ohio Trial Lawyers Recognize Keith Karr's Article on Chiropractors as Experts

Evid. R. 702 allows a witness to express opinion testimony if has "specialized knowledge, skill, experience, training, or education regarding the subject matter of the testimony." See, *Shilling v. Mobile Analytical Services, Inc.* (1992), 65 Ohio St.3d 252, 602 N.E.2d 1154 (A witness who is not a physician, but who qualifies as an expert under Evid. R. 702, may give evidence that would be relevant to diagnosis of a medical condition if the testimony is within the expertise of the witness); see also, *Shackelford v. Cortec, Inc.*, 8 Ohio App.3d 418, 457 N.E.2d 878 (12th Dist. 1982)(licensed chiropractor is qualified to give an opinion 'to a reasonable degree of medical and chiropractic certainty' relative to the diagnosis of occupational injuries.); see also, *Sprinkle v. Mayfield*, 1991 WL 15984 (2nd Dist.); see also *McDevitt v. Wenger*, 2003 WL 22700553 (5th Dist)(trial court did not allow treating chiropractor to give testimony linking the plaintiff's herniated disc with an auto accident, but the court of appeals reversed, holding that the witness was properly qualified to express an opinion on proximate cause).

It has also been recognized that "the practice of medicine includes the practice of chiropractic" and that a chiropractor is "authorized to examine, diagnose and assume responsibility for the care of patients." *Chiropractic Clinic of Solon v. Kutsko*, 92 Ohio App.3d 608, 636 N.E.2d 422 (1994). Each of these decisions reflect the broad scope of chiropractic practice set forth in R.C. §4734.09: "[P]ractice as a chiropractor means utilization of the relationship between the musculoskeletal structure of the body, the spinal column and the nervous system in the restoration and maintenance of health, in connection with which patient care is conducted with due regard for first aid, hygienic, nutritional and rehabilitative procedures and the specific vertebral adjustment and manipulation of the articulations and adjacent tissues of the body. The chiropractor is authorized to examine, diagnose and assume responsibility for the care of patients.

There I have attached an article in Ohio Trial on this topic authored by Keith Karr--Vol. 12, No. 3. Keith did a nice job.

Good Luck,

Pat