

# Appendix C

## One Fact, One Question

Here is an example of the power of *one fact, one question*. This excerpt is from a trial Paul did in a medical malpractice case. The case involved a lady who fell down some steps and broke her arm. The defendant orthopedic surgeon took x-rays of the arm and failed to diagnose her dislocated shoulder. He continued to see her for two months before he finally made the diagnosis. These questions were put to the defendant orthopedic surgeon at trial. The teaching tool comes from the answers, not from the questions. If you frame the questions correctly, you will get one-word answers. Take a look at this series of questions and answers.

Q Would you agree that if a bone such as the humerus is injured and it's broken, that you are responsible to look at the joint above and also the joint below in terms of films?

A Yes.

Q Okay. I asked you just before I showed you this, I'm sorry for being repetitive. I want to make sure I got the right answer. As a bone and joint surgeon, you are responsible for looking at the joint above the humeral fracture, which is the shoulder joint, true?

A Yes.

Q And the joint below the humeral fracture, which is the elbow joint?

A Yes.

Q And that's part of your job as an orthopedic surgeon?

A Yes.

Q And could we agree that an orthopedic doctor like yourself must exercise reasonable care?

A Yes.

Q You can go back if you wish, please. So clearly on this film of January 7, we have a dislocation?

A Yes.

Q You have to answer out loud.

A Yes.

Q And the quality of this film is fine?

A Yes.

Q And there is nothing wrong with the quality of the film or anything on the film that would cause you not to diagnose that dislocation, true?

A No.

Q It is a fair statement?

A Yes.

Q Sometimes that answer could be taken two ways. We have another film of January 7, 2003. This is again taken at your office?

A Yes, I believe so.

Q I will represent to you it was, and again we have a very good visualization of the shoulder joint?

A Yes.

Q And the shoulder joint is again very dislocated?

A Yes.

Q And it's very evident on the film?

A Yes.

Q And it would have been evident on the film on January 7, true?

A I thought that was the film from January 7?

Q It is, but I am saying it is evident, and on January 7 it was evident?

A Yes.

Q You didn't see it, true?

A Correct.

Q But you should have seen it, right?

A Correct.

Q Based on the combination of these three films, you should have seen and diagnosed the dislocation as of the seventh right?

A Yes.

Q And we see from looking at the shoulder joint that it's dislocated?

A Yes.

Q And again, this is something you should have seen on January 28, true?

A Yes.

Q Exhibit 12, again, another film taken on February 25 at your office. Again, the shoulder joint is clear?

A Yes.

Q And do we see the dislocation?

A Yes.

Q And this dislocation should have been seen by you in the exercise of reasonable care on the twenty-fifth?

A Yes.

Q And the same is true all the way back to the seventh of January?

A Yes.

Q We have seen films now, doctor, from your office from January 7, January 28, February 25, and those are all prior to the surgery on the tenth of March, true?

A Yes.

Q And we have agreed the dislocation appears on those films?

A Yes.

Q And we have agreed in the exercise of reasonable care you should have diagnosed it on those occasions?

A Yes.

Twenty-eight consecutive one word answers!