

EXAMINATION OF PERSONS

If the condition of a party (or person in the party's legal custody or control) is in controversy, the person may be required to submit to a physical examination.

If the exam is other than physical, you can move for an order compelling examination by a qualified expert.

Examinations often result in objections, so it's imperative to have a sound reason why an exam is needed.

If the party examined requests it, a copy of the examiner's detailed written report giving findings, results of tests, diagnoses, and conclusions must be provided. Failure to produce a written report results in the examiner's testimony being excluded at trial.



An examiner may be called as a witness by either side, in which case the findings cannot be excluded.

Like everything else in court, the burden to show the necessity of an exam is upon the party seeking the examination and must be shown by a preponderance.