

5.05 | MENTAL OR PHYSICAL EXAMINATIONS (RULE 35)

When the mental or physical condition of a party, or a person under the custody or legal control of a party, is at issue in a lawsuit, Rule 35 of the Federal Rules of Civil Procedure allows the Court to order that person to submit to a physical or mental examination. The examination must be done by a suitably licensed or certified examiner, and the party who requested the examination must pay the examiner. The examiner is not responsible for treating the person and any communications with the examiner are NOT confidential. Unlike other discovery procedures, physical or mental examinations can be obtained only by filing a motion with the Court or by agreement of the parties.

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Honorable Mention: USNYND, USCAND)

