

THE WETC PSYCHOLOGY NEWSLETTER

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"Find the Truth, Tell the Story"

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Exposing the Inconsistencies and the Lack of Credibility in Psych Reports

Last month I wrote a newsletter focused on defining a pre-deposition/pre-trial consultation for a litigated claim of a psychological or psychiatric injury. A review of that newsletter reveals that a psych pre-deposition/pre-trial consultation prepares an attorney to take deposition and/or trial testimony from a psychologist or a psychiatrist who wrote a report of their evaluation of a patient who has claimed a psychological injury.

With respect to the above, consultation with an expert witness specializing in psychology or psychiatry can prove to be beneficial for a variety of reasons. One advantage is that the expert witness has a trained eye to shed light on the many flaws that exist in the doctor's evaluative report. One such major flaw that appears in evaluative psych reports is inconsistent data.

Having read and critiqued medical-legal reports from psychologists and psychiatrists for over 30 years I have found that the vast majority of those reports contain substantial inconsistencies. Those inconsistencies are not only confusing and frustrating but they typically prove to be fatal flaws in the reports credibility. Unfortunately, finding those inconsistencies and bringing them to light during a

Browse Dr. Leckart's Book,
**Psychological Evaluations in
Litigation: A Practical Guide for
Attorneys and Insurance Adjusters**
at www.DrLeckartWETC.com

Pre-Deposition/Pre-Trial Consult Reports:

No matter where you are in the world as long as your report is in English, you can send it to me and I can provide you with a critique and a list of questions to ask the doctor during their testimony.

deposition or a trial can be challenging, especially for an attorney who is not trained in psychology or psychiatry.

Nonetheless, here is a list of the major inconsistencies most frequently found buried in psych reports:

1. Inconsistencies between the patient's complaints and the doctor's Mental Status Examination observations.
2. Inconsistencies between the patient's complaints and the history presented by the patient.
3. Inconsistencies between the patient's complaints and the doctor's psychological testing data.
4. Inconsistencies between the patient's complaints and the reviewed medical records.
5. Inconsistencies in the doctor's report of the patient's history at different points in their report.
6. Inconsistencies between the doctor's Mental Status Examination observations and their diagnosis.
7. Inconsistencies between the patient's medical records and the doctor's diagnoses.
8. Inconsistencies between the psychological testing data and the doctor's Mental Status Examination observations.
9. Inconsistencies between the psychological testing data and the patient's history.

10. Inconsistencies between the American Psychiatric Association's diagnostic manual's definition of a disorder and the patient's history.
11. Inconsistencies between the American Psychiatric Association's diagnostic manual's definition of a disorder and the doctor's Mental Status Examination data.
12. Inconsistencies between the American Psychiatric Association's diagnostic manual's definition of a disorder and the doctor's psychological testing data.
13. Inconsistencies between community standards in psychology and psychiatry for the evaluation of individuals claiming a psychological or psychiatric injury and the doctor's report.

Clearly, once the inconsistencies in the doctor's report are identified and the doctor is forced to admit to their presence the credibility of the report goes out the window.

The questions below, taken from a recent pre-deposition consultation report, are typical of those producing insurmountable difficulties for the erring doctor.

Doctor, will you please confirm for me that in discussing the results of your history taking on page 4 of your report you wrote that the patient said that, "Her memory is not that good." "Her concentration is not that good?"

Doctor, will you please confirm for me that on page 6 you stated that on the psychological testing "there was no obvious impairment in levels" of cognitive functioning including her memory and concentration?

Doctor, will you please tell me where in your report you commented on the obvious inconsistency between the patient's complaints, as described by you on page 4, and the results of the psychological tests you gave her as described by you on page 6?

Doctor, will you please tell me where in your report I can find a discussion of how this inconsistency between the applicant's complaints and your psychological testing data was taken into consideration in formulating your diagnoses?

Doctor, will you please confirm for me that on page 7 of your Mental Status Examination you summarily stated that, "her memory is intact"?

Doctor, will you please tell me where in your report you commented on the obvious inconsistency between the patient's complaints about her memory, as described by you on page 4, and your report of your Mental Status Examination memory findings as described by you on page 7?

Doctor, will you please tell me where in your report I can find a discussion of how this inconsistency between the patient's complaints and the Mental Status Examination data was taken into consideration in formulating your diagnoses?

On balance, the inconsistencies in evaluative psych reports can easily go undetected. However, obtaining a consultation that provides you with questions to ask the doctor will give you the upper hand in demonstrating the report's lack of credibility.

I encourage you to download a free sample pre-deposition consultation report written for an actual case on my website
www.drleckartwetc.com/samplereports

Pre-deposition/Pre-trial consults involving reports of an

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(e-mail us at DrLeckartWETC@gmail.com for more information)

This is the seventy-ninth of a series of monthly newsletters aimed at providing information about pre-deposition/pre-trial consultations, psychological evaluations and treatment that may be of interest to attorneys and insurance adjusters working in the areas of workers' compensation and personal injury. If you have not received some or all of our past newsletters listed on the next page, and would like copies, send us an email requesting the newsletter(s) that you would like forwarded to you.