

THE WETC PSYCHOLOGY NEWSLETTER

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"Find the Truth, Tell the Story"

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Apricots™ – Preparing Briefs for the Court

Last month I introduced the concept of an “Apricot™.” Technically speaking, an Apricot™ is defined as a legal document in the form of a privileged report written for an attorney by an expert witness who is providing an opinion about another expert's opinion prior to taking that other expert's deposition or trial testimony or prior to an attorney preparing a brief for a court contesting the validity of that expert's opinion.

Now the technical definition of an Apricot™ is something of a mouthful of words, which is one of the reasons for using the term Apricot™. It's a shorthand that describes what I love to do, producing Apricots™. Clearly, Apricots™ are not limited to psychology and psychiatry or to personal injury and workers' compensation cases as they can be written for criminal matters, social security issues or any other type of legal situation. They also can be written in any medical discipline such as orthopedics, neurology, internal medicine, or for that matter,

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.

in any discipline at all, such as real estate, plumbing, or aeronautics. If you have a need, an Apricot™ can always be written.

In last month's newsletter I talked about the major use of an Apricot™ in psychology and psychiatry, which is preparing an attorney to take an expert witness's deposition or trial testimony. In that newsletter I pointed out that attorneys are typically not trained in psychology or psychiatry and do not know what or how to ask the questions that expose the flaws in the testifying doctors' reports. In fact, a recent research study conducted in our office indicates that about 40% of the attorneys we surveyed said that the principal problem they have in taking those depositions is that they find them “stressful.” Clearly, I can reduce that stress level with a well-planned script for questioning the doctor. Better yet, another research project conducted in my office indicates that more than 90% of the adjusters are willing to pay for Apricots™ if the attorney makes the request. All good news!

As I pointed out in my last newsletter, the weakest link in psychological and psychiatric reports is the doctor's diagnosis. I also provided a series of sample questions that attorneys can use as a model for developing their own questions and avoiding the expense of an Apricot™. I also offered to provide free telephone consults to any attorney that has a problematic report and wants to know where the flaws are so they can plan their deposition strategy.

This month's newsletter extends the concepts of Apricots™ to preparing briefs for the court. In fact, most recently I am being called on to do just that. Clearly, there are times when it is not possible to depose the doctor. Perhaps the doctor's testimony has already been taken or discovery has closed and the attorney wishes to make a motion to the court about the credibility of the doctor's report

or reports as well as their testimony. Normally, these briefs are being written in an attempt to get the judge to throw out all, or at least some, of the doctor's testimony.

So here's what I can do for you. If you are seeking to file a brief to get a doctor's testimony thrown out all you need is a portion of my fully detailed Apricot™. That portion is a clear discussion of the substantial flaws found in the doctor's report or deposition testimony. Once again, if you send me the report I'll do it on the phone for free. I'll provide you with all the documentation, logic and reasons for the arguments to present to the court in a free phone consultation. If you want it in written form so that you can borrow the exact content to prepare your brief I'll do that too. I'll do whatever I can to help. The reason? I love doing what I do and you can keep me busy and out of trouble!

**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 eighty-second 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.