

THE WETC PSYCHOLOGY NEWSLETTER

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"Find the Truth, Tell the Story"

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More Helpful Tips for Cross-Examining Psych Doctors

As I'm sure readers who have followed my monthly newsletters will know, I am greatly interested in promoting the improvement of psychological and psychiatric reporting in medical-legal cases. In this regard, my major professional interest is helping attorney's cross-examine doctor's who have written flawed reports. I also help them write briefs for the court. My thought is that if the authors of those reports will recognize they can't get away with shoddy work they will improve their level of reporting. In my August and September newsletters I provided my readers with a total of nine tips on how to cross-examine psych doctors. Those nine tips are:

1. Never ask the doctor about the patient
2. Always focus on the doctor's diagnosis
3. Determine if the doctor's history supports their diagnosis
4. Find data about the patient's credibility
5. Make the doctor's Mental Status Examination results are consistent with the doctor's diagnosis
6. Be persistent if the doctor is non-responsive
7. Make sure the doctor's psychological testing data demonstrates patient credibility
8. Determine if the doctor's history is complete
9. If you're uncertain where the doctor's report is vulnerable get expert help

This month I have three more tips that experience has shown are useful in cross-examining doctors who have come to incorrect or unsupported conclusions.

Browse Dr. Leckart's Book at
www.DrLeckartWETC.com

If in reading a psych report you find reason not to trust its credibility but you can't put your finger on all of the problems or understand how to expose them on a Cx or in a brief you can send it to me for a thorough analysis.

10. Be prepared, don't gamble during a deposition

Life can be boring or exciting. However, you don't want excitement if you're taking a psych doctor's deposition. You want it cut and dried with no surprises. This requires extensive planning. Before going into the deposition make sure you know where all the flaws are in the report and exactly the questions you are going to use to expose those flaws. You cannot plan to much. If you want to see some specific questions to ask, check out my sample reports at www.DrLeckartWETC.com.

11. Study up on the validity scales of the Minnesota Multiphasic Personality Inventory (MMPI)

In one form or another the Minnesota Multiphasic Personality Inventory (MMPI) has been the gold standard of psych testing for over 70 years. Interpreting an MMPI is a two-step process. The first step requires an interpretation of the validity scale scores to determine if the individual taking the test did so honestly or was trying to depict themselves in an unrealistic light or was attempting to simulate symptoms, exaggerate, "fake" or Malingering. Only when those validity scales are within normal limits can anything be said about the patient's psychological status. If you can show that a patient was "faking" when examined by the doctor and the doctor didn't draw that conclusion, what does that say about the doctor's report?

12. The fallacy of the “Cry For Help” explanation of “faking”

As noted above, the MMPI provides objective scores that determine if the patient was faking or reporting symptoms that do not exist. Too many psych doctors try to explain an attempt to fake symptoms as “a cry for help.” When taking the doctor’s deposition simply ask questions that point out that the notion of “a cry for help” is just one explanation or one theory of why the patient was faking. Obviously, another explanation is that the patient was making “a cry for unwarranted benefits.” However, neither explanation or theory changes the fact that the patient was faking. By asking the right questions you can force the doctor to admit that fact during the cross-examination,

further damaging their diagnosis as well as their conclusions about injury, disability and the need for treatment.

Overall, using the tips I have provided for cross-examining psych doctors will improve the outcome of your medical-legal cases by revealing flaws found in the doctor’s report that render their conclusions inappropriate. For more information on cross-examining psych doctors and finding the flaws in their reports and conclusions check out my website at www.DrLeckartWETC.com where you can also download a free copy of my book Psychological Evaluations in Litigation: A Practical Guide for Attorneys and Insurance Adjusters.

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for more information)

This is the ninety-third 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.