

THE WETC PSYCHOLOGY NEWSLETTER

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"Find the Truth, Tell the Story"

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Negotiating a Better Deal on Psych Cases

In the words of John Henry Wigmore, cross-examination is "beyond any doubt the greatest legal engine ever invented for the discovery of truth."

3 Wigmore, Evidence §1367, p. 27 (2d ed. 1923)

If you're a personal injury or workers' compensation attorney you inevitably deal with litigation involving claims of a psychiatric or a psychological injury. Most of those cases get resolved before trial. I can help you get better deals!

I have been a college professor and have practiced forensic psychology for a bit more than 33 years. During that time I have evaluated between 5,000 and 10,000 people. I have also reviewed tens of thousands of psych reports. I know where all the bodies are buried. I also am certain that the vast majority of psych reports are substantially flawed. Very simply, those reports are vulnerable because their conclusions are not supported by the data in the report.

My current practice specializes in writing reports in simple language that expose those vulnerabilities. I also describe the psychological literature that supports my conclusions. Typically, I provide simple direct questions that are designed to force the reporting doctor to expose their errors on cross-examination.

For simplicity in discussion I call my reports Apricots™. Apricots™ can be used for depositions, trials and/or appeals but you can also use them in

"An Apricot™ is a written-analysis of a psych report that you have that may not be in your favor. I find every flaw in the report, explain why they are flaws, and provide documentation from the published psychological and psychiatric literature that demonstrate that these flaws exist."

negotiations with opposing counsel. Those negotiations typically result in that attorney unmistakably understanding the weakness in their case that leads to a settlement more in your favor.

For example, I recently called an attorney who represented a major county asking for feedback on an Apricot™ he got from my office. The attorney told me that he didn't want to drive an hour in traffic to the doctor's office to take the doctor's deposition so he decided to email the Apricot™ to the opposing counsel. Almost two hours later to the minute, the opposing attorney called him and said she also did not want to drive an hour to the doctor's office especially if he planned to ask the questions in the Apricot™. Ultimately, the opposing counsel asked if he was interested in settling the case. The attorney told me he brought down the opposing attorney's initial demand by \$65K and was very happy with the deal.

If you want proof I can deliver a debilitating Apricot™, send me your next flawed report and I'll prove it to you! If I can't demolish that report, my time is "on the house" and I'll buy you a terrific dinner at a great restaurant.

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

This is the one-hundred twentieth 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, and would like copies, send us an email requesting the newsletter(s) that you would like forwarded to you.