

THE WETC PSYCHOLOGY NEWSLETTER

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"Find the Truth, Tell the Story"

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Saving Client Money While Defending Psych Claims

I've been doing psych evaluations for litigation for over 30 years. During that time I've worked for both the defense and the plaintiffs or applicants. I've read and critiqued between 30,000 and 50,000 psych reports but rarely have I seen a report whose conclusions were adequately supported by the data. For the last 12 years I have been a renegade on a crusade to eliminate substantially flawed reports, being willing to incur the wrath of my colleagues by going into court and testify against other doctors.

As part of my service, I have been writing Apricots™ to help attorneys win their cases. For reasons I cannot really understand, most of my commissions come from defense attorneys although substantial flaws are equally found in reports commissioned by both sides. Regardless, an Apricot™ is a work-product privileged report that helps an attorney cross-examine and/or write a trial brief by describing the substantial flaws found in a psych doctor's report in jargon-free, non-technical language with supporting documentation from the peer-reviewed literature. Apricots™ also provide attorneys with a series of specific questions to ask the doctor that results in getting those flaws into the record despite the doctor's evasive or non-cooperative behavior.

One way of saving on the costs of litigation is NOT to hire a doctor to examine the claimant. Let's see how that might work.

Whether you are on one side or the other there will be times when your opposing counsel will have the claimant examined by a psych doctor. That

"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."

doctor will write a report. One common way of coping with that report is to hire your own doctor to examine the claimant, give deposition testimony and perhaps appear in court to testify about the claimant's psychological condition. Of course, this is not inexpensive.

Another way of dealing with the case is initially to simply deal with the doctor's reports and records. Considering that the chance is great that the physician's report is substantially flawed and relatively easily discredited, you can have me write an Apricot™ and use that document and the questions I provide to discredit the doctor's testimony during a deposition or at trial. At that point, the opposing counsel will be more amenable to a settlement in your favor and you will have saved the expense of another doctor's report as well as the associated costs of depositions and trial testimony.

Finally, I would like to suggest to you that if you have a report that you suspect is substantially flawed you can send me a copy and I'll tell you all about it's flaws in a free telephone consult at 844-444-8898. At that point you can decide if you want me to write an Apricot™ or go it alone based on the information I gave you. If you decide on the later you can go to my website at DrLeckartWETC.com and download a free copy of my book, Psychological Evaluations in

Litigation: A Practical Guide for Attorneys and Insurance Adjusters and use some other resources found there to plan out your strategy.

Or, you can ask me to write a report that includes a complete analysis of the flaws with

supporting data and professional literature citations as well as a full set of questions that will dismantle the doctor's testimony during cross-examination. Either way, I'm here to help.

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