

# THE WETC PSYCHOLOGY NEWSLETTER

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"Find the Truth, Tell the Story"

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## Tips to Use for Effective Cross-Examination of Psych Doctors

If you've followed my previous newsletters you probably know that I thoroughly enjoy providing material for attorneys to use as a guide in approaching cross-examination of psych doctors. In addition to the 99 newsletters available for download at my website [www.DrLeckartWETC.com](http://www.DrLeckartWETC.com), my book Psychological Evaluations In Litigation: A Practical Guide for Attorneys and Insurance Adjusters, and the multiple tips that I have published, I write Apricots™ for attorneys and insurance adjusters. 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 supports the contention that these flaws exist. I also provide multiple questions for the attorney to use in cross-examining the doctor as well as specific techniques to use on Cx.

All of the 30 tips discussed in my seven previous newsletters 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 the doctor's data about the patient's credibility
5. Make sure 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
10. Be prepared, don't gamble during a deposition

*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.*

11. Study up on the validity scales of the Minnesota Multiphasic Personality Inventory (MMPI)
12. The fallacy of the "Cry For Help" explanation of "faking"
13. Determine if the review of medical records supports the doctor's diagnosis
14. Determine if the doctor's Major Depressive Disorder diagnosis is complete
15. Determine if the doctor used the appropriate diagnostic manual
16. Determine if the psych report lacks sufficient data to support the doctor's diagnosis
17. Look for the MMPI testing data
18. Make sure the doctor's diagnosis appears in the DSM
19. Determine if the review of medical records contains psychological-sounding diagnoses made by non-mental health physicians
20. Determine if the doctor's Major Depressive Disorder diagnosis is supported by information about the frequency of the patient's symptoms
21. Know the common flaws in psychological testing reports
22. Determine if the team-approach is appropriate
23. Look for a current Global Assessment of Functioning (GAF) score and the highest GAF score in the previous year
24. Testing always requires a test proctor or supervision
25. Sadness and crying are normal
26. Specifying Personality Traits on Axis II
27. Panic Disorder
28. Psychological Factors Affecting Medical Condition from the DSM-IV-TR
29. Collateral Sources of Information in Psych Reports
30. The Five Axes Diagnostic System

Browse Dr. Leckart's Book at  
[www.DrLeckartWETC.com](http://www.DrLeckartWETC.com)

Below are three additional tips to use for effective cross-examination of psych doctors.

Tip #31 - Own the Diagnostic and Statistical Manual of Mental Disorders (DSM)

The most current version of the Diagnostic and Statistical Manual of Mental Disorders (DSM), the DSM-5, was published by the American Psychiatric Association in May, 2013. Prior to that, the DSM-IV-TR was published in 2000. Before that, the DSM-IV was published in 1994. Moreover, when you are reading a psych report, find the area in the report where the doctor stated which version of the DSM they used in arriving at their diagnostic conclusions. It is also strongly recommended that you take a copy of the version(s) of the DSM that the doctor used in arriving at their diagnostic conclusions to the cross-examination and display that manual in a prominent position. As of this writing, some electronic copies of the DSM are available on the Internet for as little as \$0.99.

Tip #32 - Sentence Completion Tests

Psychological tests commonly used by psych doctors in conducting a medical-legal evaluation are Sentence Completion Tests. Sentence Completion Tests are instruments in which the individual is given the first part of a sentence that they are asked to complete in any manner in which they deem appropriate. The doctor then “interprets” what they feel is the meaning of the individual’s productions. Unfortunately, there are absolutely no standards for interpreting the results of Sentence Completion Tests, resulting in a situation in which this type of test has absolutely no validity or reliability with regard to assessing

psychopathology. Clearly, Sentence Completion Tests have no known use in medical-legal evaluations.

Tip #33 - Use of the Epworth Sleepiness Scale

Another commonly used test in psychological evaluations is the Epworth Sleepiness Scale. The Epworth is a self-report instrument that asks the test-taker to rate themselves on a 4-point scale describing their impression of the likelihood of their “dozing or sleeping” under eight circumstances such as sitting and reading, watching television, lying down in the afternoon or stopped in traffic for a few minutes. The test-taker can receive a total score of between 0 and 24, with a higher score indicating that they believe they are more likely to fall asleep or doze under the stated circumstances. It is advised that a score greater than 10 indicates that the test-taker should consider whether they are obtaining adequate sleep or need to see a sleep specialist. Unfortunately, there are no validity scales included in the test to determine whether the test-taker has completed the items in an honest and frank manner and therefore the test is completely useless for medical-legal evaluations.

All 33 tips provided above can be used to prepare for cross-examining a psych doctor. Essentially, every attorney who has a psych report that is not in their favor, and who plans to depose the psych doctor, should review the report and identify the flaws that exist. Using the tips discussed in my newsletters will help you to plan an approach for the cross-examination and to develop questions that will expose the flaws that exist in the doctor’s report.

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for more information)

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