

THE WETC PSYCHOLOGY NEWSLETTER

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"Find the Truth, Tell the Story"

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Personal Injury Psych Cases: Preparing for a treating doctor's deposition or trial testimony

As outrageous as it might sound, every psych report written for the courts is flawed, some more than others. Over the last four months I have written monthly newsletters about how to cross-examine a psych doctor who has written an evaluative report concerning a plaintiff who has claimed a psychological or psychiatric injury. As I pointed out, the keystone of any such report is the doctor's diagnosis. The gold standard in this area is the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders (DSM), which precisely defines all of those diagnoses. As mentioned in my June, 2017 newsletter, if there are not enough symptoms or complaints found in the doctor's report to support their diagnosis then that report is vulnerable to an aggressive and well-informed cross-examiner.

If you are on the defense's side, one demonstrably valid way to improve the outcomes of your cross-examinations is to commission an Apricot™ that will provide you with specific questions to expose the flaws in the doctor's report. Similarly, if you are at the plaintiff's table, an Apricot™ can be used to expose the flaws in a defense commissioned psych report. Or, as either the plaintiff's or the defense's attorney, an Apricot™ can provide you with information that will help you prepare the doctor to respond to questions the other side may ask your witness. Essentially, an Apricot™ is a work-product privileged report that describes the shortcomings found in a doctor's report in jargon-free, non-technical language. Apricots™ include specific simple questions to ask the doctor that gets those

"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."

flaws into the record despite what might be the doctor's evasive or non-cooperative behavior. If you want more information about Apricots™ you can give me a call at (844) 444-8898 or look at a sample report on my website www.DrLeckartWETC.com.

Having provided you with the information about evaluative psych reports it is only fair to say that I understand that in a large number of personal injury psych cases there is no comprehensive evaluative psych report, just a series of treatment or case notes. The main question then becomes, "How good are the treating doctor's records in convincing the judge and/or jury that the plaintiff has had a psychological or emotional injury that requires compensation, and if so, how much?"

One thing is for sure, it doesn't matter if the injury was caused by an automobile accident, a slip and fall, exposure to a chemical, negligent or intentional infliction of emotional distress, wrongful death, libel and/or slander, dog bites, racial or sexual discrimination, sexual harassment, assault and battery, product defects, bad faith litigation, refusal or service, or medical malpractice. The only thing that matters is: Are the doctor's records and testimony sufficient to stand up to a cross-examination that will warrant the conclusion that the plaintiff has suffered a compensable psychological injury?

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

Let's face the facts. If you are reading this you are most likely either an attorney or an insurance adjuster. As such, you have education, training and experience in those areas, but are relatively inexperienced about the ins and

outs of psychological diagnoses and psychological or psychiatric treatment. As such, you can certainly profit from my 30+ years in forensic psychology. The bigger the case, the more valuable my help.

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(e-mail us at DrLeckartWETC@gmail.com
for more information)

This is the one-hundred fifth 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.