

THE WETC PSYCHOLOGY NEWSLETTER

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"Find the Truth, Tell the Story"

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Cross-Examining Psych Doctors: Difficulty In Fighting Causation

One of the most important tasks given to a psych doctor when examining a patient is to determine if the patient has a psychological disorder. Another important task is to determine the cause of the patient's psychological disorder. In this regard, you can typically find the doctor's opinions about causation in a dedicated section of their report where they discuss their conclusions and recommendations.

In order to understand the doctor's opinions, it is necessary to consider how the doctors arrive at their conclusions. Now the key question becomes, "What data should be in a report to support the doctor's diagnosis?" Essentially, psychological diagnoses utilize as many as five different sources of information. All but the last, collateral sources of information, should appear in each report.

These sources are:

1. The patient's life history and their presenting complaints or symptoms
2. The doctor's report of their Mental Status Examination
3. The psychological testing data
4. A review and discussion of the patient's medical records
5. Collateral sources of information

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Unlike the doctor's diagnosis that must be supported by as many as five different sources of information, causation is left almost entirely to the doctor's subjective opinions. In fact, when asked by an attorney how they came to determine causation of the patient's psychological disorder, the psych doctor can simply rely on their subjective opinions.

For example, the attorney may ask the psych doctor on cross-examination, "Doctor, will you please explain how you arrived at your conclusion about causation?" Accordingly, the doctor may respond, "Based on my evaluation it is my professional opinion that causation of the patient's psychological disorder is the back injury they sustained. Without the injury to their back, the patient would not have suffered the psychological disorder." Clearly, all the doctor has to do is repeat, like a broken record, "it is my professional opinion that....." Unfortunately, chances are high that the attorney will be unsuccessful in getting the doctor to change their opinions about causation since causation is left entirely to the doctor's subjective opinions.

In short, the above information can be used to improve the outcome of your medical-legal cases by making sure that you are adopting an effective strategy in cross-examining psych doctors. Essentially, you will likely see better outcomes when cross-examining psych doctors if you avoid questions

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directed at their opinions about causation. Instead, your first consideration always should be the doctor's diagnosis. In this regard, you should always look at the

doctor's report to determine if there are sufficient data from the patient's history, psychological test performance and the doctor's Mental Status Examination to support the doctor's diagnosis.

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