

THE WETC PSYCHOLOGY NEWSLETTER

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"Find the Truth, Tell the Story"

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The One-Sentence Psych Report

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)

I have been doing psychological evaluations of workers' compensation applicants and personal injury plaintiffs for over 33 years. In doing so I have evaluated between 5,000 and 10,000 individuals.

In addition, for the last 10 years I have been writing Apricots™. An Apricot™ is a work-product privileged report written for an attorney who believes they have a substantially flawed psychological or psychiatric report that can harm their client's case. My job is to find and describe those flaws in non-technical language and to discuss the specific techniques and strategy for cross-examining the doctor with simple questions designed to get those flaws on the record during a deposition or trial despite the doctor's evasiveness. That same Apricot™ can be used to write a brief for the trial court or an appeal.

The overwhelming majority of the psych reports I see fall into two categories. **Wash-outs**, where the doctor has mistakenly concluded that there is nothing psychologically wrong with the patient and **wash-ins**, where the doctor has mistakenly concluded that there is something psychologically wrong with the patient. **In the majority of these "failed reports" the psychiatrist or psychologist has provided absolutely no evidence or data to support their conclusions.....and I prove it!**

Email us at:
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"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."

The bottom line here is that the reports are so weak and absent of sufficient credible data that the doctors might as well have written their report as a single summary sentence, below:

Wash-out: Mr. Smith has not had a psychological disorder or a psychiatric injury as a result of the event(s) stated in the litigation's filings and has no permanent psychiatric disability or need for psychological or psychiatric treatment as a result of the claimed occurrence.

Wash-in: Mr. Smith has suffered a psychological disorder and a psychiatric injury that needs both psychological and psychiatric treatment as a result of the event(s) stated in the litigation's filings and is permanently and totally psychiatrically disabled with all his disability attributable to the claimed occurrence.

If you don't believe I can deliver a debilitating Apricot™, send me your next psych report that you believe to be flawed, 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.

This is the one hundred twenty-second 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.