

THE WETC PSYCHOLOGY NEWSLETTER

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"Find the Truth, Tell the Story"

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Basic Questions to Ask Yourself About Psychological Testing in a Psych Doctor's 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)

Of all the five sources of information that are obtained about individuals undergoing psychological evaluations, the only form of objective data that speaks to the examinee's credibility and is open to public inspection is the psychological testing data. Further, the psychological testing data found in a psych report is the only information collected by a doctor during a psychological evaluation that can be presented to the court in an objective and generally numerical fashion. For these reasons, and others, it is imperative to closely examine the psychological testing data found in a psych doctor's report.

My newsletters of December, 2018 and April, 2019 discuss some of the essential questions you should ask yourself about a psych doctor's report when you have such a report on your hands involving a claim of a personal injury, workers' compensation, or some other civil matter. You can download free copies of my December, 2018 and April, 2019 newsletters from my website: www.drleckartwetc.com. The essential questions discussed in those newsletters are:

1. Does the doctor's report contain sufficient historical information about the patient's life history and presenting complaints to support the doctor's diagnostic conclusions?

"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."

2. Does the diagnosis the doctor provided exist in the Diagnostic and Statistical Manual of Mental Disorders (DSM)?

3. Did the doctor use an obsolete DSM manual?

4. Does the doctor's report contain sufficient Mental Status Examination observational data to support the doctor's diagnosis?

5. Does the doctor's report of their Mental Status Examination contain statements of the patient's symptoms or complaints?

6. Does the doctor's report of their Mental Status Examination provide sufficient information about the doctor's measurements of the patient's memory, concentration, insight and judgment, and the results of those tests?

The current newsletter discusses two basic questions to ask yourself about the psychological testing data in a psych doctor's report.

7. Did the doctor administer and report on the results of the Minnesota Multiphasic Personality Inventory (MMPI)?

The Minnesota Multiphasic Personality Inventory (MMPI) is the gold standard of psychological test batteries used for medical-legal purposes. The MMPI is an instrument that is widely accepted by psychologists and psychiatrists as being capable of measuring any existing psychopathology and an individual's test-taking attitudes or credibility. The MMPI-2 is the 1989 revision of the original MMPI that dates back more than 70 years and has

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many proponents who depend on the test's validity scales to provide information about the individual's test-taking attitudes and credibility. The MMPI-2 is also the most commonly used version of the MMPI by psychologists and psychiatrists. With regard to the MMPI-2, every validity and clinical scale performance is described with a T-Score. All T-Scores on the validity scales and the clinical scales on the MMPI-2 have a mean of 50 and a standard deviation of 10. In this regard, it should be noted that it is well known and universally accepted that T-Scores of 65 or larger are clinically significant or interpretable. As such, in reading a psych report if you find that the psych doctor declined to administer the MMPI, that doctor should be asked, "Doctor, considering that the Minnesota Multiphasic Personality Inventory (MMPI) is an instrument that is widely accepted by psychologists and psychiatrists as being capable of measuring any existing psychopathology and an individual's test-taking attitudes or credibility, where in your report did you discuss your reasons for choosing to not administer an MMPI?"

In addition to the above, for some unknown reason, many psych doctors choose to omit MMPI scores from their report. The absence of those scores means that the reader of their report cannot verify the basis for their summary conclusions. When you see that a psych doctor has declined to provide the patient's MMPI scores in their report, you should ask them if there is anything in their report that would allow the reader of that document to confirm their conclusions.

8. How were the psychological tests administered?

The circumstances under which psychological tests are administered can be crucial for the outcome of those tests. Generally, it is important for tests to be administered under standardized conditions that guarantee that the testing environment provides adequate seating and lighting, privacy, ventilation and an absence of distractions such as noise. It is also important to have a test proctor oversee the process and make sure that the examinee is completing the tests in the prescribed manner and not, for example, responding randomly or making errors as a result of a lack of understanding of the instructions. A test proctor can also guard against any irregularities, including the possibility

that the testing was not taken by the person to whom it was intended to be administered. For example, in the case of the MMPI-2, the testing manual for that test provides information on the administration of the test, including the required testing conditions on pages 8 through 10 of that manual.

An inspection of page 8 of the testing manual indicates that it reads in part,

"It is strongly recommended that the MMPI-2 not be administered without proper supervision and that it not be given to test-takers to complete at home."

Thus, when you have a psych report for a case, it is a good idea to ask yourself, "How were the psychological tests administered?" When you find that the doctor declined to describe their methodology used in administering the psychological tests, or you have reason to suspect the doctor gave the patient the tests to take at home, the doctor should be asked, Where in your report I can read about the methodology you utilized in administering the psychological tests that you discussed in your report?

In closing, asking yourself the questions discussed above can be useful to identify the major flaws in a psych report and ultimately see better outcomes in your psych cases. You can find more tips and additional information for cross-examining psych doctors and identifying common flaws in psych reports at my website, www.DrLeckartWETC.com where you can also download a free copy of my book Psychological Evaluations in Litigation: A Practical Guide for Attorneys and Insurance Adjusters. I have also made available sample Apricots™ for download from my website. Apricot™ reports are written for insurance adjusters and their attorneys who wish to expose those flaws during trial, at a deposition or in a brief written for the court. Apricots™ discuss each and every flaw in everyday English with documentation from the current published psychological and psychiatric literature and provide questions to ask the doctor in a deposition or at trial. Please feel free to email me with any questions you have about cross-examining psych doctors, DrLeckartWETC@gmail.com.

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