

# THE WETC PSYCHOLOGY NEWSLETTER

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## Memory and Credibility In Psychological Evaluations

The history presented by the person being evaluated is an essential element of all psychological evaluations, whether in workers' compensation, personal injury litigation, non-injury treatment situations, or in criminal investigations or prosecutions. The first consideration of the person doing the evaluation is the credibility of that history. That credibility can be evaluated by a number of means. One such method is internal consistency. During a relatively long face-to-face examination process, which in some contexts may last days or even weeks, it is possible to compare what the individual has said at different points in time. Another method is to compare what the person being evaluated has provided as historical information to other examiners or under other circumstances. Additionally, credibility can be measured by looking for behavioral indications of deception such as evasiveness or vagueness. There are some objective instruments that can be used under some circumstances, such as the Minnesota Multiphasic Personality Inventory (MMPI), which has well known and highly valid scales to measure deceptiveness. And finally, in some circumstances, it is possible to use a polygraph or a "lie detector."

In conducting psychological evaluations for more than a quarter of a century, it has become obvious to me that it is indeed a rare individual who will not present with some memories that just don't seem to fit in with the rest of their story. It is also apparent to me that unless these individuals are highly sophisticated these inconsistencies are not part of a plan to deceive, but are simply normal, understandable, reasonable and expectable behavior given what we know about the process of memory.

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*"in conducting psychological evaluations one has to understand that people and their memories are quite complex and not simply mirrors of reality. Thus, when one uncovers some contradiction between one accounting of an event and another, it is necessary for the evaluator to consider all of the data and not just what might be a single inconsistency."*

Probably the single most important advance in psychological thinking in the last 40 years has been the creation of Cognitive Psychology. This post-World War II creation was largely the work of Dr. Ulric Neisser, a psychologist, who in the 1960's began convincing mostly academic psychologists that behaviorism was limited and that internal mental processes like memory and thinking could be studied in a manner different than the speculative offerings of psychotherapists and personality theorists like Sigmund Freud. One of Dr. Neisser's major conceptual contributions was to draw the analogy between a computer and the human mind, thinking of both as an information processing and storage system. However, we now know that this analogy can be taken too far. Essentially, as we all know from day-to-day living, memory is not perfect. Our minds and memories are not simply hard discs, videotape machines or DVD recorders that store information and provide perfect recollections when asked to recall events from our past. In fact, it appears likely that memory is an active reconstruction of the past that is subject to many factors and variables rather than a process that produces a completely accurate accounting of what has occurred.

During my 30-year tenure as a full time college professor I often found it necessary to fall back on a simple demonstration that points out the fallibility of memory. Imagine a college professor standing up in front of a class lecturing. Then imagine a person walking into the class,

picking up a book from the professor's desk and simply walking out. Now, imagine asking the students in the room to describe the event and what the person looked like. If you have ever been part of this demonstration you will be amazed at the different "memories" that the class members will have of what the person looked like and what they did. In fact, when you hear the different descriptions, it's hard to imagine they all saw the same thing.

The above-described demonstration is an example of the reconstructive nature of memory. Essentially, when we have an experience, some information about that event is stored in our central nervous system. When it comes time to recall that event or provide a description of what occurred, we reconstruct the event from the stored information. Those reconstructions are our personal interpretation of events that conform to our beliefs, values, prejudices, and prior experiences among other things, or to who we are and the sum total of our lives. What comes out of our "memories" is thus a creation that depends on a multitude of variables and does not necessarily reflect a "photograph" of the event in question. Even the United States Supreme Court has recognized how "notoriously unreliable" eyewitness testimony, memories of what a person has supposedly seen, can be.

Okay, so I think I have made my point. When someone tells me that something has occurred in the past, that should be taken as a hypothesis that can be assessed for reliability and validity by checking it against other accounts. However, when those accounts do not match up it is not

necessarily indicative of the person actively being deceptive. This situation frequently arises in workers' compensation and personal injury litigation where a plaintiff or applicant will seemingly say one thing on one occasion, perhaps to one doctor, or perhaps during a deposition, and say something different to another doctor. If the stories are grossly different, then the patient's credibility is at stake. However, as my mother told me, "Don't make a mountain out of a molehill!" To wit, it would be a rare person indeed who could relate a series of details in an accident or injury that was exact in all details from one telling to the next. In fact, if a person was to tell exactly the same story with no variability, one might suspect that it was well rehearsed and not necessarily true since it is quite normal to observe that with repeated tellings every accounting will change, at least a little bit.

In short, in conducting psychological evaluations one has to understand that people and their memories are quite complex and not simply mirrors of reality. Thus, when one uncovers some contradiction between one accounting of an event and another, it is necessary for the evaluator to consider all of the data and not just what might be a single inconsistency.

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