

THE WETC PSYCHOLOGY NEWSLETTER

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"Find the Truth, Tell the Story"

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The Economics of Dismantling Flawed Psych Reports

I've been doing personal injury and workers' compensation psych cases for over thirty years. In that time I have evaluated about 10,000 claimants. I've also reviewed about 50,000 psych reports. For the last 12 years I have written reports and given testimony that conclusively demonstrates that the vast majority of the opposing doctor's reports are substantially flawed and can be revealed on cross-examination of the doctor to be worthless with regard to a judge and/or jury drawing a reasonable conclusion that a claimant has had a psychiatric injury. As part of what I write in my reports, which are commissioned to critique the opposing doctor's conclusions, I provide attorneys with a specifically designed line of direct questions that demonstrate to even the most unsophisticated juror the worthlessness of the opposing doctor's opinions.

My reports are not inexpensive. A typical report costs between \$6,000 and \$10,000, depending on the number of diagnoses and the number of errors the doctor made. They usually run about 50-70 pages. In those pages the attorneys and adjusters find specific information about the substantial flaws in the opposing doctor's report. Nowhere in my reports do I present any unsupported summary conclusions. Everything I say is documented and backed up with the appropriate citations from the extensive published peer-reviewed psychological and psychiatric literature dating back to the 1800's. Not only am I a renegade crusader in pursuing my fraternity brothers and sorority sisters in forensic psychology and psychiatry who "mess up," I'm also

a student of the game, and a Professor Emeritus of Psychology who at one time was the youngest full professor of psychology in the United States. If there is a forensic psychologist with my academic background I've never heard of them.

So now I want you to consider the logic behind spending between \$6,000 and \$10,000 to dismantle or destroy another doctor's testimony. The bottom line here is that if a plaintiff's or applicant's attorney presents a six to eight figure settlement demand, and I have worked on some very large cases, my fee is miniscule provided I can do what I say. So what is it that I do? What is the logic or rationale behind my reports?

Essentially, the major problem with psychological and psychiatric reports is misdiagnosis. Once an attorney can demonstrate that there is no support for the doctor's diagnosis all of the conclusions about a compensable mental injury get thrown out the proverbial window. Well, how is that done?

The current accepted standard for psychological diagnoses is the DSM-IV-TR, the American Psychiatric Association's Diagnostic and Statistical Manual, Fourth Edition, Text Revision. A beautiful book that clearly and directly specifies the signs and symptoms that must be present in order to draw a conclusion that the plaintiff is suffering from a disorder. So where do the doctors fall short?

As I've written in innumerable places, including my book, Psychological Evaluations in Litigation, a copy of which you can read and or download for

free on my website at DrLeckartWETC.com, psychological diagnoses are based on as many as five sources of information. These sources are:

1. The doctor's complete history of the patient's symptoms or complaints, including information about their qualitative nature, frequency, intensity, duration, date of onset and course over time.
2. The results of the doctor's Mental Status Examination, including data obtained from their direct observations of the patient's mood, affect, memory, concentration, insight and judgment.
3. The findings of an objective psychological testing battery, including data in the form of specific scores from a well-known, valid and reliable test such as the MMPI (Minnesota Multiphasic Personality Inventory), that show that the patient has been both honest and credible during the doctor's examination and in all reasonable medical probability is suffering from one or more psychological disorders found in the DSM-IV-TR.
4. and 5. A review of the patient's medical records and a presentation of any data that may have been obtained from the patient's friends, relatives and/or business associates supporting the doctor's conclusions.

Most importantly, I provide a series of specific questions to ask the doctor, that when answered demonstrate the opposing doctor's conclusions are wrong! Those questions are backed up with cold, hard data and reasoning that can stand up to any attempt of the opposing counsel to rehabilitate the doctor's typically embarrassing testimony.

Quite simply, it is a rare psychologist or psychiatrist who has written a report and/or given deposition or trial testimony that demonstrates the existence of a psychological disorder as a result of the claimed injurious occurrence(s).

Compare my \$6,000 to \$10,000 fee that results in the opposing doctor's testimony being shown to be worthless with the jury and/or judge providing an award that dwarfs my charge!

This is the one hundred forty-fourth 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.