What’s Wrong With My Client: Understanding Psychological Testing in Order to Work Effectively With Your Expert

Common Standardized, Norm Referenced Psychological Tests:

**Diagnostic (“Personality”) Tests:**
- Minnesota Multiphasic Personality Inventory (MMPI-2)
- Personality Assessment Inventory (PAI)
- Millon Clinical Multiaxial Inventory (MCMI)
- Adolescent Psychopathology Scale

**Tests of Cognitive Function:**
- For use when you are concerned about Intellectual Disability (ID)
- IQ tests
  - Weschler Adult Intelligence Scale WAIS-IV
  - Stanford-Binet 5
  - BETA: Not a gold standard IQ test but used in the DOC system and often found in client records. Can use as comparison if needed and when no school records are available
- Adaptive Functioning Questionnaires
  - Adaptive Behavior Assessment System (ABAS)
  - Vineland

**Neuropsych Testing: Numerous measures to assess cognitive flexibility, verbal and non-verbal learning and memory, perception, motor function, language processing, executive functions**
- For use when you suspect
  - Attention Deficit Hyperactivity Disorder (ADHD)
  - Traumatic Brain Injury (TBI) or Organic Brain Dysfunction
  - Developmental issues
- Behavior Rating Inventory of Executive Function (BRIEF-A)
- Repeatable Battery for the Assessment of Neurological Status (RBANS)
- TOVA/CPT (Tests of Attention)
- Comprehensive Trail-Making Test; Wisconsin Card Sorting
- Halstead-Reitan Neuropsychological Battery
- Luria-Nebraska Neuropsychological Battery
- Qualitative Electroencephalography (QEEG)

**Educational Testing:**
- You should consider education testing when:
  - You want to test for learning disabilities
  - You suspect that your client can’t read and has comprehension deficits
  - You are challenging
    - Competence to stand trial
    - Whether your client’s Miranda waiver was knowing and voluntary
- Wechsler Individual Achievement Test (WIAT)
**Catch-all:**
- Trauma Symptom Inventory (TSI)
- Substance Abuse Subtle Screening Inventory (SASSI)
- Emotional Maturity Assessment
- Depression/Anxiety Assessment (numerous)
  - Brief Symptom Inventory (BSI)
  - Beck Depression Inventory (BDI)
- Tests of Response Style. Malingering, Low effort
  - Test of Memory Malingering (TOMM)
  - Structured Inventory of Reported Symptoms (SIRS-2)
  - Inventory of Legal Knowledge (ILK)
  - Structured Inventory of Malingered Symptomatology (SIMS)
- Risk Assessment
  - Structured Assessment of Violence Risk-Youth (SAVRY)
  - HCR-20 Assessing Risk for Violence
- Competence
  - MacArthur Competence Assessment Tool (MacCAT-CA)
  - Evaluation of Competency to Stand Trial-Revised (ECST-R)
  - Rogers Criminal Responsibility Assessment Scales (R-CRAS)
  - Fitness Interview Test (FIT-R)
  - Standardized Assessment of Miranda Abilities (SAMA)
  - Evaluating Juvenile Adjudicative Competence (JACI)

**Most Tests are:**
- Standardized
- Norm referenced
- Individually Administered
- Paper and pencil or computerized

**Scoring:**
- Scored per test guidelines (by hand or computerized)
- Raw scores are converted to Standard scores or T-scores and are compared to the normative sample
- Gives us a reference when talking about scores-your client scored higher or lower than the average person
- IQ tests: Mean SS =100/ Standard Deviation of 15
  - 90-109 average
  - 70 is 2 standard deviations below average
- T-scores: Mean = 50/SD =10; most tests consider scores > 65 to be clinically significant (1.5 SD above the mean)
What’s Wrong With My Client?

Understanding Psychological Testing In Order To Work Effectively With Your Expert

No expert wants to hear:

“I need a psych eval.”

“Tell me what is wrong with my client.”

“Someone said I need an expert so I’m calling you.”

What can we do to help our experts?

• Collect our clients records.
  – School records, including separate EC file
  – Medical and psychiatric treatment records
  – DSS records
• Give the client’s records to the expert for their independent evaluation.
• Provide a detailed social history.
• Communicate
• Articulate a coherent referral question.
But remember every case is different.

If your client is floridly psychotic, obviously you don’t need to provide their school records or a complete family history before your expert evaluates them.

Working with experts

- Hire the right expert
- Know what each type of expert is capable of doing rather than just calling your “go to” doc
- Timing of experts

Choose the right type of psychiatric expert

<table>
<thead>
<tr>
<th>Psychiatrist vs.</th>
<th>Psychologist</th>
</tr>
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<tbody>
<tr>
<td>M.D.</td>
<td>Ph.D. in psychology</td>
</tr>
<tr>
<td>Can prescribe medication (and possibly collaborate with jail/prison doctors re: treatment)</td>
<td>Do not prescribe medication</td>
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Psychological Evaluation is driven by referral questions

What do you want to know?

Examples of meaningful referral questions

- Does my client have a diagnosable mental illness?
- Do you think the prior diagnoses of my client are accurate/valid?
- Is my client competent to stand trial?
- Did mental illness impact my client’s criminal responsibility?
  - Potential impact of diagnoses X or other variables on ability to do Y
- Could my client read the Miranda form that he was given?
- Is my client intellectually disabled?

Why not just let our expert “do their thing?”
Attorneys should be involved in decision making regarding psychological assessment

- You may have to turn over raw test data and test results in discovery.
- There are limited funds available and you may end up spending too much money on testing that you didn't need, or don't want.
- Every psychologist has a different battery of "standard" tests. If you are involved in the early decisions and what tests to administer, it guides the experts expectations.
- IT'S YOUR CASE!

Expectations of Expert

COMMUNICATION

Discussion of the referral questions posed and various methods to attempt to assess, evaluate, answer the questions

Discussion of possible assessment methods:

- Clinical interviews
- Collateral interviews
- Record Reviews
- Psychometric Testing (cognitive, diagnostic/personality)
Discussion of Pros and Cons of Testing

What you might expect to find and why it might be relevant?

What you hope not to find but alternative hypotheses to explain it?

ASSESSMENT: HOW TO DO IT WELL

• Multi-method, multi-source

• Standardized testing is not necessary to answer every question posed

From a psychiatric perspective, what is the benefit of testing?

• When properly administered and interpreted, psychiatric testing
  - Adds an OBJECTIVE element to forensic assessments (response bias, validity)
  - Can help combat concerns about subjective, self-serving statements
  - Provides data not readily revealed by interview alone

• Fundamentally, it provides the expert with the data necessary to reach the expert opinion the we have hired them to provide.
What is personality testing?
An assessment of personality characteristics or traits and psychological adjustment

UNDERSTANDING THE DATA

TRAITS ☑️ DISORDER
Just because a personality inventory lists something as a DIAGNOSTIC CONSIDERATION it's not meaningful without corroborative data.

Personality Disorders
ENDURING PATTERNS OF THINKING, FEELING AND BEHAVING THAT ARE RELATIVELY STABLE OVER TIME
Diagnosis requires evaluation of long term patterns of functioning
Psychological testing can also assist your expert in deconstructing former diagnoses and/or misdiagnoses.

Types of tests administered by a psychologist:

- Cognitive Testing
- Diagnostic/Personality Testing
- Neuropsych Testing
- Educational Testing
- Tests of Response Style (Malingering)
- Catch-all

Tests to be aware of:

Diagnostic ("Personality") Tests:
- Minnesota Multiphasic Personality Inventory (MMPI-2)
- Personality Assessment Inventory (PAI)
- Millon Clinical Multiaxial Inventory (MCMI)

Tests of Cognitive Function:
- IQ tests
  - Weschler Adult Intelligence Scale (WAIS-IV)
  - Stanford-Binet 5
  - BETA (DOC)
- Adaptive Functioning Questionnaire
  - Adaptive Behavior Assessment System (ABAS)
  - Vineland
And more tests...

Neuropsych Testing (TBI, ADHD):
- Behavior Rating Inventory of Executive Function (BRIEF)
- Repeatable Battery for the Assessment of Neuropsychological Status (RBANS)
- Continuance Performance Tests (CPTs)
  - Test of Variable Attention (TOVA)
- Qualitative Electroencephalography (QEEG)

Educational Testing:
- Woodcock-Johnson Tests of Achievement
  - Tests for learning disabilities
  - Do you believe your client can’t read well?
  - Are you challenging
  - Competence to stand trial?
  - Whether the Miranda waiver was knowing and voluntary?
  - These are times to consider educational testing

Still more tests...

- Trauma Symptom Inventory (TSI-2)
- Substance Abuse Subtle Screening Inventory (SASSI-3)
- Emotional Maturity Assessment
- Depression/Anxiety Assessment
- Tests of Response Style/Effort
  - Test of Memory Malingering (TOMM)
  - Structured Inventory of Reported Symptoms (SIRS-2)

Catch-all!

If Intellectual Disability (ID) is an issue, be aware of:

  - HELD that a violation of Eighth and Fourteenth Amendments of the Constitution to execute persons with ID.
  - DISCUSSES the evolving definition of intellectual disability (formerly known as mental retardation).
  - HELD that Florida’s definition of intellectual disability, applying a rigid cut-off requirement of an IQ score of 70 or below, created an “unacceptable risk” that persons with ID would be executed.
  - DISCUSSES bringing “legal” definition in line with the definition in the DSM-5.
INTELLECTUAL DISABILITY (ID)

- CHANGES IN DSM-5

- 70  BRIGHT LINE

- SET OF FUNCTIONAL CAPACITIES

BOTTOM LINE: After Hall, Courts cannot rigidly apply an IQ test score cut-off of 70.

What does your expert expect from you after you settle upon a referral question and discuss testing options?

- TEAM APPROACH
  - Having an expert complete an evaluation and report in isolation is not as effective as working together
  - Spending the time necessary to develop a good working relationship

- Continued
  COMMUNICATION
  - Ongoing discussion of the referral questions posed and various methods to assess and evaluate your client
  - Ongoing dialogue about process, progress, expectations, TIMELINES
Our experts and their reports can

- Help tell our client's story – bring his/her (often) horrific life history to life
- Present a COMPELLING psychological snapshot of our client's history
- Help the jury SEE our client

But only if we communicate with them and take the time to understand their professional toolbox well enough to have an intelligent conversation with them about our needs

Questions?