

MENTAL ANGUISH AND TRAUMA ASSESSMENT IN PERSONAL INJURY CASES

Daphny Ainslie, Psy.D.

Texas Trial Lawyers Association
Car Crash Seminar

Evaluator Goal

- Assist the Court in Making Decisions about Compensation
 - *Plaintiff's Complaint*
 - *Defense's Perspective*

- What is the Referral Question for the Evaluator?

TORTS

- Was there a breach of duty?
- What are the legally recognized damages?
- Is there a mental health disorder diagnosed?
- Was this caused by the event?
- What are the resulting damages
 - *Nature, Duration, Severity*

3

What are Emotional Damages?

- Is there a mental disorder?
- What are the associated impairments?
- Describe: nature and impact of the symptoms
- Describe: findings

4

Multisource & Multimethod

Ways to Assess for Convergent Validity:

- Clinical Interviews, Structured Interviews, Standardized Interviews
- Collateral Informants (spouse/partner, co-workers/peers, family members, etc.)
- Collateral Document Review: Relevant psychological, medical, academic, criminal, job history
- Observations
- Psychological Assessments

Convergent Validity

- The degree to which independent sources of information converge on or point to the same conclusion
- Direct relationship between the number of independent data sources converging on the same conclusion and the confidence in that conclusion
- As a general rule, the more data an examiner has and the greater the variety of sources of that data, the more reliable the conclusion based on that data
- The nature and source of that data should be considered, with some types of data assigned greater weight (meaning) than others

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

Title search: Mental Anguish and Trauma Assessment in Personal Injury Cases

Also available as part of the eCourse

[Car Crash Trial Tactics 2021](#)

First appeared as part of the conference materials for the
2021 The Car Crash Seminar session

"Assessing and Proving Mental Anguish Damages in Personal Injury Cases"