# MENTAL ANGUISH AND TRAUMA ASSESSMENT IN PERSONAL INJURY CASES

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## 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*



# What are Emotional Damages?

- Is there a mental disorder?
- What are the associated impairments?

- Describe: nature and impact of the symptoms
- Describe: findings

# 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

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

Also available as part of the eCourse
Answer Bar: Taking Your Car Crash Case to Trial

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