

SOLICITORS ASSAULTS ON PSYCHIATRICALS: TANTRUMS AT THE TRIBUNAL!

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Introduction: Psychiatrists write reports for a variety of judicial processes; employment law, family law, and personal injury. For a variety of reasons the commissioning agents may object to the report and seek to undermine its utility or validity. Attacks can take a range of forms from impugning an expert's expertise, their competence, impartiality, the validity of the material used, the tests used, or via proxies such as another expert. After the event a refusal to pay for services provided is not unusual.

Objectives: To familiarise psychiatrists with some of the common tactics used, illustrated by real case.

Methods: Analysis of papers submitted to Court and in the public domain

Results, by order of frequency:

Allegations of substandard work, or even negligence are common, a feature being a lack of specifics in the assertions made in the pre-action protocols and witness statements.

Threats to report the expert to a governing body, a feature being a lack of specific details.

Threat of counter-claim for financial loss due to an unfavourable report.

Refusal to pay for the report, up to including until court proceedings for debt recovery have been issued.

Conclusions: Outright attacks on the report are rarely successful, particularly where experts for each side meet to discuss the differences. However a refusal to pay fees is far more likely. Psychiatrists need to adopt a robust approach to Lawyers and learn which intimidatory techniques are probably hot air, and devoid of substance.