

Invisible Injuries

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The Audience

- *Good communication starts with knowing your audience*
- *Jury*
- *No connection to mental health issues*
- *My job to make them understand the level of impairment*
- *Not the clinical diagnosis*

Dysthymia??

- *Not eating/binge eating*
- *Not sleeping/sleeping too much*
- *Fatigue*
- *Low self-esteem*
- *Cognitive impairments*
- *Feeling hopeless*

Tell a Story

Use an Effective Case Theme

- *Easy to understand*
- *Memorable*
- *Motivational*
- *Contrast Before and After*
- *This is a case about...*

If it doesn't fit . . .



Only the beginning . .

- *No matter how good the theme*
- *Without evidence it is merely a catchphrase*

Use Lay Witnesses

- *For the Jury*
- *For the Experts*
- *At mediation*
- *At Trial*
- *Need to show impairment not just a diagnosis*

Experts?

- *Psychiatrists and Neuropsychiatrists*
- *Will give substance to the theme*
- *Something for the Jury to rationalize it*
- *Gives the Jury a medical reason to buy into your theme*

Experts?

- *Identify and measure cognitive functioning*
- *Memory*
- *Speed of information processing*
- *Distractibility*
- *Executive functioning (plan, evaluate and execute goals...)*
- *Sophisticated, normed and validated testing*
- *Validity testing*

The Advantages?

- *Effort*
- *Cognitive Impairment*
- *Brain v Non-brain injury*
- *Causation*
- *Ability to work*
- *Ability to engage in ADL*
- *Treatment Recommendations*
- *Attendant Care*

The ADL Situational Assessment

- *An evaluation of situation functioning*
- *Task – not test – oriented*
- *Measures impairment in a real world setting*

The Situational Assessment

- *Community Outing*
- *Meal Preparation*
- *Kitchen Cleaning*
- *Valpar Work Sample (Problem Solving)*
- *Taking Phone Calls*
- *Outbound Phone Calls*
- *Personal Budget Task*
- *Cleaning Tasks*
- *Physical Screening Assessment*

The Advantages

- *Does not rely upon interpreting nauseatingly boring test results*
- *Real world feel*
- *Easy to understand*

The Disadvantage

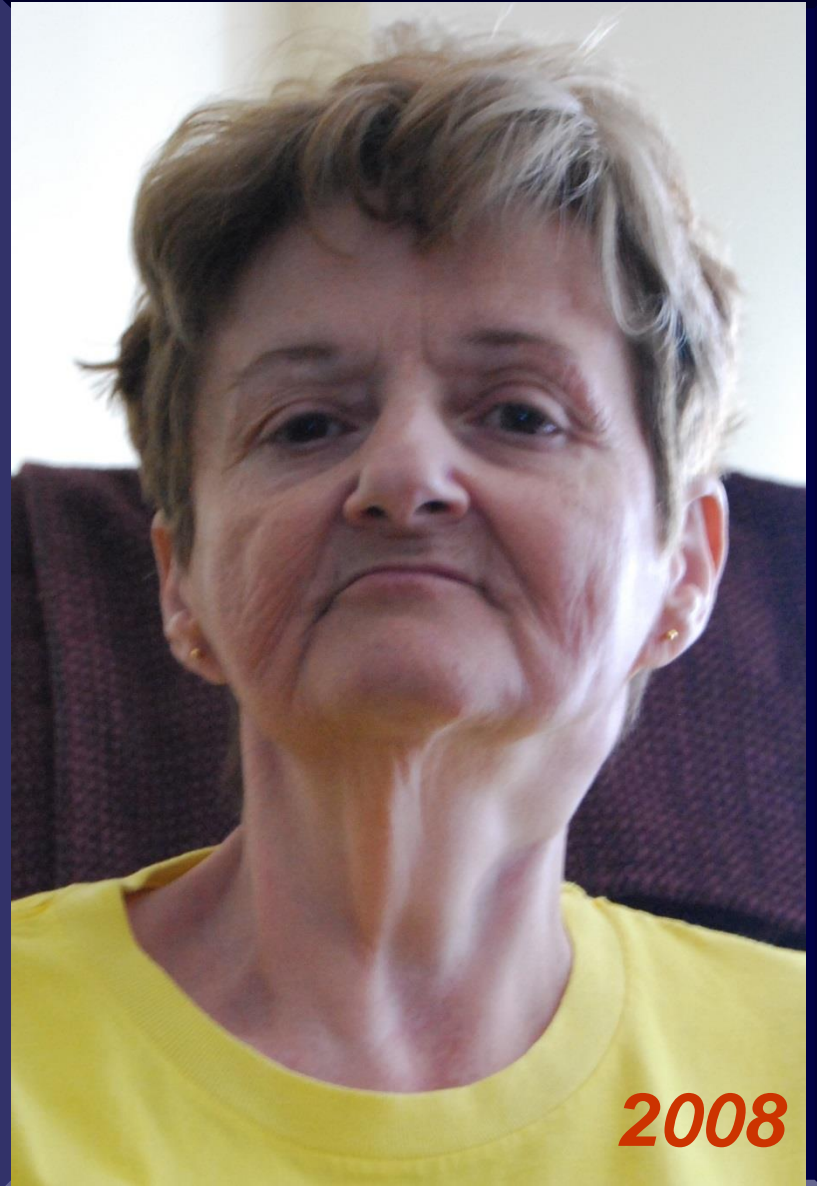
- *Cannot assess effort*

Demonstrative Evidence

- *Mostly photos*



2005



2008