



**VETERANS LAW
SCHOOL CLINICS –
BEST PRACTICES FOR
WORKING WITH
MENTAL HEALTH
EXPERT WITNESSES
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FROM YOUR PERSPECTIVE, ARE LAW STUDENTS' OR ATTORNEYS' WORK HELPFUL TO EXPERT WITNESSES? YES!

- Acquire entire medical file
 - Provide timelines
 - Organize the records & write referral questions
 - What relevant facts have been missed?
- Perform medical research & collaborate & prepare the Veteran for evaluation
- Research the case law to show what the RO, BVA and CAVC find to be persuasive

FROM YOUR PERSPECTIVE, ARE LAW STUDENTS' OR ATTORNEYS' WORK HELPFUL TO EXPERT WITNESSES? (CON'T) YES!

- Student interview the veteran? Often multiple times
- Talk to the veteran about what will happen when you meet with him or her? Veteran may be angry & have an odd perspective - initially
- Help the veteran & family & others prepare witness statements before your evaluation?

DIFFERENCE BETWEEN WORKING WITH LAW FIRMS & LAW CLINICS WHEN WORKING WITH VETERANS

- Law Clinics avoid rushing the process to allow for teaching and inclusion of students in the entire process, encouraging research & hypothesis generation
- Law firms are more like busy grist mills, call me at the last minute, value efficiency over education, and are resource limited – often making the Veteran pay for physician record review and evaluation
- Both must ask what is missing and why did the VA not see this Veteran as disabled

ADVICE FOR LAW STUDENTS OR ATTORNEYS ON INTERVIEWING OR ADVISING VETERANS WITH MENTAL HEALTH CONDITIONS?

1. Disability is based on the medical record
2. The entire medical must be made complete and studied carefully
3. The Veteran may not have an accurate view of the case; improving this takes time
4. The Veteran may be angry at the VA
5. Spouses, X-spouses, family may have the missing information
6. Good interviewing takes time

WORK WITH PENN STATE LAW

- Vietnam Veteran from North Carolina with PTSD and Agent Orange related and heart issues
- Veteran “Volunteer” in Chemical Warfare Testing in Aberdeen, Maryland at the Edgewood facility with nerve agent exposure and immune disorder with toxoplasmosis caused unilateral blindness
- Minnesota Veteran Diagnosed with Testicular Cancer at Age 19 in 1977 with missing record of radiation therapy to the chest and lung disease

OTHER WORK WITH VETERANS

- PTSD +/- depression
- Medical conditions that developed in service
- Agent Orange exposure
- Camp Lejeune water contamination
- MST
- How the article 15 reflects mental disorder

- Explaining how the ordinary diseases of life interact with service-connected health problems (PTSD and visual hallucinations from macular degeneration)

DSM-IV v. DSM-V

How has your analysis changed generally? It has not as long as you know a few things

In veterans' matters more specifically? PTSD is in the Trauma- and Stressor-Related Disorders chapter, previously in the Anxiety Disorders chapter. Often causes chronic anger that is impairing. PTSD can be from prolonged exposure to risk of death/injury

- Questions for Dr. Brown? Please give your name and law school or organization with the question