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in Forensic, Child, Adolescent, Adult, Addiction, and Geriatric Psychiatry

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**OVERVIEW OF FORENSIC PSYCHIATRY**

The QME Psychiatrist generally has one bite at the apple in that he has to obtain a life history and the work-related - or as some call it the alleged work-related - physical and/or emotional injury.

In cases in which the injury is at least three years old, there are certain situations that occur because of the longevity of the case.

Therefore, I have developed questions I feel are appropriate for the psychiatrist, whether the patient is referred by the Applicant or Defense Attorney, or the QME or AME Psychiatrist. These questions are reasonable to ask when deposing the applicant or any previous psychiatrist. The questions may be asked of the psychiatrist or in deposing the previous psychiatrist.

My opinion is that when cases go on for more than three years, claims might have to make special financial arrangements. The claimants may have problems that may or may not be related to the actual injury. The claimants need to respond to questions about financial problems when they are not working, the feelings of their significant other, their children, or feelings that other family members may have toward the claimants, and loans that the claimant may need to financially survive.

Sometimes I have thought of the term “workers compensation” as like gambling or roulette. That is, the claimant stays away from work for a number of years - and has borrowed money from family and friends, etc. - the obvious hope is to net more money in the settlement than they have borrowed.

Also, the claimant, who now is older and has not worked in several years, may find it difficult, if not impossible, to re-enter the national labor force.

Furthermore, if a claimant is an undocumented foreign national, the claimant lives in a shadow. At any time, the claimant may be discovered, and deportation proceedings may occur.

I have significant expertise with undocumented foreign nationals. I have performed over 400 evaluations referred to me by private immigration attorneys. Most of the time, the reason I have these cases is because I am a Board Certified Child and Adolescent Psychiatrist, and the effects on the children may be unusual and an exceptional hardship if one or both of the parents are deported.

In other cases, a waiver is requested by the immigration attorney because the husband or wife is a U.S. Citizen, but the respondent - that is, the person who is undocumented - if deported would cause their spouse and family to experience unusual and exceptional hardship.

While there are a few who have had criminal records, most of the families I have treated are hard-working, law-abiding citizens.

The bottom line is that if a person is an undocumented foreign national, they will probably have to be dishonest with their employer if their immigration status is questioned, and in many cases they will have difficulty finding a job.

Furthermore, they are not allowed to hold a legal Driver's License or drive and, therefore, it may be difficult to find nearby employment.

I take what I call a balanced view of these cases, and when I perform QME's of undocumented workers, I always strongly suggest that if the claimant has an attorney, that the attorney refer them to a Certified Immigration Specialist. There are a number of excellent immigration specialists in Los Angeles.

Also there is a legal group, the American Immigration Lawyers Association, which may be able to assist the applicant.

Following are questions that are reasonable to ask of a claimant for what I would ultimately consider to be litigation anxiety based upon the financial status of the claimant, the amount of money that has been borrowed, etc.

There are definite advantages for the claimant in that, if they obtain a lawyer, they will usually not be deported, and if they paid for a fictitious Social Security number, that money can usually be recouped when they become legal.

I have developed a number of questions that I feel are reasonable to ask in doing a QME Evaluation, and that either the Applicant or Defense Attorney should consider asking.

## **QUESTIONS**

I have a balanced view.

As I perform more and more QME and AME evaluations, a few comments and thoughts come to my mind. I will list these as questions that in my mind should be answered by the psychiatric examiner and are food for thought for the applicant and defense attorney to ask of the claimant.

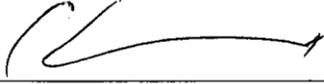
1. If you have been off work for three months, what do you think of your experience?
2. Do you enjoy being off work?
3. Do you feel guilty not working because you feel you should support your family?
4. Is your personal identity tied to your work? If so, when you are not working, do you feel in some way that you are not the same person you once were? Example: If you were a welder and felt very good about your work and enjoyed your work, then because of an injury or for whatever reason you were not doing welding, would you feel less about yourself because you were not working?

5. The longer you are not working, is there any change in the way you feel? Are you getting used to not working, and if you have children or friends, are you happy realizing that you don't have to get up at a certain time, work all day and come home?
6. What was the time of your commute from your house to work?
7. If you have a significant other, and you are spending the whole day with that person, describe what this is like for you.
8. Is your significant other sympathetic with you?
9. Is your spouse or partner annoyed with you because you're not working? Is your partner annoyed because you're not bringing in the same income?
10. The longer you are off work, how is this changing your relationship with your wife or significant other? Are they becoming more sympathetic with you? Are they becoming more annoyed with you because, for example, the temporary or other payments have stopped and now you find serious financial problems are occurring?
11. Has your partner become so upset that, for whatever reason, they have told you they want to leave you?
12. Has your partner threatened that if you don't return to work by a specific date, they may leave?
13. Has there been a change in the happiness and quality of your relationship? If so, please explain.
14. Are you arguing over when to return to work?
15. Are you arguing over what type of work to do? Are you arguing over the fact that you don't ever want to return to the same job because, for example, you really did not like the work and you're happier being off work.
16. During this time you are not working, how are you supporting yourself and your family? Are you receiving disability benefits? Unemployment benefits? Social security benefits? Private benefits?
17. Have you been using up your savings? How much of your savings have you used from the time of your injury to now? And from the time your treatment ended to the present?
18. Are you receiving loans from any private companies? Note: There are companies that will lend, however, these are usually in personal injury cases.
19. Are you receiving loans from friends? If so, please list their initials and how much you have borrowed. Do you have an agreement to borrow a certain amount every month?
20. If you are receiving money from your family, please check off brother, sister, father, mother, uncle, aunt, niece, nephew, etc.
21. What is the total amount you have saved since you stopped working?

22. If you are receiving money from family or friends, do you feel happy to borrow as much as you can? Do you feel that as you are injured, your family and/or friends should feel sorry for you, and that they should lend you whatever amount is needed?
23. If any of your friends or family are angry at you, please list.
24. If your friends or family have helped you financially, are they threatening to stop helping you? Do you feel entitled to their help?
25. Do you feel sad that you have to borrow? Or guilty?
26. Are you worried that the money you have borrowed may be more than the settlement of your case? Are you worried about the settlement because you have no idea what you may collect?
27. What you borrow may be more than the value of your case. Have you ever talked to your attorney about the value of your case? If so, what figure did your attorney give you?
28. Do you feel you made a mistake by not trying to return to some type of work?
29. Did your attorney tell you not to return to work? Did your significant other?
30. Are you angry at yourself for not returning to work? Are you angry at yourself because even if you couldn't return to your job, you have not made good use of your time off and you could have gone to the state? For example, to state rehabilitation to obtain some type of training?
31. Is there something else you feel you are trained to do? If so, please list.
32. Have you realized you may have job skills beyond your former job and you might be willing and able to be retrained?
33. If you are not English speaking and you have not taken any English courses, do you feel disappointed in yourself that you have not made a good effort to learn English?
34. Are you worried that after some years go by, that you'll be older and your ability to find new work will be more difficult? Most employers like to hire workers as young as possible.
35. Are you annoyed or angry at your attorney for not encouraging you or helping you find a new type of employment?
36. As you spend more and more time off work, is this worsening your own feelings about yourself? Because you're not working, do you sometimes feel worthless?
37. Because you're not working, do you feel like a burden to your family?

**This evaluation was performed under the administration of Stanley L. Goodman, M.D. The patient was seen and evaluated by Stanley L. Goodman, M.D. Report dictated by Stanley L. Goodman, M.D.**

Respectfully submitted,



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