

Psychotherapeutic Advice – Expert Opinion

By reading the article “On Wearing Two Hats” I was asking myself about the role of psychotherapist: If the communication between the therapist and the client is successful, if they are able to find the contact between them, then a change in the client can happen. Then the client¹ is capable for further growth, for new steps in his/her life and for further development from the patient/client to the active researcher of his/her resources. With the help from the therapist he will have new courage for taking responsibility and new decisions. So the main role of psychotherapist is also to understand the client and his inner world, to understand what is going on in the client and not just what is going on in the outside circumstances. Therefore it is the most important thing to believe the client, to believe in his truth.

In the role of an expert witness we are also searching for the truth, but by this work we cannot avoid the fact that we will meet at least two different realities: one will be the client’s reality and the other the reality of the persons related with the client.

The client is on therapy searching his truth. Maybe for the first time is he allowed to talk or even think in his own way, to have his own opinion, to feel and look at his life and life events by his eyes? When we work with a client with psychosis or a client who has a diagnosis of Schizophrenia it is very important to bring him in touch with the reality very, very slowly. Otherwise he will totally regress if we take away his world too fast. In the process of therapy he will step after step build confidence upon us – the trust, that we believe him and are on his side. During the long process we will encourage him to new steps into the “reality”, to questioning himself: what did really happen, what is real now and what is just a product of the phantasy?

I remember one of my clients with Diagnosis: Schizophrenia - paranoid.

I will name him George. He is 30 years old and studying and also working in his own company. As a child she was sexual abused by his cousine. At the end of the high school he has taken drugs and drunk a lot of alcohol. In his story he is describing a cruel event that has happened to him last year: a group of men, also his colleges from bars and medicine doctors and also his psychiatrist have attacked him, tortured her, have stolen him money and “things” that he has made in his company. They have locked him in a small room in a bar and have injured him so much that he lost his consciousness.

My “access” in the searching for the truth is here different to the work of an expert opinion. We both are searching for the “truth”, but we have not the same points of the view. As a psychotherapist I know that not everything that she is describing really happened to him and that he is very slowly searching for the “reality”. I believe him that he has felt all this suffering, that his “things” were stolen, that there were cruel men, but also that a part of the story is just on a symbolical way describing his real suffering.

I was also asking me how a psychotherapist - for example a psychoanalytic - explains the court that most of the people decisions and actions are driven from unconscious drives and

¹ I will use the term client and therapist in a male form, but it relates to a woman or a man.

that the people are not fully aware of them. We can also talk about two different worlds: one is the outside world, the circumstances, the client's family, the happenings... etc. The other side is the client's inside world: his feelings, the "insight" of the happenings, his point of view and his new point of view about the old happenings. The expert witness and the psychotherapist are searching for the answers why, what, how...etc. something happened, but from two different sides. The expert witness tries to make clear conclusions about the case and to make it understandable for the court, but the psychotherapist is working with the client in the way that the client understands for him unknown and unconscious and not yet understandable intentions.

How can the client fully trust the expert witness? Can he say everything? He should say everything what is important for the case. In psychotherapy we encourage the client to say everything – in psychoanalytic therapy – with the help of free associations. We try to send the client the message that we understand him and will not criticise him for anything. We try to make him clear that through his talking, thinking, feeling, expressing the feelings, also with the help with the silence, he is coming closer to himself, to the answers on his questions, which are making him suffering for a long time. But when a client is talking with the expert witness some questions are coming into his mind: "*Could the words that I say here be somehow used against me?*" Or: "*What is important for the examinee? What should I say?*" Or: "*Maybe is better that I don't say everything...*" When we are in the role of the psychotherapist we are not in the role of the judge.

The therapist is a special person, a "figure" for the client. The client projects into the therapist his feelings, thoughts and is experiencing him in a special way, mostly idealistic (for some part of the therapy). If the client sees the therapist in his "real" life, or litigating him with the judge or explaining the client's circumstances, happenings in a diagnostic way, he would lose his "object" of love. Also the anonymity of the therapist would fall.

If the therapist would search for too much information about the client's happenings, for example to ask detailed about others who were involved in his life situations, that would not be a therapy for the client any more (especially if we are working in a psychoanalytic way). Through this way of researching maybe the client could get a feeling that the therapist don't believe him what he is saying and that he is not the most important person in the therapy. Therefore I see also a difference in searching and achieving the information about the client and his behaviour - working as a therapist - or working as an expert witness. The "sources" for the answers are different. The therapist is searching in the "source" of the client: in his emotions, his believes, his feelings, his explaining...etc. The expert witness is using many different "sources" of the information that he needs: the opinions and believes from the client's family members, the social ground, from his working place, from the school, etc.

There is also a difference in a way of talking with the client: if we talk as a therapist or as an expert witness. The therapist is attentive to the dynamic that he observes behind the client's story, his words, silence and behaviour. The expert witness is in the first case searching for data, information, facts and is therefore mostly interested in asking questions.

The therapist should therefore be in the role to be a therapist for his client. The expert witness is also a therapist. But his role as an expert witness in this case is to be a witness – for the law. Our aim to work as a psychotherapist and as an expert witness is different. The stipulation that a psychotherapist (According to the guidelines for psychotherapeutic expert opinions of the

Austrian Federal Ministry of Health 2002) is not allowed to be a client's expert witness makes sense. We can't be in these two roles at the same time for the same client.

Psychotherapeutic diagnosis is an expert opinion. Very important question for the expert witness is: "*What was the intention of the client for doing... something?*"

The years of punishment that the client will get depends on the answer to this question. The answer is connected with giving the diagnosis to the client. We have many different psychotherapeutic methods and modalities and each of them could give somehow different answer to this question. As psychotherapists we are searching for the deep understanding of the client's behaviour or in other words the understanding that is hidden deep under the obvious behaviour of the client. In such way are working psychoanalytic therapists. We are searching for the intensions and questions behind the intensions and questions, for the unclear and hidden motives that are not visible and seen on the first view. We are trying to understand what was under the mess of happening, activities, symptoms, what was "under" the spoken words and also under the unspoken ones. If we are in the role of therapist we can't be at the same time in the role of an "arbiter" or "judge". The client's words are the truth for us even if we sometimes know that not everything is true or in accordance with the reality known to us.

So in our written expertise we could have some problems to express us clearly und fully understandable for the court. The language of psychodynamic descriptions could be sometimes complicated, unclear, with using special psychoanalytic paraphrases. This could be a possible weakness of describing the psychoanalytic diagnosis in such way. But on the other hand an expert opinion should be written in a way that it is showing the specific method of treatment used for the client, for example the psychoanalytic way of treatment: to explain the circumstances that have brought the client to do something, to extend the understanding of the client's behaviour and to show him in larger point of view. But we should although use a simple language, not complicated sentences, descriptions... so that our written expert opinion will be clear for the court. If we are able to explain – sometimes very complicated psychodynamic that is going on in our client – in a not so complicated way, we could add something new light to the client's situation.

It is very important that we don't change the real facts. Maybe in this point is very difficult to understand and explain the client's intentions if the client had one or more psychotic episodes. For the psychotic patient the "real" world is the world that he is experiencing and feeling as real. We know that his "reality" is often a combination of the "real" real world and one or more traumatic experiences that he had. For the court we have to operate with the "real" real happenings and intentions. We have to write the expert opinion clear and to differentiate what is a fruit of client's phantasy and what is the reality. We have to avoid the specific jargon and make it understandable for the reader – and we have to be conclusive. Transparency is also very important – to write down the logical steps, the logical thoughts through which we have gone to come to the conclusion. If some steps are missing, the expertise can't be conclusive. So we should write down also our process, the way through which we have come to the result. I think that psychoanalytic method and therapists have in this point the advantages in comparison with other methods. Our way of thinking, researching and examining is very large and deep. The "philosophy" of psychoanalysis is very analytic, so our process of coming to

the conclusiveness is well done. But on the other hand our way of describing the process coming to the answer could include some possible negative sides in itself if we are not clear enough.

In the expert opinion we describe our Psychotherapeutic method that we have used in the treatment and the diagnosis that we have given to the patient. But to give a diagnosis to a patient – in a psychoanalytic way – in a short version – this is quite a difficult task. It is important not to give a patient just a label or just put him in a drawer.

In his article about Psychoanalytic diagnosis is Avgust Ruhs (Ruhs in .Bartuska, Buchsbaumer, Mehta, Pawlowsky, Wiesnagrotzki, 2008:137-142) describing the psychodynamic and the structural way of giving diagnoses. The author refers also to Karl Menninger and his opinion about giving diagnoses, what he firmly held that “*Classifications always implied labelling and that labelling necessarily involved stigmatization.*” (Menninger in Ruhs, 2008:141).

The psychoanalytic diagnosis is always given and written in a larger, descriptive way, including psychodynamic elements, the inner forces that are struggling within the patient. If we are in describing the diagnosis not clear enough, such way of description could be a possible weakness of our written expertise. But on the other hand, a written expertise by a experienced psychoanalytic which is showing the specific method used by taking the “anamnesis”, reporting on the examinations and critical questioning the results in the analytic reflection – it is a well done work. Then the expertise is not generalized, but it is exactly describing the psychological state of the client, his emotions, and his personality structure.

In the article “The Ethics of Psychotherapy in Europe” is C. Jounng describing nine general principles about ethics. When I was reading them I was asking myself what I can learn from them for my work as psychotherapist. Do I work in accordance with these principles?

As a psychotherapist I am responsible for my professional work, professional knowledge and also for my “capability for love” – for my clients. I am responsible for work within my professional skills, for doing the best for the client. But also the client is carrying his part of responsibility. For example: regular coming to the settings, being sincere, careful payment etc. My responsibility is also to set clear frames and boundaries in the client-patient therapeutic pact. I remember well the first meeting with one of my clients, where she said: “Oh, I am so glad that I have found you and that we can become friends.” I explained her that unfortunately we will never become friends in a usually way of friendship, but that we will slowly built a special client-therapist relationship.

During my years of study, practical work in many different social institutions, psychiatric hospital, mental health centres etc., I am becoming more and more competent for my work as psychotherapist through this long process of studying, learning, observing elder and more experienced therapists at their work, working under supervision and going through the process of my own therapy. I am also responsible for my physical health – to be able to work in this challenging professional work.

I also think that psychotherapists should fulfil high moral and ethical standards. But does every psychotherapist have consciousness about this?

When I was reading the eighth principle - Assessment techniques - I mostly stopped at these sentences: *“Respect the client’s right to know the results the interpretations made and the bases for their conclusions and recommendations. Respect the right of clients to have full explanations of the nature and purpose of the techniques, in language the clients can understand, unless an explicit exception to this right has been agreed upon in advance.”*(Young, 2005:71).

I understand the term “assessment techniques” in a broader way as they were described in this article. These techniques can include also therapeutic techniques (used in the therapeutic session) which distinguish one psychotherapeutic modality to another and differ from one psychotherapist to another psychotherapist. I agree that the client has the right to know what we are doing as psychotherapist in the therapy: what techniques are we using, how does our professional work look like, what do we expect from a client and what are his responsibilities and rights. For example in a psychoanalytically work with clients (after the taken “anamnesis” with the help of a questionnaire) we dedicate at least one hour for making the client-therapist therapeutically pact. We explain the principle about free associations, the work with dreams, the silences and difficulties that he could feel sometimes etc. But we also explain that we will not be in role as a counsellor or adviser in his problems but that we encourage him for critical talk and for making decision about his life. So we open and clearly talk about his expectations.

As psychotherapists (especially psychodynamic psychotherapists) we distinguish the “explicit focus” of the therapy from the “implicit - psychodynamic” one. In the “explicit focus” we set the therapeutic goals together with the client. The “implicit - psychodynamic” focus is the result of the diagnostic process, it is our central working tool and we don’t explain it to the client. So we also have our phantasy, hypothesis, diagnosis and expectations about the end of the therapy, about which we never talk with the client.

We could also look from another viewpoint on the ethical aspects of psychotherapeutic assessment techniques. Are maybe some therapeutic techniques, questions and psychological tests unethical? But what is for example an unethically question - If we understand ethics as a value system or as a philosophical scientific discipline?

A question – in a psychotherapeutically setting - is a “tool” which we use in our work. Interpretations and hypothesis are also tools. The ethics by using these sorts of “tools” is similar to the ethics by using also other “tools” and “means” in our life. The most important is our respectfully relation to the client and the aim of using the “tools” for the clients welfare.

Albert Schweizer said: *“Ethics is the living relation to the living life.”*

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