

## David N Lombard, PhD

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### ORIENTATION FOR COMPETENCY TO PLEA OR CONFESS EVALUATIONS

(Revised 5/06)

#### **Background**

1. Dr. David Lombard will be the only psychologist involved in your evaluation through our office. Dr. Lombard has been licensed in this state since 1999. Being licensed requires passing a national written examination and a written examination given by the Indiana State Psychology Examining Board. You may contact them with questions or concerns at 55 Monument Circle Suite 455, Indianapolis, Indiana 46204.

2. In this information sheet we will try to cover issues which come up frequently in competency to plea or confess evaluations. Please take the time to read through it and then feel free to ask questions of Dr. Lombard in your initial appointment.

#### **Purpose, Process, and Limitations of the Evaluation**

1. It is important that you understand in advance that this is an independent evaluation. There is a possibility that Dr. Lombard's impressions may be unfavorable to your position. Dr. Lombard will be making recommendations consistent with the clinical interview, document review and psychological testing findings.

2. The evaluation itself will consist of interviews and psychological testing. The psychological testing allows Dr. Lombard to collect a wide range of data and organize the issues while minimizing cost to you. At the end of the evaluation, a report and recommendation will be provided to the appropriate parties depending on your case.

3. Dr. Lombard recognizes that his impressions are very important to you. However, please do not ask him to give you an opinion until he had had an opportunity to hear all information, review the psychological test results, and fully review the file. At that time, feedback will be given either verbally or in written form.

4. Competency to plea is assessed by determining how well you understood the legal proceedings/police procedures at the time of your plea or confession, your ability to read and understand English, and your ability to comprehend/understand what was going on around you at the time of your plea or confession. Your competency will be assessed through interviews, observations, review of your records, and psychological testing.

5. Competency to confess evaluations also assess how voluntary or willing your confession was. This is determined by assessing if you were suffering from a significant mental health problem at the time of the confession or if you were under any undue distress. Also, your evaluation will determine if you understood the consequences of confessing when you did so.

## **Confidentiality Issues**

1. As Dr. Lombard begins the evaluation you will be asked to sign "Release of Information" forms. This allows Dr. Lombard to discuss this situation with anyone who he thinks would be helpful in coming to a recommendation. This also allows Dr. Lombard to talk to your attorney (if you have one) and submit reports to the court (if required in your case). The laws of confidentiality might otherwise prevent him from doing so.

## **Evaluation Costs**

1. If your evaluation was ordered by the court, then the court will pay for your evaluation.

2. If the Court will not be paying for your evaluation, the fee for the evaluation is \$750 to be paid at least 3 days before the time of service. Dr. Lombard will accept cash, check, or credit cards. Dr. Lombard does not bill insurance companies for services rendered. However, Dr. Lombard will give you a detailed receipt for you to submit for reimbursement. Dr. Lombard cannot offer any guarantee that your insurance carrier will reimburse you for his services.

2. There will also be charges of \$300 for any missed or canceled appointment where 72 hour notice is not given. Court time and depositions will be billed at \$150 an hour and four hours must be paid for in advance to reserve time. If a court appearance or deposition runs more than four hours, you will be billed for the balance. Any unpaid bills will accrue interest at the rate of 18% per annum. A \$20.00 surcharge will be assessed for any returned checks.

## **The Evaluation Process**

The following describes the steps and the purposes of the procedures that are involved in this evaluation process. The description is being given so that you know what to expect as you decide to have an evaluation done and as you prepare for and go through this evaluation. This evaluation will follow a structured pattern to maximize the fairness and the objectivity of the report. However, Dr. Lombard may make changes in the process in a case by case basis due to the needs of each case.

1. At your appointment, you should bring any written documents that you might think would be relevant to your case. Please highlight the segments of the documents that you think are noteworthy. Please also have your attorney send any relevant records.
2. In the first part of your clinical interview you and Dr. Lombard will review the consent for evaluation form, answer any questions you have, and have you sign that document.
3. Dr. Lombard will conduct a detailed clinical interview with you. The interview will be very detailed and will review many areas of you life. The interview will also include a very detailed review of the day you plead or confessed to the crimes you are charged with.
4. After your clinical interview, you will complete the MMPI-2 and several other psychological tests in my office. These psychological tests are the most researched and standardized tests in use today.
5. Following your structured interview and testing, releases of information will be signed so that the relevant records may be obtained and so that third-party individuals can be contacted who may be able to help with the evaluation.

6. Collaterals will be interviewed if appropriate.
7. All of the documents will be reviewed.
8. A follow-up interview will occur if needed in your case.
9. If the evaluator is to serve as an expert witness during discovery or trial, then an additional retainer may be required by the requesting party.
10. Changes may occur in the evaluation process due to the situation in each case. The evaluator still attempts to complete all the objectives of the evaluation.

If after reviewing this information you have questions, please be sure to discuss them with me at your initial interview when I will more fully explain the evaluation procedure you are about to begin.

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DATE

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CLIENT SIGNATURE

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NAME PRINTED

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DATE

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EVALUATOR SIGNATURE

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