I12 Malingering, Deception, and Abnormal Illness Behavior in Traumatic Brain Injury (TBI)

Mohan Nair, MD*, PO Box 849, Seal Beach, CA 90740; and Daniel A. Martell, PhD*, Park Dietz & Associates, 2906 Lafayette, Newport Beach, CA 92663

By attending this presentation, attendees will obtain the tools to conduct a systematic assessment for malingering in cases of purported traumatic brain injury (TBI) and learn about the current research in this area.

This presentation will impact the forensic science community by helping evaluators distinguish between those who are truly affected by TBI and those who are feigning symptoms related to TBI. Neuropsychological testing is an important tool in making this distinction.

The medical literature suggests that litigants claiming mild traumatic brain injury (MTBI) have a high likelihood of magnifying symptoms or exaggerating the duration of symptoms purportedly related to MTBI merely for compensation. The actual prevalence of persistent cognitive deficits in individuals with MTBI is unknown. In one recent study, the base rate of malingering of MTBI symptoms in more than 30,000 neuropsychology examinations was reported to be 39%. In contrast, a prospective study in Scotland (where adversarial litigation is uncommon) found that almost half the subjects who experienced mild head injury experienced moderate to severe disability.

The assessment of malingered TBI remains difficult and there is no credible research-based "profile" for genuine cases. While much of the literature on MTBI has focused on cognitive impairment, many individuals with genuine MTBI may manifest primarily emotional and behavioral problems. Abnormal illness behavior other than malingering also must be considered by the forensic evaluator.

This presentation will provide the attendee with the tools to conduct a systematic assessment for malingering, including detecting false complaints of memory, executive, motor/visuo-spatial//sensory function deficits, and poor effort. The role of personality testing (e.g., MMPI-2, PAI) and forced-choice tests (e.g., Portland) will also be discussed.

The Digit Recognition Test, the Test of Memory Malingering (TOMM), and neuropsychological batteries will be reviewed. Attendees will learn practical ways of obtaining multiple streams of data and how to integrate these into evidence-based opinions.

TBI, Malingering, Neuropsychological Testing