

# Sample Response to Subpoena

Date

Attorneys at Law

Re:

Dear Counsel,

In response to your subpoenaed request, enclosed is a copy of the records of the psychological testing of your client and others involved in the suit.

As you may be aware, I am required by the *Ethical Code of the American Psychological Association* and by the *Specialty Guidelines for Forensic Psychologists* to only release records and test results when the interpretation of the results will be performed by a professional person who is trained and competent in psychological testing and assessment. This is partly because computerized interpretations of psychological test results only generate hypotheses to be accepted, rejected, or modified on the basis of the clinical observations and judgment of a competent professional and partly based on test security requirements.

I recognize your legal right to subpoena these records, your obligation to best represent your client and that to do so you must have access to these files. At the same time, it is my professional obligation to attempt to see that these records are not misinterpreted and not misused.

Therefore, consistent with the ethical requirements above, I am sending these files to you with the understanding

1. that you will have the files reviewed and interpreted by a licensed mental health professional who is specifically trained and competent in the interpretation of these psychological assessment instruments, and
2. that nothing enclosed herein will be shown to any party or to any party's family absent the recommendation of your expert due to the potential psychological damage that can result from reading clinical notes, test scores, or computer generated test interpretations. These files are considered released to you for *professional use only* because of the damage that other release might cause.

Should you decide that you can not accept these records with the above agreements, please return them to me unread and uncopied immediately.

At your request, I will be happy to provide to you the above documentation from the *APA's Code of Ethics* and the *Specialty Guidelines for Forensic Psychologists*. I am confident that any psychologist with whom you consult will be familiar with these ethical issues and concur with the need for this care. Should you choose not to retain an expert, I will make myself available to interpret this data for you at the time of the deposition or trial.

Thank you for your cooperation, understanding, and assistance in this matter.

Sincerely,

John C. Simoneaux, Ph.D.  
Psychologist  
Louisiana License #442