

Janet Staiger, J.D., Staff Attorney
Washington State Department of Health
Office of Legal Services
PO Box 47873
Olympia, WA 98504-7873

November 22, 2011

Dear Ms. Staiger,

The purpose of this letter is to respond to your request for an expert review of case number 2011-154410, and to opine on whether Douglas Bartholomew, M.S., LMHC had behavior below the standard of practice on this case.

In my opinion, the 'Order of Protection Risk Assessment' report Mr. Bartholomew prepared at the request of the court was unprofessional in structure, tone, and language. Additionally, in my opinion, Mr. Bartholomew's assessment was biased toward finding domestic violence in favor of the allegations by the complainant's former spouse. Therapist professional bias is harmful to a client.

The NBCC Code of Ethics states:

Section B, Number 1, ' the primary obligation of certified counselors is to respect the integrity and promote the welfare of clients'

Section B, Number 12 'Counselors have a through awareness of the impact of stereotyping and unwarranted discrimination. Certified counselors guard the individual rights and the personal dignity of the client in the counseling relationship'

Mr. Bartholomew's assessment is below the standard of professional mental health care practice. A biased report such as Mr. Bartholomew's can harm a client by casting unsubstantiated aspersions on a client's behaviors or character structure, which produces unnecessary anxiety for the client as well as anxiety, time and expense for all parties involved in any divorce or custody process.

Mr. Bartholomew's unrepentant attitude in the deposition when confronted about the mistakes/unprofessional judgments in his assessment is also of concern. Mr. Bartholomew minimized the structural and clinical mistakes in his assessment when they were pointed out. Mr. Bartholomew was defensive, making light of his lack of proofreading and incomprehensible sentence structures. Mr. Bartholomew did not appear to give any credit to the fact that his mistakes, both clinical and in the structure of his report, could have a harmful effect on the complainant. In my opinion, Doug Bartholomew's overly strident bias towards domestic violence in his assessment and Mr. Bartholomew's insensitive attitude was unprofessional and did harm the complainant.

Mr. Bartholomew's 'Order of Risk Assessment' is poorly written, sloppy and inconsistent. The following are some specific examples of unprofessional behavior.

- Judge Michael Fox, who did not accept Mr. Bartholomew's assessment, stated 'in 22 years on the bench I have never received a report such as this' the report had grammar, spelling and content errors that were below the standard of practice.
- The complainant stated Mr. Bartholomew appeared distracted, made mistakes, and did not remember things the complainant told him from one interview to the next. (See complaint)
- Mr. Bartholomew's report showed unprofessional bias in a number of ways:
 1. He stated his information gathering was based on 4-5 hours of contact with Complainant in person and 1.5 hours of contact with complainant's ex spouse by telephone. P287 deposition. The justification for his disparity in the quality of information gathering from the complainant and his ex-spouse was 'I really don't keep track of time'.
 2. Mr. Bartholomew stated in the assessment 'this couple should not be married'. P 144
 3. An example of the biased language and unprofessional attitude used in the assessment, Mr. Bartholomew stated (p22)'Tom's life experience, according to him have simply not included those experiences which lead a person to patience, compassion, empathy and good boundaries. Unfortunately, in my discussions with him, he shown little or no interest in rectifying his shortcoming.'
 4. Mr. Bartholomew used unprofessional attitude and unprofessional language in his dismissal of collateral contact information from the complainant's former marriage counselor (with whom the complainant worked for two years and individual therapist with whom the complainant worked for five months) as 'bait and switch' information p146.
 5. Mr. Bartholomew stated in the record (deposition) that he always finds domestic violence when he does an assessment. He stated the physical abuse incidents reported by the complainant's ex wife were the 'tip of the iceberg'.
 6. Mr. Bartholomew misquoted complainant and applied some of complainant's ex-spouse's statements to complainant in the assessment report. P80
 7. Mr. Bartholomew left out part of the intake information for the complainant on information supplied to the court. P187
 8. Mr. Bartholomew's assessment included statements that complainant used money to control his ex spouse with bank transfers. It was later declared that the bank transfer(s) were done on the advise of his attorney as part of the divorce process. P176

9. Much of Mr. Bartholomew's notes from the assessment are incomplete, sloppy/unintelligible and incomprehensible.
- Roland Maiuro, Ph.D., was contacted for a second opinion assessment. Dr. Maiuro had a very different opinion about the nature of the domestic abuse allegations. Dr. Maiuro's assessment stated that the physical abuse allegations are inconclusive and that the alleged physical abuse incidents were atypical of Domestic Violence behavior patterns. Dr. Maiuro recommended the complainant finish the Domestic Violence class because Dr. Maiuro's assessment showed there was some evidence of psychological controlling behavior on the part of the complainant towards his ex-spouse. Below are some of the comments Dr. Maiuro had about Mr. Bartholomew's assessment.
 1. 'The prior evaluator's conceptual framework for making decisions/findings in favor of domestic violence and abuse (personality profile) is internally inconsistent, somewhat idiosyncratic and not supported in the literature' p 855
 2. Dr. Maiuro states that he disagrees with Mr. Bartholomew's assessment that the domestic abuse allegations are 'the tip of the iceberg' Dr. Maiuro stated these allegations 'are the iceberg', with inconclusive evidence any physical domestic violence occurred.
 3. Dr. Maiuro whose assessment took balanced time with both complainant and complainant's ex spouse stated "Tom underreports events and Irene over reports/embellishes to make a case for her wants and needs.' P856

Sincerely,

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