

P R O C E E D I N G S

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May 11, 2004

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(Excerpt from proceedings: Court's Oral Ruling.)

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As far as this Munchausen by proxy, I've heard a

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lot of interesting testimony and really, from

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Mr. [REDACTED] point of view, Miss Lasher is the one that

1 he's relying on primarily to confirm or disconfirm, and even  
2 here today she says that she doesn't have basically her --  
3 the gist of her start to her testimony was that she doesn't  
4 have enough information to really confirm or disconfirm  
5 Munchausen by proxy. Then she goes on, gives some general  
6 statements about why she believes she can make a provisional  
7 confirmation, which I -- boy, that starts to be real  
8 wishy-washy from my point of view. She's a supposed expert,  
9 and I think her expertise is -- I found she had enough  
10 training and experience to give an opinion, but that doesn't  
11 mean I'm going to accept her opinion.

12 Frankly, some of the things she said, both when  
13 she was here and today over the telephone, greatly concern  
14 me about her supposed expertise. To give you just a few  
15 examples that come to mind, her original position that she  
16 wasn't even going to list the states where she had testified  
17 before. I've never heard of that. I mean, I've heard the  
18 experts saying that they might be bound by some written  
19 confidentiality agreement, but I've never heard an expert  
20 say, I can't list what states I've testified in. It kind of  
21 gave me the feeling like she was afraid that if people  
22 really started to investigate what she's been up to in her  
23 forensic practice, things would come crumbling down.

24 Another thing that greatly concerned me about her  
25 testimony today was when she -- when Ms. Zabriskie

1 cross-examined her about her other files, I wrote this note  
2 down because she said that she doesn't keep records. I've  
3 never heard of a true expert, whether they're a forensic  
4 expert or a physician or a counselor or psychologist, that  
5 doesn't keep detailed records that can be the foundation of  
6 their opinions and can also be something they can refer back  
7 to if they have issues that are similar to some other case  
8 where they don't have to duplicate research and they can  
9 learn from comparing cases and notes, and it's not as if she  
10 doesn't need notes. I mean, her -- I don't know how many  
11 times today on the phone she said, I don't remember, I don't  
12 have my files with me. So, she was making excuse after  
13 excuse about how poor her memory is, even of the notes and  
14 records of this case, which she has been obviously spending  
15 a considerable time.

16           So, frankly, I have very little faith in her  
17 provisional opinion, and I have very little inclination to  
18 order [REDACTED] to go through any sort of further  
19 questioning by her. I note that she supposedly got her MA  
20 or masters in, I think it was, 2001. She doesn't have a  
21 license as a psychologist, and as I understand it, she's  
22 never really been somebody that's treated people or  
23 counseled people or helped people that have Munchausen's by  
24 proxy, however you want to word it. She's just been a  
25 person that supposedly is educated herself and gone to

1 seminars and has become a forensic expert, which I gather to  
2 mean she goes around testifying and making money on her  
3 reviews of cases and her testimony. I'd be much more  
4 inclined to give some weight to an expert that's a  
5 psychiatrist or a psychologist or someone that deals with  
6 mothers or people that are -- they believe truly have  
7 Munchausen by proxy and they have done research themselves  
8 that's probably more along the lines of somebody from a  
9 hospital or a professor or a clinician that regularly  
10 counsels and treats people, and I'm sure there are many  
11 people like that around the country if in fact this  
12 Munchausen by proxy is as prevalent as it is portrayed by  
13 Ms. Lasher.

14           So, certainly in a case like this, when somebody's  
15 making an accusation against another person that's a very  
16 serious accusation, that's going to affect their parenting  
17 rights probably for the entire time their children are  
18 minors, the burden -- just looking at the burden of proof,  
19 the burden would be on that side to prove more probably true  
20 than not that some condition or syndrome or confirmation of  
21 something like Munchausen by proxy is there, and they have  
22 not carried the burden, and so I do not find there's proof  
23 that she has Munchausen by proxy.