Forensic Testimony in Gambling Addiction Legal Cases

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My purpose and goal

- To help the gambler tell their story (most of which they are not conscious of) to the court for the primary purpose of mitigation at sentencing.
- Educate the court and lawyers about the treatable ‘illness’ of gambling addiction
- Help gambler choose recovery

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Description of Gambling Addiction Forensic Services and Process

I have been retained as an expert witness in over 60 legal cases in federal and state jurisdictions, primarily involving gambling addiction, although some with shopping/spending addiction. The majority have been criminal cases, with some civil and domestic relations cases. Most every case has resulted in downward departures from the federal sentencing guidelines, or the low end of the sentencing range (federal court) and reduced sentences and/or probation in states jurisdictions.

1. There are typically 4-5 components in each case:

- Consultation with defendant's attorney

- Review of all relevant legal documents (PSR, Indictment, Plea agreement, medical records, financial records, etc)

- Clinical assessment / interview with the defendant (by phone, video, and/or in person), as well as relevant collateral interviews.

- Drafting and filing a report for the defendant's attorney and the court – the final product being reviewed and approved by the attorney before submission to the court

- Testimony at sentencing hearing – if required at additional cost

2. The strategy and workflow involve addressing the following questions:

- Does the defendant meet criteria for a diagnosis of (Pathological) Disordered Gambling? In addition to my own experience, I use valid and reliable screening tools and the DSM diagnostic criteria. Prior to interview, and in the service of efficiency, I ask the client to fill out forms and forward them to me. Typically, I will then ask for more clarification. If diagnostic criteria are met, then:

- What, if any, connection is there between the individuals' gambling addiction and their illegal activity. A primary purpose of the report is to make that connection for the court, so that if the court is favorable toward downward departure from the sentencing guidelines, they have a basis for doing so. This can be the most challenging and time-consuming variable in drafting the report, depending on the complexity of the situation.

- Identify relevant co-morbid psychological/psychiatric diagnosis, if any.

- Treatment Recommendations

3. Fee for Services $XXXX +$XXX/day for Testimony (if required) + travel expenses

- The fee includes all the tasks included in paragraph 1 above.
- Additional travel fees (if any) include airfare, mileage, parking, lodging, cab, etc.
- Fee is payable 50% initially as retainer and balance due before submission of signed report
- If contract is with Federal Defenders office, reimbursement according to terms of contract
- Hourly rate - $XXX/hr

3.

Adjudication

Rehabilitation and recovery possible with proper adjudication and treatment

Probation conditions:

- Restitution – according to Gamblers Anonymous Pressure Relief guidelines
- Compliance Monitoring
  - No 'test' for detecting gambling (i.e., urine screen, breath, hair, etc.)
  - Accountability for:
    - Time
    - Money
  - Verification of treatment compliance
- No access to client money
- Mandatory Treatment
  - For duration of probation
  - With a professional who has expertise in treating gambling addiction
  - Release to allow communication between therapist and compliance person
- Ongoing treatment for any identified concurrent addictive disorders
- Medication evaluation by ASAM psychiatrist
- No gambling of any kind

RESULTS OF A 1995 SURVEY OF GAMBLERS ANONYMOUS MEMBERS IN ILLINOIS

June 14, 1995

Chris Anderson, MS, and Henry Lesieur, PhD, through the Illinois Council on Problem and Compulsive Gambling conducted a survey of 184 Gamblers Anonymous members in the State of Illinois in order to find out what the social costs of their gambling has been.

Major questions posed:

WHAT TYPES OF GAMBLING ARE GIVING COMPULSIVE GAMBLERS PROBLEMS? WHERE DO COMPULSIVE GAMBLERS GET THE MONEY TO GAMBLE? WHAT ARE THE ECONOMICS COSTS OF COMPULSIVE GAMBLING?
WHAT ARE THE COSTS FOR EMPLOYERS?
WHAT ARE THE COSTS FOR THE CRIMINAL JUSTICE SYSTEM?
ARE THEY GETTING HELP FOR THEIR PROBLEMS FROM MENTAL HEALTH PROFESSIONALS, AND HOW MUCH DO MENTAL HEALTH PROFESSIONALS KNOW ABOUT COMPULSIVE GAMBLING?

“Results of a 1995 Survey of Gamblers Anonymous Members in Illinois (N=184)

Henry R. Lesieur, Ph.D., Christopher W. Anderson, MS, NCGC, LMFT

The Illinois Council on Problem and Compulsive Gambling conducted a survey of Gamblers Anonymous members in the State of Illinois in order to find out what the social costs of their gambling has been.

Average age of the sample---- 38 yrs old (age range - 22 to 71)

Average age they first experienced problems with gambling - 24 yrs old

Number of years gambling problem lasted----------- - 10.3 years

Length of time in Gamblers Anonymous ---4 months (ranged from 1 day to 25 years)

Gender ----------- 82% male; 18% female

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GAMBLING PREFERENCES OF GAMBLERS ANONYMOUS MEMBERS IN ILLINOIS

Percent saying this form of gambling was a problem for them:

Riverboats ----------------	33%	(40% said at least some of their gambling losses were from the boats)
Indian casinos -------	7%	
Race tracks -----------	39%	
OTB -------------------	31%	
Bets with bookmakers --	41%	(includes sports, horses & numbers)
Slots, poker machines --	24%	(includes both legal and illegal, machines)
State lottery --------------	16%	
Bingo ---------------------	6%	
Stocks/commodities ----	13%	
Games of skill -----------	14%	

GAMBLING HAS IMPACTED ON THEIR FAMILIES:

61% were currently married (82% have been married)
16% divorced due to gambling
10% separated (26% separated or divorced) due to gambling
typical gambler had one or two children (avg = 1.7)

GAMBLING HAS IMPACTED ON THEIR JOBS:

34% had lost or quit a job because of gambling
76% missed time from work due to gambling
44% stole from work to pay gambling debts

THEY HAVE HAD CONTACTS WITH THE LEGAL SYSTEM:

21% had filed BANKRUPTCY

17% had been SUED for gambling-related debts

18% had gambling-related ARRESTS

12% were TRIED IN COURT on gambling-related offense

9% were CONVICTED of gambling-related offense

8% were put on PROBATION for gambling-related offense

4% were INCARCERATED for gambling-related offense

GAMBLING HAS CREATED EMOTIONAL TURMOIL AND SUICIDAL IDEATION:

79%	wanted to die
66%	contemplated suicide
45%	had a definite plan to kill self
16%	attempted suicide

Other self-admitted problems:

25%	alcoholic
19%	problem with other drugs
29%	eating disorder (all but one a compulsive overeater)
30%	"compulsive spender"

Therapy:

40%	therapist for gambling-related problems (only 31% of these were fully knowledgeable about gambling problems; 23% knew nothing about it)
16%	had been hospitalized for a gambling-related problem
14%	therapist for alcohol-drug problem
44%	therapist for other problems (only 21% of these were fully knowledgeable about gambling problems; 44% knew nothing about it)

68% answered positively to this question:

"If there were therapists who were knowledgeable about gambling, would you go to them if you could afford to do so?"

32% had no insurance

SOURCES OF MONEY FOR GAMBLING (other than employment income, savings accounts, and borrowing from gambling friends):

Household money.. 86%
Spouse... 60%
Other relatives of in-laws.. 66%
Banks, loan companies, credit unions..........................63%
Credit cards.. 63%
Loan sharks.. 22%
Sold personal or family property..............................52%
Checking account, bad checks...................................58%
Credit with illegal bookmaker...................................45%
Credit from casino... 27%
Food stamps... 6%
AFDC (welfare)... 6%
Social Security.. 4%
Unemployment check.. 19%
Illegal activity.. 56%

AMOUNT OWED UPON ENTRY INTO GAMBLERS ANONYMOUS (not including car loans, mortgage, etc.)

Average (includes one person who owed $1,000,000 and another who owed $7,500,000)... $113,640
Median (50% owed this amount or more and 50% owed less).................. 18,000

LIFETIME GAMBLING DEBTS (not including car loans, mortgage, etc.)

Average (includes three people who owed $1,000,000 or more)...... $215,406
Median (50% owed this amount or more and 50% owed less)......... $45,000

AVERAGE AMOUNT OF PERSONAL OR FAMILY PROPERTY SOLD TO FINANCE GAMBLING

Average (includes one person who sold $1,000,000 in property)..... $84,935
Median (50% sold this amount or more and 50% sold less) $5,000

AVERAGE AMOUNT OF MONEY STOLEN TO FINANCE GAMBLING

Average (includes one person who stole $7,500,000) $60,700
Median (50% sold this amount or more and 50% sold less) $500
56% said they stole something to finance gambling
(the median value stolen for these people alone was) $7,500

Average per gambler (BORROWED, SOLD OR STOLEN)............. $361,041

Median (50% above and 50% below)....................................... 50,500