

Disputed degree clouds expert witness

Written by Jonathan Ellis
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He advertises himself as “Dr. Thomas L. Price,” a licensed psychologist with a Ph.D. in behavioral medicine.

The phone book lists him as a Ph.D. His Internet domain name and email address both start with “Dr.” The message on his office phone refers to him as “Dr. Price.”

By every indication, Price spares no opportunity to use the term doctor to promote his practice, which includes serving as an expert witness in court cases and providing child custody evaluations in divorces.

But the institution from which Price said he earned his doctorate — Greenwich University — never has been accredited in the United States. Nor was Greenwich accredited in a foreign country during its brief, four-year existence on a sparsely populated island off Australia.

That, seemingly, would put Price at odds with a state law that prohibits people from using fraudulent credentials to promote their careers or businesses. The author of the 2008 law, state Sen. Al Novstrup, said it was his intent to make it illegal for people to use bogus credentials to boost their careers.

“The government has a responsibility to step in and do that work,” Novstrup said. “It’s consumer protection.”

Even so, prosecutors with the attorney general’s office have declined to pursue the matter.

Attorney General Marty Jackley told the *Argus Leader* that there was “not sufficient evidence of criminal activity based upon the information received.”

Price did not respond to interview requests by phone, email and a visit to his office in southern Sioux Falls.

It’s not clear in how many criminal or civil cases Price has testified, or what affect a misrepresentation of his education would have on the outcome. But a district court judge says that it’s impossible to discount the effect of a credential on how an expert’s opinion is considered.

Upsetting claim of advanced degree

In fact, Price’s experience and education — regardless of the doctorate — qualify him as a licensed psychologist in South Dakota, and as expert witness. It’s the claim of the Ph.D., however, that flirts with professional ethics, rankles opposing lawyers and perplexes outside observers, such as Marc J. Ackerman.

Ackerman is a nationally renowned forensic psychologist from Wisconsin who wrote the book “Psychological Experts in Divorce Actions” as well as other books. He discovered that Price was claiming a Ph.D. from an institution that isn’t recognized in the United States or anywhere else.

Price was Ackerman’s opposing expert in a child custody proceeding in Sioux Falls that went all the way to the South Dakota Supreme Court in a decision earlier this year.

'Misleading courts'

Ackerman said he was appalled that Price portrayed himself as a legitimate Ph.D. even though Price doesn’t have the educational background or scientific training to make that claim. Ackerman tried to find Price’s dissertation in a central repository of doctoral dissertations and could not find one.

“He’s misleading courts, and there are judges who are relying on him who have made decisions that have adversely affected people for the rest of their lives,” Ackerman said.

The situation raises questions about whether anyone verifies the credentials of experts used in court cases.

And whether anyone cares. The licensing board that oversees psychologists in South Dakota has not taken action. When the issue of Price's credentials came up in the court case Ackerman was involved in, Judge Douglas Hoffman insisted on continuing to call him "Dr. Price."

"I was particularly upset on several different levels," Ackerman said. "One, that he was doing what he was doing. Two, that nobody had done anything about it, and three, the judge didn't seem to care."

Lawyer who retained Price: No issue

Jason Sutton, a lawyer who retained Price in that case, said the court found that the issue of Price's credentials had no bearing on his expertise as a psychologist. Price was a licensed psychologist regardless of the issue with the Ph.D., he was experienced, and the court decided the issue with the Ph.D. was of no consequence to the validity of his opinions, conclusions or recommendations.

"Would I hire him again? Yes. And the court found him credible," Sutton said.

Hoffman said that regardless of the doctorate, Price is a licensed psychologist. People who perform custody evaluations in South Dakota typically are councilors or therapists, and Price's credentials exceed what's needed to perform evaluations under state law.

"I've always found him to do an extremely thorough and excellent job," Hoffman said.

Still, an expert's degree does play a role for judge's and juries, Hoffman said.

"Whether or not you have the Ph.D. behind your name doesn't necessarily matter in certain circumstances, but it looks nice. Your testimony might be more convincing if you're Dr. so and so versus Mr. so and so."

Australia shut down university

Greenwich University sounds prestigious. And, in fact there is a University of Greenwich in London. But the Greenwich University where Price says he earned his doctorate was on Norfolk Island, Australia, a tiny territorial island of fewer than 2,200 people. It operated there between 1998 and 2002, before Australian federal legislation shut it down. The government of Australia confirmed to the *Argus Leader* that it was not an accredited institution. Nor is it accredited in the United States.

An alert issued by the Australian government after Greenwich closed noted that, "To our knowledge, Greenwich University has never been accredited by any recognized government accreditation authority to deliver higher education awards."

"On the one occasion when Greenwich's academic and financial standing was subject to independent assessment by the Commonwealth," the alert said, "an expert review committee of five persons found that 'the standard of its courses, quality assurance mechanisms and academic leadership fail to meet the standards expected of Australian universities.'"

Greenwich University was a diploma mill, critics say, an institution where academic degrees are bought rather than earned. The state of Oregon compiled a list of institutions from which state law prohibits people from using degrees for academic or employment purposes. Greenwich University, Norfolk is on the list.

South Dakota's law is similar to Oregon's in that it prohibits people from claiming false academic degrees that aren't accredited in the United States or by a foreign country. Independent organizations recognized by the U.S. Department of Education examine the quality of academic programs before granting accreditation.

In addition, licensed psychologists in the state are required to abide by a code of ethics from the Association of State and Provincial Psychology Boards. That code prohibits psychologists from misrepresenting "directly or by implication his/her professional qualifications such as education, experience, or areas of competence."

S.D. authorities opt not to pursue matter

Despite fielding complaints about Price and his credentials, both the Board of Psychologist Examiners, the licensing board for psychologists in South Dakota, and the South Dakota attorney general's office have declined to pursue the matter.

Ackerman, who served on the Wisconsin ethics committee for psychologists, said bluntly: "He should not have been allowed as an expert witness."

Roy Moor, whose daughter hired Ackerman in her divorce case, filed a complaint with the board and the state's attorney after learning Price claimed a doctorate from an unaccredited school. All of Moor's four children worked hard to earn advanced degrees, he said, and it upset him that somebody would claim a doctorate from an unaccredited school.

"He just did it the easy way," Moor said.

Minnehaha County State's Attorney Aaron McGowan has not used Price as a witness in any of his cases, he said. His office received Moor's complaint about Price's credentials, which he forwarded to the state attorney general's office. McGowan said he felt it was a statewide concern because Price advertises in a statewide publication and serves as a witness in other judicial districts.

"I'm certainly aware of the concerns with his doctorate degree," McGowan said. "He would not be a witness that I would use in a case."

Legislator: Case goes directly to law

In an email July 16 to the *Argus Leader*, board President Frederick Magnavito said he was consulting with legal counsel before commenting for this story. On July 24 he said he was still waiting for the legal opinion.

Jackley said it is an issue for the licensing board, and not the attorney general's office.

But to Novstrup, the situation with Price sounds identical to what he had in mind when he pushed for the law.

"I think the law nails it on the head," the Aberdeen Republican said. "That's exactly what we were trying to accomplish."

Novstrup said he sponsored the law after learning about an individual who used a diploma mill degree to get an academic job for which the person was otherwise unqualified. His law made it illegal to claim a degree if it came from an institution that wasn't accredited by a regional, state or national accrediting agency recognized by the U.S. Department of Education, or by a foreign country.

"I was told that was a reasonable test to determine if a college is a mill," he said. "There was a need to make it really crisp and clear that it was a crime."

Margaret Soltan, an English professor at George Washington University and an expert on diploma mills, said it's common for such institutions to have names that make them sound as if they're from England. Typically, people don't get caught using an unaccredited degree until they assume a high-profile position, such as political office, or they do something that causes another person to research their backgrounds.

"If you stay under the radar, you can get by," she said.

Soltan also said it surprises her that professional organizations and officials haven't done more to weed out people using those types of degrees because it's in their best interest to do so.

"Whenever these things happen, serious damage is done to the profession they're purporting to represent," she said.

Grandfathered in as expert by S.D. law

Price doesn't need a doctorate to be a licensed psychologist in South Dakota. Court records show he has a wealth of experience in psychological matters not related to his Ph.D. in behavioral medicine.

He started practicing in 1974, according to testimony in a child custody case where he was an expert witness. He earned a master's degree in psychology in 1978 from the State University of New York at Geneseo and started Ph.D. work at the University of Ottawa in Canada in 1979 before abandoning his studies. In the 1980s, the South Dakota Legislature required that all licensed psychologists have Ph.D.s. While Price didn't have a Ph.D., he was allowed a license based on his master's degree and his experience practicing, in effect grandfathering him in.

Price's resumé says he earned the Ph.D. in behavioral medicine from Greenwich University, without noting the Norfolk Island location.

The degree has afforded him the same level of authority and expertise that psychologists with Ph.D.s from accredited institutions receive. In a 2009 state Supreme Court decision regarding a child custody dispute for which Price had served as an expert, the court wrote glowingly that Price is "a licensed psychologist who has a Ph.D. in behavioral medicine. Dr. Price has completed over one hundred custody evaluations since 1978."

Soliciting business based on Ph.D.

He has courted the state's legal community for business as an expert witness. The current issue of the South Dakota Bar Newsletter has an ad listing him as "Dr. Thomas L. Price." It touts his Ph.D., and his expertise in forensic psychological services for both civil and criminal cases.

Tom Barnett, the South Dakota Bar Association's executive director, said it's common for experts to advertise.

"If somebody wants to advertise as an expert, we routinely let them advertise until such time we don't think it's a service to our members," he said.

In court testimony, Price said that he performs evaluations across the region in civil and criminal cases. He also works for the court system and public defenders. In Minnehaha County, he has billed the public defender's office or courts \$10,320 so far this year, according to Rich Lietz, an accountant in the county auditor's office. Last year, the county paid him \$11,040.

That amount doesn't include billings to private lawyers, which are not public information.

In warrants approved by the Minnehaha County Commission to pay Price, he is listed as a Ph.D. Traci Smith, the Minnehaha County public defender, did not return a phone message or email asking whether the county pays more money to experts who have a Ph.D.

Credentials became issue in 2010 trial

Roger Baron, a professor at the University of South Dakota School of Law and an expert on family law, said the court system uses psychologists for a variety of reasons. And in some cases, their opinions can have a lot of influence on the court.

"I think most commonly you would see them making a child custody recommendation for the courts," he said.

Soltan has followed other cases where psychologists falsely claimed credentials. Without commenting directly on Price, Soltan said the examples she has tracked are among the worst instances of a professional claiming an expertise they don't have, particularly involving child custody.

"It's really appalling," Soltan said. "It's really angering because those are people destroying people's lives, and they're taking away children."

Price's credentials did become an issue during the child custody dispute in which Ackerman participated. Rapid City lawyer Linda Lea Viken, who represented Moor's daughter, attempted to impeach Price's credentials during a hearing in 2010.

Viken declined to comment for this story.

But according to a transcript of the case, Viken asked Price about his studies at Greenwich. He said he had never gone to Australia. Viken also asked Price about why there was no record of his Ph.D. dissertation in central dissertation abstracts. Price responded that it was because Greenwich University had closed, although he said he didn't know why the institution had closed.

He explained that Greenwich had offered a distance learning program, where he took courses over the Internet and by mail. He also said it involved workshops and seminars around the country. At one point he claimed to have "studied under" a prominent psychologist, only later admitting that "studying under" was a one-day seminar.

When it came to the question of whether Greenwich University was accredited, Viken asked: "If this degree is not from an accredited university, it would not be recognized in this country, would it?"

Price responded, "That would be correct."

Later, the issue of South Dakota's law on false degrees came up. Viken asked whether Price agreed that South Dakota law prohibits people from making false claims about having degrees from non-accredited universities.

Price responded: "That's what it seems I'm reading, yes."

Six months later, at a subsequent hearing in which Price's credentials still were at issue, there was confusion about what to call him. Lawyer Jason Sutton, whose side had hired Price, first referred to him as "Mr. Price," but then said "Dr. Price."

Judge Hoffman, who was presiding over the hearing, stopped to clarify his thoughts on the matter.

"I realize we have some ambiguities as to Dr. Price's title," Hoffman said, "but I'm going to call him Dr. Price, but you folks can call him whatever you want to call him. I'm going to assume he's Dr. Price until some board tells me he's not."

Moments later, Viken clarified what she thought of Price's credentials.

"Dr. Price — Mr. Price — I'll call him Mr. Price," she said.