

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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ASHTON WHITAKER, a minor, by his  
mother and next friend,  
MELISSA WHITAKER,

Plaintiff,

Civ. Action No. 2:16-cv-00943

KENOSHA UNIFIED SCHOOL DISTRICT  
NO. 1 BOARD OF EDUCATION and SUE  
SAVAGLIO-JARVIS, in her official capacity as  
Superintendent of the Kenosha Unified School District  
No. 1,

Defendants.

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**DEFENDANTS' BRIEF IN SUPPORT OF MOTION FOR INDEPENDENT MEDICAL  
EXAMINATION OF PLAINTIFF**

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**Introduction**

Plaintiff has placed his mental and physical health at issue in this lawsuit by claiming damages “that will compensate [Plaintiff] for the emotional, physical, educational and psychological injuries caused by Defendants...” and by submitting expert reports in which Plaintiff’s experts opine regarding Plaintiff’s mental and physical health. As such, good cause is shown under FRCP 35 and this Court should order Plaintiff to undergo the below described Independent Medical Examination at a date and time to be agreed upon by the parties.

**Governing Law**

According to FRCP 35(a):

(a) Order for an Examination. (1) In General. The court where the action is pending may order a party whose mental or physical condition-including blood group-is in controversy to submit to a physical or mental examination by a suitably licensed or certified examiner. The court has the same authority to order a party to produce for examination a person who is in its custody or under its legal control.

(2) Motion and Notice; Contents of the Order. The order: (A) may be made only on motion for good cause and on notice to all parties and the person to be examined; and (B) must specify the time, place, manner, conditions, and scope of the examination, as well as the person or persons who will perform it.

“[B]efore a court may compel a party to submit to a mental or physical examination under Rule 35, the movant must demonstrate (1) that the party's mental or physical condition is actually in controversy and (2) that there is good cause for the examination.” *J.H. v. Sch. Town of Munster*, 38 F. Supp. 3d 986, 987–90 (N.D. Ind. 2014). “Good cause” means more than merely being relevant. Nevertheless, the pleadings alone may be sufficient to determine whether good cause exists. After all, a plaintiff who seeks damages for a “mental or physical injury places that mental or physical injury clearly in controversy and provides the defendant with good cause for an examination to determine the existence and extent of such asserted injury.” *Schlagenhauf v. Holder*, 379 U.S. 104, 119 (citation omitted).

### **Argument**

#### **I. Plaintiff Has Undoubtedly Placed His Physical And Mental Health At Issue.**

There can be no question that Plaintiff has placed his physical and mental health at issue in this litigation based on the pleadings, the damages claimed, the expert reports submitted by Plaintiff and other discovery. As such, an IME should be ordered.

In Plaintiff’s Amended Complaint, he alleges the following pertinent facts regarding his physical and mental health:

28. After that meeting, Ash felt overwhelmed, helpless, hopeless, and alone...Ash was deeply distressed,,,

29. ...Ash was fearful of the potential disciplinary consequences if he failed to comply...As a result of that fear and anxiety...

30. ...Ash suffers from vasovagal syncope, a medical condition that results in fainting upon certain physical or emotional triggers. The triggers cause a person’s heart rate and blood pressure to drop suddenly, reducing blood flow to the brain and resulting in a loss of consciousness.

31. ...Ash also suffers from migraines triggered by stress....Ash experienced greatly heightened symptoms of both vasovagal syncope and stress-related migraines. He also experienced increased symptoms associated with Gender Dysphoria, including depression, anxiety and suicidal thoughts.

43. Ash became more depressed and anxious, grew distracted from his school work, and began to have trouble sleeping.

48. His anxiety and depression increased further. He also experienced increased physical symptoms relating to his vasovagal syncope, including dizziness, nearly fainting, and migraines.

67. Ash's migraines and episodes of fainting and dizziness continued to worsen. His depression, anxiety, and dysphoria also deepened. He became severely depressed and lethargic, and no longer wanted to get out of bed in the morning.

74. The practice has resulted in Ash experiencing increased symptoms of Gender Dysphoria, including anxiety and depression.

100. Ash has experienced and continues to experience the harmful effects of being segregated from, and treated differently than, his male classmates at school and during school-sponsored events, including lowered self-esteem, embarrassment, social isolation, and stigma, as well as heightened symptoms of Gender Dysphoria, including depression and anxiety.

102. Defendants' discriminatory actions, and the efforts Ash has made to comply with the directive not to use the boys' restroom—limiting food and drink while at school—have led to a host of physical symptoms, including dehydration, dizziness, fainting, and migraines.

103. As a direct and continuing result of Defendants' discriminatory actions, Ash has suffered increased and continuing emotional distress over the last six months. He has experienced escalating symptoms of depression and anxiety, and his self-esteem has suffered, as a result of the discrimination he has experienced at school. Although he cried very little in the past, he frequently cries and fights back tears.

104. As a result of the depression and anxiety Defendants' actions caused, Ash has also had difficulty eating and sleeping properly, and difficulty concentrating in classes and on his homework.

105. As a result of Defendants' actions, and the feelings of fear and scrutiny he has grown used to, Ash now feels unsafe being outside of the house, afraid that he will be targeted for an assault by someone who knows he is transgender. He will typically only go out in groups of friends, and tries to avoid ever going out with only one other friend or alone.

Amended Complaint.

If this were not enough, the Amended Complaint makes it abundantly clear that medical testimony and information will be central tenets in this case. The Amended Complaint, and indeed many of the filings by Plaintiff in support of his opposition to the motion to dismiss, were replete with discussions of hormones, internal reproductive organs, chromosomes, the differences between biological sex and gender identity, diagnoses of gender dysphoria, treatment for gender dysphoria, medical treatments including hormone therapy and surgical procedures, and the like. Amd Compl. ¶¶12-18; Decl. of Dr. Budge (ECF Doc. No. 10-2); Decl. of Dr. Gorton (ECF Doc. No. 10-3); Decl. of Dr. McGuire (ECF Doc. No. 10-5); Decl. of Dr. Davis (ECF Doc. No. 10-8); Decl. of Dr. Chiasson (ECF Doc. No. 10-9). This further supports a conclusion that once one moves beyond the policies which were applied to Plaintiff, it is Plaintiff's physical and mental health which are the central issues of this lawsuit.

In addition, Plaintiff has identified Dr. Stephanie Budge as an expert witness and disclosed the expert report of Dr. Budge. Dr. Budge is a psychologist who evaluated Plaintiff on no less than five occasions between July 2016 and January 2017. Budge Report, p. 5. Throughout these evaluations, Dr. Budge diagnosed Plaintiff with certain psychological conditions. Budge Report, p. 26, 27, 28, 29, 30, 31.<sup>1</sup> Dr. Budge opined that the psychological issues are attributed to experiences of discrimination at school including being singled out, not being allowed to use the men's restroom, and the like. Dr. Budge further stated that "it is my clinical opinion that Ash meets criteria for these diagnoses based on his internalization of discrimination...It is my professional opinion that the Kenosha Unified School District's treatment of Ash and its policies regarding his bathroom use, separating him from other students during school trips, refusal to require consistent use of his male name and pronouns by school staff, and other actions that singled him out as transgender and treating him differently from

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<sup>1</sup> As these portions of the Budge expert report were designated as Attorneys Eyes Only by Plaintiff pursuant to the protective order, Defendant, in an abundance of caution is not providing details of the psychological conditions here nor is it attaching the report as an Exhibit as Defendant readily anticipates that Plaintiff will not dispute the content of the report itself.

other boys, directly caused (and continues to cause) significant psychological distress and places Ash at risk for experiencing life-long diminished well-being and life-functioning.” Budge Report, p. 33-34. Finally, that the actions of KUSD “has predictably resulted in emotional, social, and educational harm to Ash.” Budge Report, p. 34.

There can be no doubt that Plaintiff has placed his physical and mental health at issue in this lawsuit.

## **II. There Is Substantial Good Cause To Order The Examination.**

This is not a situation in which a plaintiff has vaguely alleged some minor, garden-variety form of emotional distress in an attempt to recover some additional damages. The physical and mental harm allegations are detailed, significant and form the central tenet to Plaintiff’s claims against Defendants. Plaintiff alleges that he has had to undergo counseling and other therapy because of Defendants’ actions and has submitted three detailed expert reports including one by Dr. Stephanie Budge, a licensed psychologist, who treated Plaintiff over the course of several months and produced an expert report in support of Plaintiff’s claims. It is abundantly clear that once the parties get beyond the policies that were applied to Plaintiff that the remaining issues in this lawsuit are entirely about Plaintiff’s physical and mental health and what damages Plaintiff claims to have suffered.

It would be patently unfair and highly prejudicial to Defendants to allow Plaintiff to have a medical professional examine Plaintiff and provide an expert report, yet deny Defendants that same opportunity. Even in more routine circumstances, courts regularly grant IMEs. In *Usher v. Lakewood Eng'g & Mfg. Co.*, 158 F.R.D. 411, 412–13 (N.D. Ill. 1994) the court held that “[t]here is no question that Usher has put her mental state into controversy in this action, so as to trigger the potential use by Lakewood of the Fed.R.Civ.P. 35(a) opportunity to conduct a mental examination.” The court based this conclusion on the fact that the plaintiff had alleged mental harm as part of her damages and had been treated by a clinical psychologist. *Id.* See also *J.H. v. Sch. Town of Munster*, 38 F. Supp. 3d 986, 987–90 (N.D. Ind. 2014); *Walti v. Toys R Us*, No. 10 C 2116, 2011 WL 3876907, at \*2-3 (N.D. Ill. Aug. 31, 2011) (ordering IME in light of the

plaintiffs long-term history of post-traumatic stress disorder and other traumatic life events, which were relevant to the assessment of emotional distress damages in Title VII case); *Chrissafis v. Cont'l Airlines, Inc.*, No. 95 C 5080, 1997 WL 534874, at \*2 (N.D. Ill. Aug. 21, 1997) (ordering IME where the plaintiff was not seeking ordinary damages for pain and suffering and instead suffered from a “specific psychiatric condition,” even though plaintiff claimed she was no longer suffering from the condition); *see also Nguyen v. Qualcomm, Inc.*, No. 09-1925-MMA, 2013 WL 3353840, at \*6 (S.D. Cal. July 3, 2013) (ordering IME to evaluate pre-existing causes of plaintiff’s emotional distress, and noting that plaintiff could not “thwart a request for an IME by asserting that [she is] no longer suffering from emotional distress”); *Allshouse v. JBL Ltd.*, No. 3:05-CV-403-DRH, 2006 WL 517615, at \*2 (S.D. Ill. Mar. 2, 2006) (ordering IME in part because “Defendant is not required to rely solely on the Plaintiff’s witnesses['] assessment of her mental condition”); *EEOC v. Grief Bros.*, 218 F.R.D. 59, 63 (W.D.N.Y. 2003) (ordering IME over EEOC’s objection because “whether Defendant’s expert will be able to discern, four years after the fact, whether it is plausible that [plaintiff] was severely depressed during the relevant period and that such condition was or was not caused or aggravated by the alleged harassment, is a question of competency and credibility that must await trial”).

One would be hard pressed to come up with a more appropriate scenario in which to order an Independent Medical Examination of a plaintiff. Plaintiff here has put his physical and mental health at the forefront of this lawsuit and has retained experts to opine specifically on his physical and mental health. Defendants have shown good cause for this Court to order an IME of Plaintiff.

### **Proposed Examination**

FRCP 35 also requires that the Court specify “the time, place, manner, conditions, and scope of the examination, as well as the person or persons who will perform it.” Defendants propose the following as to the mental health examination which is necessary given the allegations at issue:

- Time: to be determined based on mutual agreement between the parties, but not later than August 1, 2017. The examination may take place on more than one day. However, the examination shall not take place on more than four occasions nor shall it cover more than 8 total hours.
- Place: at the offices of the below identified medical professional or, if unavailable, based on mutual agreement between the parties.
- Manner: in a manner consistent with generally accepted psychological methods of evaluation and testing. The process will consist of an initial interview of approximately 2-3 hours; a second session of testing that will last approximately 2-3 hours; and a final session consisting of a 2-3 hour interview.
- Conditions: no additional conditions are anticipated at this time.
- Scope: To include examination of Plaintiff in regards to any mental health issues identified in the Amended Complaint, Plaintiff's expert reports or discovery including, but not limited to: (1) PTSD, (2) anxiety, (3) depression, (4) suicidal thoughts, (5) gender dysphoria, (6) low self-esteem, (7) social isolation, (8) difficulty eating and sleeping properly, and (9) difficulty concentrating in classes and on his homework and other related issues. Also, the examination may include the cause of such issues, the impact of such issues on Plaintiff in relation to the claims asserted in this lawsuit and the harm or damages suffered by Plaintiff. The time period at issue includes 2009 to present which covers the time period in which Plaintiff attended Tremper High School along with several years prior to establish the necessary psychological baselines. It shall include examination of other circumstances in Plaintiff's personal, social and school life which may or may not have also contributed to the alleged symptoms and conditions described by Plaintiff. Finally, the examination may include appropriate psychological tests including, but not limited to, the Minnesota Multiphasic Personality Inventory test.

- Medical Professional: Dr. David Phelps is a licensed psychologist. Attached as Exhibit 1 is a copy of Dr. Phelps' curriculum vitae.

### **Conclusion**

Defendants have demonstrated that Plaintiff's mental or physical condition is actually in controversy and that there is good cause for the examination. Defendants have also demonstrated that the time, place, manner, conditions, and scope of the examination is reasonable. And, lastly the person proposed to conduct the IME is fully qualified to do so. Thus, Defendants' motion should be granted.

Dated this 28th day of April, 2017.

MALLERY & ZIMMERMAN, S.C.  
Attorneys for Defendants

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### EDUCATION/CREDENTIALS

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<b>July 2014 – Present</b>	<b>LICENSED PSYCHOLOGIST</b> #3179	State of Wisconsin
<b>PH.D.</b>	<b>MARQUETTE UNIVERSITY</b> Doctor of Philosophy in Counseling Psychology, APA Accredited, August 2013 Pre-Doctoral Internship: Iowa State University Student Counseling Service, APA Accredited	Milwaukee, WI
<b>M.S.H.R.</b>	<b>MARQUETTE UNIVERSITY</b> Master of Science in Human Resources, 2008	Milwaukee, WI
<b>M.A.</b>	<b>MARQUETTE UNIVERSITY</b> Master of Arts in Counseling Psychology, APA Accredited, 2006	Milwaukee, WI
<b>B.A.</b>	<b>UNIVERSITY OF MINNESOTA, MORRIS</b> Bachelor of Arts in Psychology (High Honors), Minor: Women's Studies, 1996	Morris, MN

### CLINICAL EXPERIENCE

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March 2015 – Present	<b>MILWAUKEE AREA PSYCHOLOGICAL SERVICES, SC (MAPS)</b> <i>President</i> <ul style="list-style-type: none"> <li>• Private practice that offers comprehensive mental health services to people ranging from late adolescence to older adulthood. Services offered include individual psychotherapy, couples counseling, therapy groups, workshops, and psychoeducational seminars.</li> <li>• Provide cognitive and personality assessment and diagnostic services as part of psychological, medical, employment, and legal cases.</li> </ul>	Milwaukee, WI
June 2015 – Present	<b>NORTHWESTERN MUTUAL</b> <i>Psychiatric Consultant</i> <ul style="list-style-type: none"> <li>• Review existing psychiatric disability claims.</li> <li>• Analyze new disability claim requests.</li> <li>• Provide psychiatric opinions and written analyses on complex mental health claims.</li> <li>• Consult with a large team of disability analysts, opining on new and existing claims.</li> </ul>	Milwaukee, WI
Oct. 2014 – June 2015	<b>ANNE HUEBNER &amp; ASSOCIATES</b> <i>Psychologist</i> <ul style="list-style-type: none"> <li>• Provide individual psychotherapy to clients presenting with a range of concerns, including mood disorders, anxiety disorders, ADHD, bereavement, trauma, impulse-control disorders, eating disorders, personality disorders, substance abuse, and sexual identity, gender identity, and cultural identity concerns.</li> <li>• Provide cognitive and personality assessment and diagnostic services as part of psychological, medical, employment, and legal cases.</li> <li>• Complete assessment reports integrating clinical interviews, assessment results, and treatment plans for patient files and to assist other patient care providers.</li> <li>• Collaborate with psychiatrists, primary care physicians, attorneys, employee assistance providers, and nutritionists to coordinate care and provide multidisciplinary treatment for clients.</li> </ul>	Brookfield, WI
Aug. 2013 – Aug. 2014	<b>MARQUETTE UNIVERSITY COUNSELING CENTER</b> <i>Post-Doctoral Fellow</i> <i>Individual Therapy</i> <ul style="list-style-type: none"> <li>• Provided brief individual psychotherapy to undergraduate and graduate students presenting with a range of concerns, including mood disorders, anxiety disorders, ADHD, bereavement, trauma, impulse-control disorders, eating disorders, personality disorders, substance abuse, and sexual identity, gender identity, and cultural identity concerns at a private university of approximately 15,000 students.</li> </ul>	Milwaukee, WI

- Conducted eating disorder assessment, including structured interview, and communicate evaluation results and treatment recommendations.
- Conducted ADHD evaluations, including structured interview, assessments, and communicate evaluation results and treatment recommendations.
- Provided career counseling and assessments to clients.
- Conducted weekly triage, crisis, and intake appointments.
- Collaborated with psychiatrists, primary care physicians, and nutritionists to provide multidisciplinary treatment for clients.
- Completed client paperwork and documentation, including intake reports, progress notes, and termination summaries, in *Titanium*.

*Coordination Area – Group Counseling Program*

- Assessed and identify groups to be offered, selecting group days, times, and co-facilitators.
- Created marketing materials for group program and disseminate information campus-wide.
- Facilitated bi-weekly staff consultation meeting to discuss how groups are progressing and for staff to receive and provide consultation related to facilitating interpersonal process and skills groups.

*Group Therapy*

- Co-facilitated interpersonal process group.
- Developed and implement DBT skills group.

*Supervision and Training*

- Provided primary individual supervision for an advanced doctoral practicum student.
- Facilitated peer group supervision for advanced doctoral practicum students.
- Participated in weekly training team meetings.

*Urgent Care/Crisis Intervention*

- Provided weekly on-call triage services, conduct risk assessment, and provide crisis intervention.
- Consulted with faculty, staff, parents, and students regarding urgent care concerns.

*Consultation and Outreach*

- Acted as primary liaison to on-campus residence hall, providing consultation and outreach.
- Served as liaison to the Graduate School, providing consultation and outreach.
- Provided outreach programming, presentations, and consultations to diverse student groups and staff members on topics including bereavement, stress management, test anxiety, adjustment to college, sexual and gender identity, and healthy relationships.

*Other – Administrative*

- Programmed electronic documentation for personal, career, and substance use intakes, eating disorder assessment, and suicide and dangerousness to others risk assessments in *Titanium*.

Aug. 2012 –  
July 2013

**IOWA STATE UNIVERSITY, STUDENT COUNSELING SERVICE**

Ames, IA

*Pre-Doctoral Intern (APA Accredited Program)*

Special Emphasis Areas: Supervision and Training; Administration

*Individual Therapy*

- Provided brief individual and couples psychotherapy to undergraduate and graduate students presenting with a range of concerns, including mood disorders, anxiety disorders, ADHD, bereavement, trauma, impulse-control disorders, eating disorders, personality disorders, substance abuse, and sexual identity, gender identity, and cultural identity concerns at a public university of approximately 32,000 students.
- Conducted eating disorder assessment, including structured interview, assessment interpretation, and communicate evaluation results and treatment recommendations.
- Provided career counseling and assessments to clients.
- Conducted weekly triage, crisis, and intake appointments.
- Collaborated with psychiatrists, primary care physicians, and nutritionists to provide multidisciplinary treatment for clients.
- Completed HIPAA-compliant client paperwork and documentation, including multi-axial assessment and diagnosis, walk-in/intake notes, disposition notes, crisis notes, progress notes, and termination summaries in *Titanium*.

*Group Therapy*

- Co-facilitated *Understanding Self and Others*, an interpersonal process group.
- Co-facilitated an interpersonal process trauma recovery group.
- Co-facilitated an interpersonal process eating disorder recovery group.
- Co-facilitated *QuickStart* psychoeducational groups based on CBT, IPT, and mindfulness skills.

*Supervision and Training*

- Provided primary individual supervision for advanced doctoral practicum students.
- Provided supervision for advanced doctoral practicum student co-leading psychoeducational group.
- Co-taught clinical practicum course for doctoral students.
- Participated in weekly training and clinical team meetings.

*Urgent Care/Crisis Intervention*

- Provided weekly on-call triage services, conduct risk assessment, and provide crisis intervention.
- Provided evening and weekend crisis response consultation to university administrators and police.
- Consulted with faculty, staff, parents, and students regarding urgent care concerns.

*Consultation and Outreach*

- Acted as primary liaison to on-campus graduate student apartments and provide consultation as necessary.
- Served as liaison to Multicultural Student Affairs (MSA), providing consultation and outreach programming to various student organizations associated with MSA.
- Provided outreach programming, presentations, and consultations to diverse student groups and staff members on topics including bereavement, stress management, test anxiety, adjustment to college, sexual and gender identity, body image and eating concerns, and healthy relationships.

Jan. 2012 –  
May 2012

**MARQUETTE UNIVERSITY COUNSELING CENTER**

Milwaukee, WI

*Part-Time Counselor**Individual Therapy*

- Provided brief individual psychotherapy to undergraduate and graduate students presenting with a range of concerns, including mood disorders, anxiety disorders, trauma, bereavement, eating disorders, body image concerns, personality disorders, and sexual identity and cultural identity concerns at a private university of approximately 15,000 students.
- Provided career counseling and assessments to clients.
- Collaborated with psychiatrists to provide multidisciplinary treatment for clients.
- Completed client paperwork and documentation, including intake reports, progress notes, and termination summaries, in *Titanium*.

Sept. 2011 –  
Dec. 2011

**UNIVERSITY OF WISCONSIN, OSHKOSH COUNSELING CENTER**

Oshkosh, WI

*Doctoral Practicum Counselor**Individual Therapy*

- Provided brief individual psychotherapy to undergraduate and graduate students presenting with a range of concerns, including mood disorders, anxiety disorders, ADHD, bereavement, trauma, PTSD, eating disorders, personality disorders, substance abuse, and sexual identity and cultural identity concerns at a public university of approximately 14,000 students.
- Conducted ADHD evaluations, including structured interviews, assessment interpretation, and communication of evaluation and treatment recommendations.
- Provided career counseling and assessments to clients.
- Conducted *Healing Rhythms* biofeedback orientation.
- Collaborated with psychiatrists, primary care physicians, and nutritionists to provide multidisciplinary treatment for clients.
- Completed HIPAA-compliant client paperwork and documentation, including multi-axial assessment and diagnosis, walk-in/intake notes, disposition notes, crisis notes, progress notes, and termination summaries in *Titanium*.

*Group Therapy*

- Designed, implemented, and co-led a Dialectical Behavior Therapy (DBT) skills group.

*Urgent Care/Crisis Intervention*

- Provided on-call/walk-in coverage and emergency consultation services for students experiencing crises.
- Consulted with faculty, staff, parents, and students regarding urgent care concerns.

*Consultation and Outreach*

- Provided outreach programming, presentations, and consultations to diverse student groups and staff members on topics including bereavement, stress management, test anxiety, adjustment to college, and healthy relationships.
- Facilitated small group discussions for professors and students attending *Tunnel of Oppression*, an experiential diversity program.

Aug. 2010 –  
May 2011

**FROEDTERT MEMORIAL LUTHERAN HOSPITAL/MEDICAL COLLEGE OF WISCONSIN** Milwaukee, WI  
**DEPARTMENTS OF TRANSPLANT SURGERY AND TRAUMA SURGERY**

*Doctoral Practicum Counselor*

Health psychology rotation in the areas of organ transplant surgery and trauma.

*Individual Therapy*

- Provided brief and longer-term individual psychotherapy to address a range of pre- and post-organ transplant concerns, including coping and adjustment, relapse prevention, substance abuse, depressed mood, anxiety, relationship difficulties, and gender and sexual identity concerns.
- Conducted bedside PTSD screens and provided psychoeducation at a Level I Trauma Center for survivors of acute, single-incident traumatic events.
- Provided brief individual psychotherapy, including progressive exposure therapy and dream/imagery rescripting, to survivors of single-incident traumatic events.
- Collaborated with physicians, nurses, and hospital staff to provide multidisciplinary treatment for patients.
- Completed client paperwork and documentation, including multi-disciplinary team consults and regular progress notes, in *Epic*, an electronic medical records system.

*Urgent Care/Crisis Intervention*

- Provided emergency consultation for patients, patients' families, and hospital staff.

*Assessment/Report Writing*

- Provided cognitive and personality assessment and diagnostic services to organ recipients and donors as part of a comprehensive, multi-disciplinary pre-transplant evaluation.
- Completed assessment reports integrating clinical interviews, assessment results, and treatment plans for patient medical files and to assist other patient care providers.

May 2010 –  
Aug. 2010

**BROTOLOC HEALTH CARE**  
*Doctoral Practicum Counselor*

Milwaukee, WI

*Individual Therapy*

- Provided individual psychotherapy for severely and persistently mentally ill persons as well as those with traumatic brain injuries and stroke living in four community-based residential facilities.
- Completed client paperwork and documentation, including assessment reports and regular progress notes.

*Assessment/Report Writing*

- Conducted neuropsychological evaluation and cognitive assessment and diagnostic services as part of a multi-disciplinary team.
- Collaborated with direct supervisor, interpreted assessment results, and formulated appropriate treatment plans for patients.
- Completed assessment reports integrating clinical interviews, assessment results, and treatment plans to assist other patient care providers.

Aug. 2009 –  
May 2010

**MARQUETTE UNIVERSITY COUNSELING CENTER**

Milwaukee, WI

*Doctoral Practicum Counselor*

*Individual Therapy*

- Provided brief individual psychotherapy and career counseling to undergraduate and graduate students presenting with a range of concerns, including mood disorders, anxiety disorders, bereavement, eating disorders, body image concerns, personality disorders, and sexual identity and cultural identity concerns at a private university of approximately 15,000 students.

- Conducted ADHD evaluations, including structured interviews, assessment interpretation, and communication of evaluation and treatment recommendations.
- Provided career counseling and assessments to clients.
- Conducted Brief Alcohol Screening and Intervention of College Students (Basics) for students referred by the university conduct board after violating university code of conduct regarding alcohol use.
- Collaborated with psychiatrists to provide multidisciplinary treatment for clients.
- Completed client paperwork and documentation, including intake reports, progress notes, and termination summaries, in *Titanium*.

*Group Therapy*

- Co-facilitated *Managing Your Anxiety*, an interpersonal process and psychoeducational group.

*Urgent Care/Crisis Intervention*

- Provided on-call/walk-in coverage and emergency consultation services for students experiencing crises.
- Consulted with parents and faculty regarding urgent care concerns.

*Consultation and Outreach*

- Provided outreach programming to students on topics including career counseling, depression, and anxiety.

Aug. 2006 –  
Dec. 2006

**CLEMENT J. ZABLOCKI VA MEDICAL CENTER**  
**DEPARTMENTS OF GERIATRIC PSYCHOLOGY AND PALLIATIVE CARE**

Milwaukee, WI

*Doctoral Practicum Counselor*

*Individual Therapy*

- Provided brief individual psychotherapy to inpatient and outpatient veterans with a range of presenting concerns, including pain management, bereavement, coping and adjustment, conversion disorder, depressed mood, anxiety, and sexual identity concerns.
- Provided psychoeducation and psychotherapy for patients and their families.
- Conducted cognitive assessment and diagnostic services as part of a multi-disciplinary team.
- Completed client paperwork and documentation, including assessment reports and regular progress notes, in *VistA*, an electronic medical records system.

*Group Therapy*

- Co-facilitated older adult support group for inpatient veterans.

*Urgent Care/Crisis Intervention*

- Provided emergency consultation for patients, patients' families, and hospital staff.

Aug. 2005 –  
May 2006

**THE COUNSELING CENTER OF MILWAUKEE**

Milwaukee, WI

*Master's Practicum Counselor*

*Individual Therapy*

- Provided brief and longer-term individual and couples psychotherapy to individuals with a range of presenting concerns, including mood disorders, anxiety disorders, complex trauma, bereavement, personality disorders, and sexual identity, gender identity, and cultural identity concerns.
- Completed client paperwork and documentation, including intake reports and regular progress notes.

*Group Therapy*

- Co-facilitated psychoeducational and support group for child and adolescent sexual assault survivors.
- Co-facilitated support group for gay and bisexual men.
- Co-facilitated interpersonal process and psychoeducational bereavement group.

*Outreach*

- Participated in various community outreach activities to increase visibility and access to community mental health.

**TEACHING AND SUPERVISION EXPERIENCES**

July 2014 –  
Aug. 2014

**MARQUETTE UNIVERSITY**  
**DEPARTMENT OF EDUCATION POLICY AND LEADERSHIP**

Milwaukee, WI

*Adjunct Instructor*

*Graduate Learning Theories*

- Designed course to acquaint master's and doctoral students with major theories and current research on learning, with a focus on applying theory across a variety of disciplines, levels, and contexts of learning.
- Developed syllabus, lectures, and assignments.
- Addressed theory and research on the interaction of culture, ethnicity, and gender on learning.

Aug. 2012 – **IOWA STATE UNIVERSITY** Ames, IA  
Dec. 2012 **DEPARTMENT OF COUNSELING PSYCHOLOGY**

*Co-Instructor, Counseling Psychology Career Practicum*

- Provided group supervision for doctoral practicum trainees.

Jan. 2011 – **MARQUETTE UNIVERSITY** Milwaukee, WI  
May 2011 **DEPARTMENT OF COUNSELOR EDUCATION AND COUNSELING PSYCHOLOGY**

*Teaching Assistant to Rebecca Anderson, Ph.D.*

*Psychopharmacology*

- Facilitated small group discussions.
- Developed and graded quizzes.

Aug. 2010 – **CARDINAL STRITCH UNIVERSITY** Milwaukee, WI  
Dec. 2010 *Adjunct Instructor*

*Undergraduate Personality Theory*

- Designed course to acquaint students with major theories and current research on the development of personality.
- Developed syllabus, lectures, assignments, and exams.
- Addressed theory and research on the interaction of culture, ethnicity, and gender on personality development.

Aug. 2009 – **MARQUETTE UNIVERSITY** Milwaukee, WI  
May 2010 **DEPARTMENT OF COUNSELOR EDUCATION AND COUNSELING PSYCHOLOGY**

*Supervisor of Master's-Level Graduate Students*

- Supervised and provided feedback during the fall semester for master's students in their first semester as they learned counseling skills and techniques.
- Individually provided supervision to two master's students in their first clinical placement at a community mental health clinic and junior high school.

Aug. 2006 – **MARQUETTE UNIVERSITY** Milwaukee, WI  
Dec. 2006 **DEPARTMENT OF COUNSELOR EDUCATION AND COUNSELING PSYCHOLOGY**

*Teaching Assistant to Alan Bukard, Ph.D.*

- Graded first-year graduate student theory papers for introductory counseling skills course.
- Evaluated first-year graduate student introductory counseling skills videorecordings and self-assessment papers.
- Graded first-year graduate student exams for introductory counseling skills course.

Aug. 1995 – **UNIVERSITY OF MINNESOTA, MORRIS** Morris, MN  
May 1996 *Teaching Assistant to Eric Klinger, Ph.D.*

*Undergraduate Personality and Psychopathology*

- Facilitated small group discussions of empirical articles related to personality development and psychopathology.
- Provided peer tutoring.
- Proctored and evaluated short essay exams.

## **RESEARCH AND OTHER RELATED EXPERIENCES**

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Jan. 2012 – **SUPERVISEE INTERNAL REPRESENTATIONS OF SUPERVISORS**

Aug. 2013 *Research Team Member*

Primary Investigator: Sarah Knox, Ph. D., Marquette University

- Consensual qualitative research (CQR) study examining supervisees' internal representations of supervisors.

Aug. 2010 – **SUPERVISEE EXPERIENCES OF CORRECTIVE FEEDBACK IN CLINICAL SUPERVISION**

- Dec. 2011 *Dissertator*  
Dissertation Chair: Alan Burkard, Ph.D.
- Study focused on supervisee experiences of corrective feedback that occurred in the context of individual clinical supervision.
  - Dissertation defended December 14, 2011.
- June 2009 –  
April 2010 **THERAPIST SELF-DISCLOSURE IN THERAPY WITH ADOLESCENTS**  
*Research Team Member*  
Primary Investigator: Jacquelyn Smith, Ph. D., Marquette University
- Consensual qualitative research (CQR) study that examined use of therapist self-disclosure in therapy with adolescent clients.
- Sept. 2005 –  
April 2008 **SUPERVISORS' EXPERIENCES OF PROVIDING DIFFICULT FEEDBACK IN CROSS-CULTURAL SUPERVISION**  
*Research Team Member*  
Primary Investigator: Alan Burkard, Ph. D., Marquette University
- Consensual qualitative research (CQR) study examining supervisors' experiences in providing difficult feedback to supervisees in individual, cross-cultural supervision relationships.
  - Assisted in the presentation and publication of research findings.
  - Conducted the literature review for the study and wrote the literature review portion of the submitted manuscript.
- Aug. 2004 –  
May 2005 **MARQUETTE UNIVERSITY** Milwaukee, WI  
**DEPARTMENT OF COUNSELOR EDUCATION AND COUNSELING PSYCHOLOGY**  
*Research Assistant to Alan Burkard, Ph.D.*
- Conducted literature reviews for studies on multicultural and LGBTQ counseling competencies.
  - Assisted with development of LGBTQ counseling competencies measure.
- Aug. 2005 –  
May 2006 **MARQUETTE UNIVERSITY** Milwaukee, WI  
**DEPARTMENT OF COUNSELOR EDUCATION AND COUNSELING PSYCHOLOGY**  
*Research Assistant to Tim Melchert, Ph.D.*
- Compiled self-study documentation for APA reaccreditation.

#### **PUBLICATIONS / MANUSCRIPTS SUBMITTED / IN PREPARATION**

- Burkard, A., Phelps, D., Knox, S., Clarke, R., & Inman, A. (2014). Supervisors' experience of providing difficult feedback in cross-cultural supervision. *The Counseling Psychologist, 42*, 314-344.
- Phelps, D. (2011). Supervisee experiences of corrective feedback in clinical supervision. *Psychotherapy Bulletin, 46*, 14-18.
- Cisler, R., Phelps, D., Hemesath, K., & Partington, S. (In preparation). Eating behaviors, eating disorders, and body image. In S.L. McMurtry, S.J. Rose, & R.A. Cisler, *Desk Reference Guide to Rapid Assessment Instruments, Volume I: Measures of Personal and Psychological Functioning*. The Guilford Press, New York.

#### **SPECIALIZED TRAINING**

- Dec. 2012 **COGNITIVE PROCESSING THERAPY – DEPARTMENT OF VETERANS AFFAIRS**
- Sept. 2012 **SAFE ZONE – IOWA STATE UNIVERSITY**
- Dec. 2009 **BRIEF ALCOHOL SCREENING AND INTERVENTION FOR COLLEGE STUDENTS (BASICS) – MARQUETTE UNIVERSITY**
- Sept. 2009 **DIVERSITY ADVOCATES – MARQUETTE UNIVERSITY**
- Sept. 2009 **QUESTION, PERSUADE, REFER (QPR) FOR SUICIDE PREVENTION – MARQUETTE UNIVERSITY**

#### **PROFESSIONAL PRESENTATIONS**

##### **POSTER/PAPER PRESENTATIONS**

- Phelps, D. (2009, August). *Supervisor experiences in providing difficult feedback in cross-cultural supervision*. 117<sup>th</sup> Annual Meeting of the American Psychological Association. Toronto, ON.

- Phelps, D.** (2009, March). *Difficult feedback in cross-cultural supervision: A literature review*. 2009 Marquette University Counselor and Educational Psychology Mini-Conference and Research Exchange. Milwaukee, WI.
- Phelps, D., Clarke, R., & Smith, J.** (2006, March). *Alcoholism in the gay and lesbian community*. 2006 Marquette University Counselor and Educational Psychology Mini-Conference and Research Exchange. Milwaukee, WI.
- Phelps, D.** (2005, April). *Body image dissatisfaction, drive for muscularity, and eating disorders among men: A literature review*. 2005 Marquette University Counselor and Educational Psychology Mini-Conference and Research Exchange. Milwaukee, WI.

### **INVITED TALKS**

#### ***Safe, Healthy, Strong Conference***

- Phelps, D.** (2017, March). *Shame, Shame Resilience, and Mental Health*. Shame resilience training for healthcare providers, community leaders, and community educators. Milwaukee, WI.

#### ***Community Outreach***

- Phelps, D.** (2016, October). *Shame Resilience*. Shame resilience training for Community Educators. Milwaukee, WI.

#### ***Wisconsin LGBT Leadership Conference***

- Phelps, D.** (2016, February). *Shame Resilience*. Shame resilience training for community leaders and advocates. Milwaukee, WI.

#### ***NAMI Greater Milwaukee & Milwaukee Police Department***

- Phelps, D.** (2006, January). *Working with Lesbian, Gay, Bisexual, and Transgendered individuals with mental illness: What the law enforcement officer needs to know*. Crisis Intervention Team (CIT) training for Milwaukee Police Department. Milwaukee, WI.

### **HONORS / AWARDS**

- |                          |   |               |
|--------------------------|---|---------------|
| April 2012               | <b>MARQUETTE UNIVERSITY</b><br><i>Outstanding Counseling Psychology Ph.D. Student</i> <ul style="list-style-type: none"><li>• Counselor Education and Counseling Psychology Department's highest honor.</li></ul>   | Milwaukee, WI |
| Aug. 2011 –<br>July 2012 | <b>MARQUETTE UNIVERSITY</b><br><i>Arthur J. Schmitt Fellow</i> <ul style="list-style-type: none"><li>• One of ten university Schmitt Fellows.</li><li>• Awarded to university leaders who demonstrate a commitment to a career in college teaching.</li></ul> | Milwaukee, WI |
| May 2008                 | <b>MARQUETTE UNIVERSITY</b><br><i>T.R. Martin Award for Excellence</i> <ul style="list-style-type: none"><li>• Graduate School of Management's highest honor.</li><li>• Awarded to graduates with a 4.0 grade point average.</li></ul>                        | Milwaukee, WI |

### **STUDENT LEADERSHIP POSITIONS**

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|--------------------------|--|
| June 2010 –<br>May 2013  | <b>APA DIVISION 29 (PSYCHOTHERAPY) EDUCATION AND TRAINING COMMITTEE</b><br><i>Student Member</i>                   |
| Oct. 2009 –<br>Aug. 2010 | <b>MARQUETTE UNIVERSITY COUNSELOR EDUCATION AND COUNSELING PSYCHOLOGY WRITING LAB</b><br><i>Writing Consultant</i> |
| Sept. 2009 –<br>Present  | <b>MARQUETTE UNIVERSITY DIVERSITY ADVOCATES</b><br><i>Diversity Advocate</i>                                       |
| May 2006 –<br>May 2007   | <b>MARQUETTE UNIVERSITY COUNSELING PSYCHOLOGY GRADUATE STUDENT ORGANIZATION</b><br><i>Vice President</i>           |
| May 2006 –<br>May 2007   | <b>AMERICAN PSYCHOLOGICAL ASSOCIATION OF GRADUATE STUDENTS (APAGS)</b><br><i>Campus Representative</i>             |
| June 2005 –              | <b>MARQUETTE UNIVERSITY COUNSELING PSYCHOLOGY GRADUATE STUDENT ORGANIZATION</b>                                    |

May 2012 *Mentor*

June 2005 – **STUDENT AFFILIATE GROUP OF DIVISION 17, SOCIETY OF COUNSELING PSYCHOLOGY**  
June 2007 *Network Coordinator*

June 2005 – **MARQUETTE UNIVERSITY COUNSELING PSYCHOLOGY GRADUATE STUDENT ORGANIZATION**  
May 2006 *Diversity Scholarship Committee Chair*

### PROFESSIONAL AFFILIATIONS

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- The American Psychological Association; September 2004 – Present
  - Division 17 – Society of Counseling Psychology
  - Division 29 – Psychotherapy
  - Division 51 – Men & Masculinity
- Marquette University Counseling Psychology Graduate Student Organization; September 2004 – Present
- Student Affiliate Group of Division 17, Society of Counseling Psychology; September 2004 – Present
- Society for Human Resource Management (SHRM)
- Beta Gamma Sigma International Business Honor Society

### EMPLOYMENT

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Aug. 2004 – **GUARANTY BANK** Milwaukee, WI  
July 2012 *Investor Relations Coordinator*  
Supervisor: Liz McGarry

- Identified and established new correspondent, wholesale, and municipal housing authority mortgage investor relationships.
- Maintained over 50 existing wholesale, correspondent, and municipal bond investor relationships, including completing recertification materials, and reviewing and executing updated wholesale mortgage origination agreements.
- Disseminated pertinent correspondent, wholesale, and housing authority information to over 200 loan originators and 150 mortgage production support staff.
- Provided timely support to over 200 loan originators with needs pertaining to correspondent, wholesale, and housing authority relationships.

May 2007 – **GUARANTY BANK** Milwaukee, WI  
May 2009 *Human Resources Intern*  
Supervisor: Karen Konrath

- Initiated a high potential employee program to identify and develop future leaders within the organization.
- Interviewed hiring managers and position incumbents to develop more than 50 job descriptions.
- Identified, evaluated, and implemented more than 20 on-line selection assessments to streamline employee selection process for retail and corporate bank employees.

Feb. 1998 – **GUARANTY BANK** Milwaukee, WI  
Aug. 2004 *Lock Desk Supervisor (2002-2004)*  
*Pricing Specialist (1998-2002)*  
Supervisor: Margaret Carley

- Coached and developed staff of 12 to provide mortgage loan lock and pricing support to over 500 loan originators and mortgage brokers.
- Developed and implemented communication system to alert over 500 loan originators and mortgage brokers of midday price fluctuations.
- Achieved 80% reduction in pricing error rate, reducing annual losses by more than \$1M.
- Developed comprehensive lock desk pricing policies for distribution company-wide.
- Established department policies and procedures.
- Conducted bi-annual employee performance appraisals.

Sept. 1997 – **WISCONSIN CORRECTIONAL SERVICES** Milwaukee, WI  
Feb. 1998 *Housing Coordinator*  
Supervisor: Colleen Dublinski

- Assisted approximately 160 clients of an outpatient mental health clinic in obtaining and maintaining housing.
- Coordinated monthly rental payments for over 50 landlord-tenant relationships.
- Participated in weekly staff case conference meetings.

Aug. 1995 –  
May 1996

**UNIVERSITY OF MINNESOTA, MORRIS**

Morris, MN

*Resident Hall Advisor*

Supervisor: Krista Bramer

- Provided recreational counseling for 34 men.
- Created monthly floor programming covering topics such as safer sex, how to get involved on campus, social activities, and city resources.
- Created quarterly hall-wide programming for approximately 100 residents.
- Disseminated campus resource information.
- Enforced campus policies.

**VOLUNTEER EXPERIENCE**

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Jan. 2006 –  
May 2007

**LITERACY SERVICES OF WISCONSIN**

Milwaukee, WI

Supervisor: Jenny Vann

Jan. 2006 –  
May 2007

**MILWAUKEE LESBIAN, GAY, BISEXUAL, AND TRANSGENDER CENTER**

Milwaukee, WI

Supervisor: Kathy Herbst

Aug. 1996 –  
Aug. 1997

**LEGAL ACTION OF WISCONSIN – LUTHERAN VOLUNTEER CORPS**

Milwaukee, WI

Supervisor: Mark Silvermann, J.D.