

The Assessment of Feigned Cognitive Impairment: A Neuropsychological Perspective

Edited by Kyle Brauer Boone, PhD. New York: The Guilford Press, 2007. 481 pp. \$65.00.

Reviewed by Sherif Soliman, MD

Forensic psychiatrists have relied increasingly on the results of neuropsychological evaluations to inform their opinions regarding the nature, extent, and credibility of claimed cognitive impairments. Practitioners seeking guidance in categorizing and appreciating the strengths and weaknesses of these instruments may find *The Assessment of Feigned Cognitive Impairment: A Neuropsychological Perspective*, edited by Kyle Brauer Boone, a timely publication.

Although its intended audience is practicing psychologists and graduate students, Boone's book will help forensic psychiatrists become better informed consumers of neuropsychological effort testing.

Boone and the contributing authors describe new research in three key areas: novel instruments for detecting feigned cognitive deficits; psychometric properties of existing instruments; and existing psychological tests used to describe performance patterns that are specific to malingering.

The book is divided into three sections. The first section, which contains two chapters, provides an overview of malingering of physical and psychological symptoms. Chapter 1 contains an insightful and engaging survey of malingering taken from history, religion, and the literature. Chapter 2 examines emerging research into the role of functional neuroimaging in the detection of deception and malingering.

Section 2 provides a detailed review of effort testing and the strategies used to detect suboptimal effort on standard memory, motor, and intelligence tests. The section begins with an examination of tests, such as forced-choice, that have been developed specifically to detect poor effort. This section also introduces studies designed to identify patterns associated with poor effort on standard psychological tests, such as intelligence, memory, and motor tests. Readers

will be able to identify profiles that indicate malingering on standard psychological tests.

The third section reviews the efficacy of effort testing in special populations, including ethnic minorities, criminal forensic evaluatees, and cognitively impaired individuals with mental retardation, epilepsy, or chronic pain. This section provides an accessible reference for clinicians. It summarizes data on detecting poor effort in specific clinical populations. For example, a psychiatrist evaluating a subject with mental retardation may wonder what weight to assign a low score on the Test of Memory Malingering (TOMM), a tool commonly used to detect poor effort or feigning. In Chapter 14, the authors describe data suggesting that individuals with mental retardation face a greater risk of being erroneously classified as malingerers when evaluators use the TOMM.

The book is a well-organized and useful reference for forensic psychiatrists. Although it has multiple authors, it reads like a single-author text. Boone authored or coauthored 10 of the 20 chapters and maintained a fairly consistent structure across the chapters, making the book eminently readable. Each chapter presents an overview of the topic, a literature review, and a summary. The summaries help the reader to integrate the information and are sufficiently detailed to serve as stand-alone references for the reader who is looking for a concise overview of a topic.

I found Chapter 19, "Malingering in Criminal Forensic Neuropsychological Settings," especially helpful. The author, Robert Denney, reviews the epidemiology of malingering in correctional and pretrial settings. He offers suggestions for designing forced-choice tests to detect malingered amnesia and feigned incompetence to stand trial.

The authors describe the importance of accurately evaluating malingering during forensic evaluations. The stakes associated with these evaluations have increased. Criminal defendants who are labeled malingerers can face longer sentences in some jurisdictions. In *United States v. Greer*, 158 F.3d 228, 234 (5th Cir. 1998), the Fifth Circuit Court of Appeals upheld a sentencing enhancement for feigned incompetence to stand trial and characterized malingering as obstruction of justice. The Eighth and Third Circuits upheld similar enhancements for malingering during a competence evaluation in *United States v. Binion*, 132 Fed. Appx. 89 (8th Cir. 2005), and *United States v.*

Batista, 483 F.3d 193 (3rd Cir. 2007), respectively. In fact, as the authors point out, the accurate determination of cognitive ability can be a matter of life or death for defendants in capital cases, since the Supreme Court held in *Atkins v. Virginia*, 536 U.S. 304, 321 (2002), that the execution of mentally retarded offenders is unconstitutional.

The topic of neuropsychological effort testing can admittedly be a daunting one. Fortunately, this book presents it in a highly comprehensible manner. Boone and her collaborators have synthesized recent scientific advances in the area of effort testing into a text that will become an invaluable tool for all practitioners who rely on neuropsychological testing data.

Psychological Evaluations for the Courts: A Handbook for Mental Health Professionals and Lawyers

By Gary B. Melton, John Petrila, Norman G. Poythress, and Christopher Slobogin, with Phillip M. Lyons, Jr, and Randy K. Otto. 3rd ed. New York: The Guilford Press, 2007. 930 pp. \$95.00.

Reviewed by Debra A. Pinals, MD

As a bibliophile, I find it easy to collect books that may be interesting to read. As a forensic psychiatrist, however, I ponder which books will be valuable additions to my professional library. *Psychological Evaluations for the Courts* is definitely one of them.

The title of the book may lead some psychiatrists to question its applicability to psychiatric practice. The authors note that the book is written for two audiences: forensic mental health professionals who conduct evaluations involving the courts, and legal professionals who request mental health evaluations to clarify questions that arise during legal proceedings.

This is the third edition of the book. The second edition was authored by two attorneys, John Petrila, JD, LLM, and Christopher Slobogin, JD, LLM, and two psychologists, Gary Melton, PhD, and Norman Poythress, PhD. The third edition includes additional perspectives from Randy K. Otto, PhD, an

Associate Professor at the University of South Florida Mental Health Institute, and Phillip M. Lyons, Jr, JD, PhD, a professor of criminal justice at Sam Houston State University in Texas. This scholarly team of writers has a combined wealth of forensic evaluation, testimony, and legal experience and is well acquainted with public sector forensic mental health.

The text is divided into five parts and 20 chapters that cover general topics, criminal proceedings and related matters, civil forensic mental health, forensic mental health concerns involving children and families, and interactions between forensic mental health professionals and courts. Although the book is probably too dense to read from cover to cover, each section may serve as an excellent resource for forensic psychiatrists seeking to research a particular aspect of forensic evaluations.

Part I, titled "General Considerations," examines challenges encountered by forensic mental health professionals who interface with the legal system. In this section, the authors describe who should be considered a court expert. They describe the law's traditional tendency to view a medical degree more readily as an indicator of expertise than some other credentials. They also examine variations in qualifications among psychiatrists, psychologists, and, to a lesser extent, social workers. In addition, they opine that the law should utilize a functional approach to assessing who is qualified to give expert testimony, based on experience, education, and training.

"An Overview of the Legal System: Sources of Law, the Court System, and the Adjudicative Process" is the title of the second chapter. It reviews the basic structure and function of laws, courts, and government. In the fifth chapter, "Managing Public and Private Forensic Services," the authors describe complex payment systems that specify where public sector forensic evaluations can be conducted. They also describe interests that compete with these systems, including the need to have evaluations conducted in the least restrictive settings available.

Part II covers criminal proceedings, including competence to proceed with trial, refuse an insanity defense, testify, waive counsel, and be executed. They include case examples that bring the material to life and also provide information about structured instruments for forensic evaluations.

The text contains a discussion of criminal responsibility, including a history of the insanity defense