

Forensic Reports and Testimony: A Guide to Effective Communication for Psychologists and Psychiatrists

By Randy K. Otto, Richard L. DeMier, and Marcus T. Boccaccini. Hoboken, NJ, John Wiley & Sons, Inc., 2014. 400 pp. \$70 hardcover, \$56.99 e-book.

In *Forensic Reports & Testimony: A Guide to Effective Communication for Psychologists and Psychiatrists*, three psychologists have produced a book on practical forensic psychology and psychiatry that is worthy of attention. Drs. Otto, DeMier, and Boccaccini have leveraged their impressive experience as practitioners and teachers, offering readers at all levels insight on how to communicate with attorneys and courts. Appreciating a need for their message to be distinct, the authors clearly state their goal of integrating report writing and testimony by focusing on the trajectory of getting one's point across to the intended audience. Their approach makes perfect sense, since communication wrapped in psychobabble may be doomed.

The book has three main sections: reports and other written work, testimony, and sample reports. Appendices containing work product samples take up one-third of the book. The first-person point of view supports the impression that the authors sincerely care about improving the quality of our work. Throughout the chapters and samples are numerous call-out boxes and other educational aids. Some readers may find them a distraction, but they are on point and illustrative of the main text. Unique to this book is an emphasis on research regarding forensic practice. Other teaching points range from word choice in reports to the differences between facts, inferences, and opinions.

As Thomas Grisso observes in his foreword, the varied content of this book lends itself to adopting its advice a bit at a time. The authors have packed into this volume a wealth of common sense and technical knowledge. I was delighted to find many instances of small matters that tend to escape the curriculum. For example, the sample reports contain virtual sticky notes that call attention to why the writer included or omitted certain language or level of detail. At all times, the authors are focused on how to refine written work, approaches to legal professionals, preparedness for defending one's opinions, and the research that supports forensic information.

This book has a somewhat different focus from that of Buchanan and Norko's *The Psychiatric Report*,¹ in that it provides more detail on how to write, which would be helpful to the early-career practitioner. For training programs, it should be on the shelf with *Handbook of Forensic Assessment*,² which also resonates with forensic psychologists and psychiatrists in practice. *Forensic Reports and Testimony* provides a nice balance among the topics of report writing, testimony, and the science behind psychological findings. The authors are careful to counsel practitioners not to overreach in their opinions and not to stray beyond the referral question. Their use of illustrative anecdotes and sample court colloquies add vibrancy to the text. Though the book is best suited to the practitioner on the learning curve, clinicians at all levels would benefit from its sound counsel.

References

1. Buchanan A, Norko MA: *The Psychiatric Report: Principles and Practice of Forensic Writing*. New York: Cambridge University Press, 2011
2. Drogin EY, Dattilio FM, Sadoff RL, et al: *Handbook of Forensic Assessment: Psychological and Psychiatric Perspectives*. Hoboken, NJ, John Wiley & Sons, 2011

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Psychiatric Expert Testimony: Emerging Applications

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184 pp. 59.95.

Are we there yet? From functional magnetic resonance imaging (fMRI) lie detectors to positron emission tomographic (PET) scans to substantiate brain damage in a competence-to-stand-trial hearing, we are entering a new era of the use of neuroscience in courts. Much remains to be learned about the appropriate use and limitations of these technologies. *Psychiatric Expert Testimony: Emerging Applications* is a scholarly look at new topics, technologies, and techniques in forensic psychiatric assessments and testimony. It serves as both a reference and a starting point for forensic psychiatrists interested in learning more about these rapidly developing areas. It covers new technologies, such as fMRI lie

detection, and new ideas, such as the role of autism spectrum disorder in criminal proceedings. I found it particularly effective for three reasons. First, the authors approach each topic in a balanced manner, laying out the strengths and weaknesses of the science involved. They also discuss case law, admissibility, and credibility of testimony based on these new technologies. Second, each chapter is nicely organized into clinical and legal sections. Third, they provide practical advice for expert witnesses testifying in these areas.

The book is divided into 10 chapters dealing with a variety of topics, including neuroimaging in court, child sexual abuse, the role of sleep disorders in criminal responsibility, chronic traumatic encephalopathy, autism spectrum disorder in forensic settings, and forensic psychiatric implications of new designer drugs. The discussion is framed by Dr. Watson's excellent first chapter on the statutes and case law governing the admissibility of expert testimony. This chapter lays the groundwork for subsequent discussions of case law throughout the text. The editors have done a good job of maintaining continuity across chapters covering diverse topics.

All too often, articles and books about emerging technologies and approaches sound more like salesmanship than scholarship. I'm happy to say that this is not the case in this book. The authors generally maintain a neutral stance. They take a critical look at their subject matter and discuss both scientific and legal weaknesses. For example, in Chapter Six, Dr. Octavio Choi examines fMRI lie detection. He reviews some impressive data regarding the accuracy of fMRI lie detection but notes several limitations of this technology in real-world settings. He also discusses case law that has limited the admissibility of such evidence. Similarly, Drs. Fozdar and Farrell review current evidence regarding chronic traumatic encephalopathy in football players and war veterans. They discuss the diagnostic challenges surrounding this condition and offer recommendations for experts in cases involving suspected chronic traumatic encephalopathy.

The organization of the chapters will make it easy to use this book as a quick reference or a starting point for further research on a topic. Each chapter reviews the scientific research, followed by relevant legal principles and case law. I found this format to be intuitive and highly readable. As an expert witness, I first want to know the strength of the scientific evidence in a particular area. Then, I am interested in

learning how courts are likely to approach expert testimony in the area. As a reference, the clear subject headings make it easy to return to this book for a brief review of a given topic. The detailed citations of both medical literature and case law make this book a great starting point for learning more about any of the topics covered.

As a busy clinician, I particularly appreciated the concise, practical recommendations for applying the information to my practice. In their recommendations, each of the authors takes an appropriately conservative approach to using this relatively new research in court. They cover both assessment and testimony, highlighting limitations and pitfalls. Some examples include an approach to evaluating culpability in adolescents (pp 20–1), guidelines for assessing sleep-related violence (pp 116–17), and points for testifying in cases of suspected chronic traumatic encephalopathy (pp 147–8). The recommendations are provided in either a table or numbered list followed by brief explanations, making it easy to use the book as a quick reference.

I recommend this book as an introduction to cutting-edge developments in psychiatry and the law, such as using neuroimaging in courts, evaluating children who have been victims of sexual abuse, weighing the impact of autism spectrum disorders on alleged criminal behavior, and assessing juvenile maturity for purposes of bindover to the adult justice system. It is a well-researched, highly readable, and timely exploration of new and important topics. It integrates current scientific knowledge with recent case law to provide practical advice to experts testifying in these new areas.

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Case Studies in Sexual Deviance: Toward Evidence-Based Practice

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The concept of sexual deviance necessitates understanding sexual normalcy and pathology, and when