

critique that one “cannot possibly” give consent in advance of a kiss, at least in a world where we have the well-founded standard of substituted judgment.

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## Psychiatry in the Everyday Practice of Law (5th ed.)

Edited by M. G. Blinder. Toronto: Thomson Reuters; 2019. 1238 pp, \$390.

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This massive tome contains 20 chapters with six appendices, tables of laws and rules, a table of cases,

and index. The handsomely hardbound volume is indexed in legal text format. Previous versions of the text were subtitled “a lawyer's manual for case preparation and trial.” The first edition, based on lectures at the University of California Hastings College of Law, was first published in 1974.

Chapters include foundational concepts (psychological and psychiatric), fundamentals of the psychiatric examination, and a broad range of psycholegal topics. These include mental competence, testamentary capacity, brain damage, psychic trauma, criminal behavior, criminal responsibility, and the criminal trial. The text addresses substantive areas of law: eyewitness reliability, marital dissolution and child custody, psychiatric malpractice, negotiations, trial psychology, and jury selection. Trial-related topics include direct and cross-examination of the psychiatric expert, admissibility of psychiatric testimony, and professional concerns between the attorney and the expert witness. Appendices include model forms for release of psychiatric records and appointment of guardians, a model for treatment of posttraumatic stress, mechanics of finding an appropriate psychiatric expert, a table of commonly used psychological tests, and a glossary. The text is extensively cited with statutory and case law, and case citations. The text is addressed to attorneys who are not fluent in the concepts and practice of psychiatry through the application of psychiatric principles to a range of cases and topics commonly encountered in the practice of civil and criminal law.

The text includes dozens of vignette case studies, which, with the integration of psycholegal topics, is one of the text's chief assets. These cases provide the human side of the law and psychiatry interface. Benefiting from the author's elegant writing style, the book reads uncommonly well as a literary work, neither a dry recitation of legalisms nor of a compendium of psychiatry. Any chapter in the book, which can be read at the armchair or bedside, is enlightening and actually entertaining.

The text's author is a distinguished senior psychiatrist with a five-decade long career as a clinician, scholar, professor of psychiatry and law, and nationally recognized expert witness.

Since the first edition, with a background history of tension and antagonism between psychiatry and the courts, there has been an explosion in the role of psychiatric and psychological expert witnesses in legal arenas. Tensions between psychiatry and the courts,

the early history of which were characterized as an interprofessional boundary dispute over enhanced authority and public prestige, have given way to the widespread emergence of forensic psychiatric and psychological expertise in the courts. During this time, forensic psychiatry and psychology have emerged as forms of psycho-legal practice based on experimental methodology. Neuroscience and the fledgling profession of forensic neuroscience have made their appearance. There has been an exponential increase in the psychological and psychiatric literatures addressing topics of forensic relevance.

Not surprising in a volume polished through five editions, the author has a decided point of view, representing a distinctive, sometimes humorous, and ironic psychiatric perspective. The author's perspective is not in the mode of biological psychiatry or neuroscience but as a humanistic discipline similar to the disciplines of social, community, and cultural psychiatry that have wilted under the hegemony of biological psychiatry. In the author's outlook, forensic psychiatry is an interpretive viewpoint on the human condition. Blinder's psychological anthropology (his theory of human nature, broadly psychodynamic in nature) situates persons into legal dramas. The vivid case studies provide thickly textured description and explanation.

Eschewing the whims of DSM-based psychiatric nomenclature, the author describes those psychiatric disorders most common to law practice. In plain language, the author describes the manner in which these conditions typically present in actual litigants. He demonstrates the way in which the conditions may be legally disabling. He reports what we know (or think we know) about causation. Finally, the author establishes the place of these conditions in the applicable legal contexts.

Blinder considers the *DSM* useful as little more than an "abridged glossary, and as such contains only a tiny fraction of what is known about each condition described" (p 11). "It is no textbook of psychiatry, and certainly no substitute for clinical experience or a psychiatric education" (p 11). He advises attorneys to make only the most casual reference to *DSM*, consistent with the *DSM*'s own admonitions on the limitations of psychiatric nomenclature in legal contexts.

The text's format and point of view, as a nearly seamless description of lives in the dock, is especially interesting in considering forensic psychiatry as a discipline. As a "*mixtum compositum*,"<sup>1</sup> forensic psychiatry, unlike, for example, child or geriatric psychiatry is not merely a subspecialty, but a transdisciplinary integration of two foundational traditions and bodies of literature addressing the human condition. Placed in the context of the history of professions, Blinder's text provides a demonstration that forensic psychiatry is not merely a medical or even a psychiatric subspecialty, but an independent, transdisciplinary interpretive discipline, with permeable boundaries.<sup>2</sup>

Given the fast pace of the forensic psychiatric and psychological literatures, it is not unexpected that references are dated. Many areas of recent provenance are not included, including emerging neuroscience and violence risk assessment. The book serves as a polished overview that has a primary audience for lawyers and psychiatric practitioners approaching the field. This book is an engaging, persuasive, and readable overview, targeted not to a specialist audience but law students and legal practitioners and psychiatrists wishing to broaden their practice. As an overview, it does not delve into the depth of intricacies of any of the topics reviewed, some of which have developed into whole literatures themselves (e.g., eyewitness testimony, jury selection, competency to stand trial, the insanity defense).

As a classic text, the volume joins other broad scope compendia including Melton et al., *Psychological Evaluations for the Courts: A Handbook for Mental Health Professional and Lawyers* (3rd ed.), Kaplan and Sadock's *Synopsis of Psychiatry* (11th ed.), and Rosner and Scott's *Principles and Practice of Forensic Psychology* (3rd ed.), all of which contain scientific, clinical, and humanistic wisdom.

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