

A typographical error in “Evidence of Insanity and Diminished Capacity” suggests that mental retardation affects 22% [sic] of the population.<sup>5</sup> In describing the SADS (Schedule for Affective Disorders and Schizophrenia) as the “commonly used instrument to measure insanity and other types of criminal responsibility,” the author gets it wrong on both counts, and the SCID (Structured Clinical Interview for DSM-IV-TR) is not to be found in the section on diminished awareness and the model penal code.

At first blush, the next chapter, “Dangerousness to Others and Self,” is an odd addition for a book devoted to criminal law, given the typical civil realm for this topic. It hammers on the theme of difficulty in predicting dangerousness that is repeated throughout the book and reiterates material from other chapters regarding expert witness opinion limitations and evidentiary admissibility. “Care and Treatment of Inmates” is internally repetitious, yet successfully highlights the stringency of the deliberate-indifference standard and sovereign immunity as hurdles to successful suits, especially regarding medical malpractice. “Disability Discrimination Involving Inmates in Correctional Facilities” covers Title II of the ADA, the ADA 2008 Amendments, and Section 504 of the Rehabilitation Act. The author includes much practical advice in selecting the proper expert witness and deciding when expert testimony is necessary.

The author includes two chapters that address juvenile law and forensic mental health assessments. The glossary is a one-stop, all-purpose reference that offers terse yet useful summaries of the holdings in several American Academy of Psychiatry and the Law landmark cases.

The publisher used an attractive and easy-to-read font; however, my copy had some pages with uneven inking. There is a detailed table of contents and useful index. Each chapter is heavily referenced with end-of-page footnotes. Several chapters frequently rely on and reference the ABA Criminal Justice Mental Health Standards<sup>6</sup> that careful and syntopical<sup>7</sup> readers will want to have handy. Forensic mental health case law from *M’Naughten* (1843) to *Indiana v. Edwards* (2008) is represented. Overall, Parry’s book will serve well as a reference manual or supplementary textbook.

## References

1. *Ake v. Oklahoma*, 470 U.S. 68 (1985)
2. *Daubert v. Merrill Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993)

3. *General Electric Co. v. Joiner*, 522 U.S. 136 (1997)
4. *Kumho Tire Co. v. Carmichael*, 526 U.S. 137 (1999)
5. Teicher MH, Anderson SL, Navalta CP, *et al*: Neuropsychiatric disorders of childhood and adolescence, in *The American Psychiatric Publishing Textbook of Neuropsychiatry and Behavioral Neurosciences* (ed 5). Edited by Yudofsky SC, Hales RE. Arlington, VA: American Psychiatric Publishing, 2008, p 1062
6. ABA Criminal Justice Mental Health Standards. Washington, DC: American Bar Association, 1989
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## Clinical Neuropsychology in the Criminal Forensic Setting

Edited by Robert L. Denney and James P. Sullivan. New York: Guilford Press, 2008. 414 pp. \$60.00.

*(Editor’s Note: In view of the importance of brain injury and neuropsychological testing in today’s legal climate, we are including a second review of this book so that readers may have access to a neuropsychiatrist’s opinion of it.)*

The editors of *Clinical Neuropsychology in the Criminal Forensic Setting* have assembled a wealth of information on the theory and practice of forensic neuropsychology in the criminal justice system. The application of neuropsychology in criminal evaluations is a relatively recent phenomenon in forensic mental health. The comprehensive text addresses a range of fundamental topics and is undoubtedly a must-read for any neuropsychologist contemplating working as a forensic expert in criminal cases.

Several factors make the book an important reference for forensic psychiatrists as well. As the field of forensic neuropsychology has evolved over the past two decades, it has become more apparent that a thorough neuropsychological evaluation is critical to a complete diagnostic formulation and opinion in many criminal cases. More specifically, the landmark U.S. Supreme Court decision in *Atkins v. Virginia*,<sup>1</sup> which prohibited capital punishment of defendants with mental retardation, means that an accurate determination of mental retardation can literally be the difference between life and death.

The aging of the U.S. population will inevitably lead to an increase in the prevalence of dementias; a subset of these patients will run afoul of the law. In the conflicts in Afghanistan and Iraq, the high rate of traumatic brain injuries, primarily related to a combination of tactics used against American troops (e.g., improvised explosive devices placed to explode under vehicles) and advanced medical care (survival of wounded service members who would have died in earlier eras), is likely to result in an increase in the proportion of relatively young men and women in society who have brain injuries. Some of these soldiers have been or will be charged with criminal offenses. In these types of cases and many more, neuropsychological evaluation has an important role to play, and it behooves the competent forensic psychiatrist to recognize this need and to communicate it to the retaining attorney or the court.

The opening three chapters of the book describe the principles underlying the sub-specialty of criminal forensic neuropsychology. The book's editors authored Chapter 1, "Constitutional, Judicial, and Practice Foundations of Criminal Forensic Neuropsychology," which summarizes the mechanics of the American criminal justice system and discusses key constitutional matters as well as the most important landmark Supreme Court decisions. This concise, informative review should be essential reading for the trainee or beginning practitioner and would also be useful to mental health professionals practicing in the criminal forensic setting. Chapter 3, "Admissibility of Neuropsychological Evidence in Criminal Cases: Competency, Insanity, Culpability and Mitigation," also provides valuable information for neuropsychologists, psychologists, and psychiatrists.

Seven chapters focus on specific topics within the field. These include assessment of malingering, evaluation of confessions, trial competency, sanity and diminished capacity, assessment of aggression and violence, sentencing in capital cases, and evaluation of juveniles. Again, there is much useful information, even for those who are not neuropsychologists, including reviews of essential concepts such as legal standards for insanity, discussions about when and what type of neuropsychological testing may be useful in a particular case, and descriptions of the tests that are available. The reader will gain an appreciation of the strengths, weaknesses, and potential ambiguities in interpretation of these tests.

The final chapters provide practical advice on working in the field, from first contact with the retaining attorney, to evaluating the defendant, to the written report and court testimony. These chapters are well written and thorough and contain useful information for any psychologist or psychiatrist interested in performing criminal forensic evaluations.

*Clinical Neuropsychology in the Criminal Forensic Setting* does contain some sections that will be of interest primarily to its main target audience, such as discussions concerning the release of raw test data and methodologies. However, there is much here that will enhance the knowledge base of forensic psychiatrists, who, as mentioned earlier, will undoubtedly encounter more and more defendants with neuropsychological diagnoses such as traumatic brain injury and dementia in the years ahead.

#### References

1. *Atkins v. Virginia*, 536 U.S. 304 (2002)

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## Public Health Law: Power, Duty, Restraint

By Lawrence O. Gostin. Berkeley, CA: University of California Press, 2008. 767 pp. \$45.00.

This is a revised and expanded second edition of the original text that was published in 2000. It is one of a series of books regarding health and the public sponsored by the Milbank Memorial Fund to help decision-makers use the best available evidence to inform health care policy change.

The author of this scholarly text, Lawrence Gostin, is Associate Dean and Professor of Global Health Law at the Georgetown University Law Center, as well as Professor of Public Health at Johns Hopkins University and Visiting Professor at Oxford University. He indicates that this volume is primarily designed for scholars and practitioners in public health, legislators, and public health law teachers. He distinguishes this treatise from the narrower literature on law and medicine through discussion of the government's responsibility to advance the public's health, the conflict