

if they deny the recommended treatment.<sup>3</sup> Schoenholtz describes how the opinions of anonymous, invisible doctors, working for health insurance corporations, who never actually see the patients, have been afforded ever increasing weight in medical treatment decisions.

Dr. Paul Starr's book about the history of medicine in America, *The Social Transformation of American Medicine*,<sup>4</sup> won the Pulitzer Prize for general nonfiction in 1984. In the book's final chapter, "The Coming of the Corporation," Starr anticipated some of the developments that are described in *Market Failure* almost three decades later. Unlike many of his more pessimistic contemporaries, Starr expressed optimism that corporations would not be able to control the working conditions of doctors in the way they control other workers. The state of medicine explored in *Market Failure* suggests that the pessimists may have been right after all.

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## Ethical Issues in Forensic Psychiatry: Minimizing Harm

By Robert L. Sadoff, MD. New York: Wiley-Blackwell, 2011. 222 pp. \$74.50 hard cover.

Dr. Robert Sadoff is a senior member and past president of the American Academy of Psychiatry and the Law (AAPL) and has a wealth of forensic experience. In the Preface to *Ethical Issues in Forensic Psychiatry: Minimizing Harm*, he mentions that he has been involved in more than 10,000 criminal and 2,000 civil cases during his 45 years of forensic practice, and he has exclusively practiced forensic work for the past 25 years. As the 2006 recipient of the Isaac Ray Award from the American Psychiatric Association, he prepared this book in light of Ray's "concerns

about minimizing harm to vulnerable mentally ill patients and applying his recommendations to the forensic psychiatric profession" (p xix). This book will become part of his legacy, in addition to his extensive teaching over the years at the University of Pennsylvania and his other published works.

Although the book considers a wide range of topics, Sadoff's overall thesis is that forensic evaluations are potentially harmful to evaluatees as a result of the forensic interview, expert report writing, and expert testimony. By extension, he argues, all litigants, evaluators, attorneys, and judges can also be harmed in the process. Forensic ethics standards, unlike those in clinical medicine, do not contain a do-no-harm component. He thereby hopes to improve the practice of forensic psychiatry, thus minimizing harm to the parties, evaluators, and other participants. He writes that he has witnessed unprofessional and unethical practices in the field, illustrating this point from his experience with experts who have used unscientific or inadequate evidence or have been overly biased or unqualified as evaluators. His claims ring true to many forensic evaluators who have verbalized their distress at having witnessed harm to civil plaintiffs caused by defense-oriented experts repeatedly retained by large or corporate defendants to conduct evaluations on their behalf or to criminal defendants evaluated by prosecution-oriented experts.

The text liberally cites Sadoff's personal experience, wisdom, and views, although he generously quotes the published views and literature of other forensic psychiatrists, using even a paragraph-long quotation at a time. He presents his material in a respectful and gentlemanly style. He reviews some of the field's controversies regarding the principles of forensic ethics, but the reader should not look to this work as a theoretical or empirical treatise on forensic ethics. It is often anecdotal, written in the first person, sometimes even entertaining, and often inspiring.

Sadoff's general notion is that evaluatees require protection from the litigation and the evaluation. At times, I wondered if, in actual cases, his fear of harming evaluatees led to a proevaluatee bias or favoritism resulting from his wanting to overcompensate for potential harm or to help the evaluatee. Certainly, trying to assist evaluatees clinically or financially transcends minimizing or avoiding harm to them. His examples include the harm done to a Social Security disability claimant whose evaluator was unaware of

the Social Security Administration's guidelines. The subsequent inadequately written report was used by the agency to determine, and presumably deny, the claimant's eligibility for benefits, an unjust outcome in Sadoff's view.

Sadoff's advice to evaluators is to avoid harm to the evaluatees by being open, honest, and conducting thorough evaluations. He is concerned about limiting harm to the evaluatees, whether legal, physical, or emotional. In his chapter on evaluating children and adolescents, he is particularly concerned about the "abuse of professional power" (p 132) when an evaluator wrongly determines that a child has been sexually molested and the child is then separated from the allegedly abusive parent.

His writing on the minimization of harm brings to mind the Good Lives Model for the treatment of offenders promulgated by our Australian colleagues. This model departs from the doctrine of therapeutic jurisprudence. It promotes a human rights perspective to correctional clinical practice and emphasizes preserving human dignity, protecting offenders' well-being, and helping offenders to live more fulfilling and satisfying lives.<sup>1-3</sup>

The book is composed of 13 chapters, 9 of which were written by Sadoff. Two chapters provide an international perspective on minimizing harm to forensic patient populations in the United Kingdom and the European Union, but they emphasize the legal aspects of patient care, such as patients' rights, rather than forensic evaluations. In that respect, they largely diverge from Sadoff's main focus on minimizing harm in forensic evaluations. A brief but comprehensive chapter addresses how immigrants in the United States "constitute a vulnerable population in the context of forensic evaluations" (p 156). A final chapter on the risks of harm to the forensic expert, especially negligence liability, is provided by Donna Vanderpool, an attorney and risk manager in the United States.

On the negative side, there is more duplication of content than expected in a mostly single-authored work. The organization and presentation of the material is puzzling at times. I would have liked to hear more of his wisdom on such matters as dealing with dishonest, biased, or unscientific evaluators on the other side of a case.

Appropriate audiences for the book include both forensic and nonforensic clinicians and their trainees. The presence of chapters by international authors

should attract a broader audience than is customary for a text in forensic mental health ethics and practice written by a North American psychiatrist. The book is comprehensible to the general public as well.

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## Psychiatry in Law/Law in Psychiatry

By Ralph Slovenko. Second Edition. New York: Routledge Taylor & Francis Group, 2009. 783 pp. \$215.95 (hard cover), \$161.95 (Kindle).

This is the second edition of the two-volume text by Professor Ralph Slovenko that was published in 2002. In this new edition, the author added 11 new chapters and eliminated 9. The updated book includes discussions of newer regulations including the 2003 Emergency Medical Treatment and Active Labor Act (EMTALA) and the Health Insurance Portability and Accountability Act (HIPAA). The author hopes that this book will serve three principal purposes. First, it is a course textbook for psychiatric residents and law students and a reference guide for practicing psychiatrists and lawyers who only occasionally deal with law and psychiatry. Second, it provides new approaches to preparing and documenting cases for legal and mental health professionals; and finally, it contains a critical exposition of practices and basic premises of law and psychiatry.

Slovenko is Professor of Law and Psychiatry at Wayne State University in Michigan. His understanding of the field is remarkable, considering that he does not possess a medical degree but was allowed to complete a psychiatry residency. He has practiced law, has written and lectured all over the world, and has served on the editorial boards of several journals dealing with law, psychiatry, and medicine.