

# Special Topics

## Goals and Objectives

### 1. Forensic Psychiatric Evaluation

- To be capable of performing a competent comprehensive forensic psychiatric evaluation whether it is a civil dispute or criminal matter. To appreciate what is important as the bases for opinions.
- To be capable of performing a competent interview.
- To be capable of synthesizing data from interview, from records reviewed, and from psychological testing.
- To appreciate the significance of the actual words conveyed either in the written word through a report or through deposition or trial testimony.
- Techniques for dealing with cross examination.
- To begin the process of learning how to defend one's position at trial once it has been memorialized in a report or through a deposition.
- To begin the process of integrating familiarity with the forensic literature into cases when appropriate.

### 2. The Nature of the American Legal System.

Describe the American legal system, including the sources of law and the court system.

- The Role and Business of the Forensic Witness.

Describe the role of the forensic witness in the legal system, the steps and precautions for a proper engagement, the risks for claims against a forensic witness and liability prevention. Issues in purchasing malpractice insurance for psychotherapists, including for forensic work.

- Confidentiality and Privilege Protection for Psychotherapy Records.  
Review the law of psychotherapy privilege and confidentiality, including HIPAA and California legal protections.
- Subpoenas  
How to respond to subpoenas for psychotherapy records.
- Risks of Psychiatric Malpractice  
Review typical situations which result in psychiatric malpractice claims and the multiple consequences of such claims (e.g. peer review, data bank reports, insurance reservation of rights, Medical Board investigations).  
Review role of forensic testimony in such situations.

### 3. Neuropsychological Testing

- To provide an introduction to neuropsychological assessment and the unique information provided by neuropsychological testing.
- To describe what neuropsychologists study and the means by which they do so.
- To describe how neuropsychological testing data is interpreted.
- To describe the domains of neuropsychological testing.
- To describe the limitations of neuropsychological testing.

### 4. Competency to stand trial

- Define the test for competency to stand trial in federal and state court.
- Identify the materials necessary to review when conducting an evaluation of competency to stand trial.
- Conduct a psychiatric-legal interview to assess competency to stand trial.

### 5. Sanity Evaluation

- Define the test for sanity in federal and state jurisdictions.

- Identify the materials necessary to review when conducting a sanity evaluation.
- Conduct a psychiatric-legal interview to assess sanity at the time of a crime.
- Write a comprehensive report in a criminal case to present psychiatric-legal conclusions with data and reasoning to support opinions.

## 6. Sentencing

- Conduct an evaluation to assess mitigating and aggravating factors in a criminal case and prepare a report presenting opinions.
- Identify and define factors for downward departure in a federal sentencing hearing. Identify the case law supporting those factors.
- Identify the sources of the law in the criminal justice system. Be familiar with the Penal Code, the Federal Criminal Code and the U.S. Sentencing Guidelines.

## 7. Civil Forensic Psychiatric Evaluation

- Identify areas of the civil legal system in which psychiatric expertise is sought.
- Identify and describe the elements of a tort.
- Identify and describe the concept of negligence.
- Identify and describe the elements of “severe emotional distress” in a civil case. Identify the case law which defined these elements.
- Identify the materials necessary to review a civil case in which there is a claim for emotional distress arising from a claim of discrimination or a claim relating to employment or sexual harassment.
- Conduct a psychiatric-legal interview to assess emotional distress damages.
- Write a comprehensive report in a civil case to present psychiatric-legal conclusions with data and reasoning to support opinions.
- Identify and describe the elements of testamentary capacity.
- Identify and describe the elements of contractual capacity.
- Conduct a psychiatric-legal evaluation to assess mental competency to write a will or to contract.
- Identify and describe the concepts of impairment and disability.

- Identify the materials necessary to conduct a disability evaluation and conduct an interview to assess disability. Write a comprehensive report in a disability evaluation.
- Be familiar with basic psychological tests useful in a psychiatric-legal evaluation in both criminal and civil cases.
- Understand the standards and practices of presenting testimony at a deposition or at trial.

## 8. Polygraph

- Identify the situations where the polygraph is a useful tool.
- Identify the situations where the polygraph is used by law enforcement.
- Be familiar with the Employee Polygraph Protection Act (EPPA).
- Understand the difference between a Relevant Question and a Comparison Question.
- What physiological factors are measured by the polygraph.
- What theories account for polygraph reactivity when telling a significant lie?
- What factors weigh for and against polygraph validity?
- Be aware of relevant case law concerning the use of polygraphy.

## 9. Other Psychiatric Legal Issues

- Introduction to Competency to Stand Trial
  - a. Criteria for competency to stand trial in California
  - b. Psychiatric legal interview to assess competency to stand trial
  - c. Report writing  
This will be accomplished by a seminar, and report sample
- Domestic Violence
  - a. Review laws governing Domestic Violence in California
  - b. Dynamics and behaviors of Batterers and Victims

- c. Domestic Violence program for Batterers, and Treatment modalities  
This will be accomplished by a seminar, video and attendance in one of the batters groups.
- Hypnosis and Narco-analysis
  - a. Introduction to Hypnosis and Narco-analysis
  - b. Techniques of induction
  - c. Controversies in its application in forensic psychiatry.  
This will be accomplished by a seminar
- Introduction to Medical Malpractice
  - a. Laws governing malpractice
  - b. Specific issues in Psychiatric Malpractice
  - c. Boundary Violations and sexual misconduct  
This will be achieved through a seminar.
- Juvenile Fitness
  - a. Juvenile Delinquency
  - b. Origins of the Juvenile Justice System
  - c. Criteria for Evaluation for Juvenile Fitness
  - d. Information on Gangs  
This will be achieved through a seminar and review of fitness reports.
- Workers Compensation & Psychiatric Disability
 

Review of the history/evolution ,rationale of workers compensation laws, evaluation strategies ;Review of actual reports.Review of SSI and private disability claims;abnormal illness behavior ,functional somatic syndromes and malingering ;the role of psychological testing.
- Stalking
 

History of stalking laws ,classification of stalking behaviors ,evaluation of victims and offenders, threat assessment ,controversies

- Report Writing

Provided examples of civil ( work comp ,private disability , emotional injury tort cases, child custody, sex offender evaluation reports).CD ROMS with all the information pertinent to a civil case is given and fellows are expected to do a full records review and write areopr based on that

### *Sex Offender Evaluations*

- Review of the SVP laws ,history of civil commitment, paraphilias, psychopathy, risk assessment ,criticisms of the SVP law and risk assessment ,victim issues, false memory issues/eyewitness issues, false confessions

### Narcoanalysis

- The history of narcoanalysis as it applies to forensic psychiatry. Techniques; Notable cases; controversies in application of such methods.

### 10. Journal Club

- Articles from the most recent editions of JAAPL, Behavioral Sciences & Law, Law & Human Behavior, International Journal of Psychiatry & law, various Law Journals, legal newspapers such as the Daily Journal, California Lawyer are collected and sent to all fellows. Each fellow is assigned to read and present at least one article. The articles are used as a way of understanding and emphasizing important issues in forensic psychiatry. Fellows are encouraged to submit articles of interest as well as are faculty

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## 11. Research Paper

- Working with fellow on writing a research paper, with the goal of publishing. This year Dr Davin Augustine is working on the topic "Cluster B Personality Disorder in Sexual Harassment Cases"
- Fellows will be graded on the basis of attendance, level of preparation of assigned topics, enthusiasm in asking questions and, offering criticisms. From the next year they will also be graded on their reports.
- Learn the proper role of the forensic psychiatrist and the diversity of specialized practice issues in the field.
- Study videotaped forensic examinations of criminal defendants and tort plaintiffs as a basis for modeling examination techniques and to learn the value of videotaping.
- Study forensic reports in complex cases as a basis on which to model report writing.
- Write a sample report on a complex case to be subjected to peer and faculty review.
- Receive didactic instruction on forensic examination, report writing, expert testimony, criminal violence, sex offenses, the insanity defense, weapons, and such other topics as may arise in the course of other discussions.
- Discuss research topics and the approach to selecting an appropriate topic given time and budgetary restraints.

## 12. Child Abuse

- To discuss the 1974 Child Abuse Prevention and Treatment Act.
- To discuss the 1990 Adoption Assistance and Child Welfare Act.
- To discuss the 1997 Adoption and Safe Family Act.

- To discuss types of child abuse – neglect, psychological/emotional, physical and sexual.
- To define four forms of child neglect – physical, educational, emotional and child endangerment.
- To define psychological/emotional abuse.
- To discuss the epidemiology of child sexual abuse.
- To discuss landmark cases related to child abuse – Landeros v. Flood 1976 and DeShaney v. Winnebago County 1989.
- To discuss the criteria for termination of parental rights.
- To discuss case examples of child abuse in Los Angeles County Dependency Court.
- To discuss the procedure for undertaking a child abuse evaluation.

### 13. Child Custody

- To discuss the statistics of divorce
- To define the history of child custody – Tender Years Doctrine, Best Interests of the Child Doctrine
- To discuss case law of child custody – Painter v. Bannister 1966
- To discuss the five criteria of the Uniform Marriage and Divorce Act (UMDA) 1974.
- To discuss the Least Detrimental Alternative.
- To discuss the Parental Preference Model 1992
- To define the types of custody arrangements.
- To discuss the level of proof necessary in custody cases.
- To discuss the Uniform Child Custody Jurisdiction Act 1968
- To discuss studies related to the effects of divorce on children.
- To educate the residents about the Family Court System in Los Angeles County.
- To understand the role of the psychiatrist in a child custody matter.

- To define the role of the psychiatrist in a child custody matter.
- To discuss the elements of a child custody evaluation.
- To discuss special cases in child custody such as move away, sexual abuse, child abuse, and parental alienation.
- To define the role of psychological testing in child custody cases.
- To determine when additional psychological testing in child custody cases is warranted.

#### 14. Post Traumatic Stress Disorder (PTSD)

- To outline the DSM progression of the diagnostic criteria for Post Traumatic Stress Disorder (PTSD).
- To describe the historical context of PTSD.
- To describe the epidemiology of PTSD.
- To describe the clinical features of PTSD.
- To outline the rating scales used in clinical practice to assess PTSD.
- To discuss case examples of PTSD in combat related patients and patients experiencing other trauma.
- To discuss the clinical and practical use of becoming an expert in PTSD in a forensic practice.

#### 15. Sexual Harassment

- To define sexual harassment in the workplace.
- To describe the Civil Rights Act of 1964.
- To discuss the epidemiology of sexual harassment.
- To discuss *quid pro quo*.
- To define a hostile work environment.
- To discuss landmark cases related to sexual harassment.

- To describe PTSD related to sexual harassment
- To describe Title 7 and the protected classes.
- To describe different types of sexual harassment.
- To discuss case examples of sexual harassment
  
- Familiarize Fellows with an overview of sexual abuse evaluation and treatment protocols. Primary object is to have Fellows develop a working familiarity and ability to use evidence-based risk prediction actuarial and dynamic risk assessment tools.
  
- Mock Trial – fellows ability to testify is evaluated (to) further enhance their experience through feedback by the court personnel.

## List of Special Topics:

Competency to stand trial  
Sources of law in the criminal justice system penal code/ state and federal  
Conduct psychiatric/legal interview  
Involuntary holds/LPS  
Child Abuse and Neglect  
Termination of parental right  
Workers Compensation  
Personal injury  
Insanity Defense in the State and Federal system  
Conducting sexual harassment interview  
Conducting sanity interview  
Journal Club  
Report writing in criminal cases emphasizing reasoning  
Domestic violence  
Mitigating & aggravating factors in a criminal case  
Risk assessment in industries & work place  
Federal hearing and sentencing  
Clinical and practical use as an expert in PTSD cases  
Familiarize with research and literature on sexual abuse of children and adolescents  
Federal and state sentencing  
Identify areas in civil legal system where psychiatric expertise is sought  
Elements of Tort  
Neuropsychological testing  
Concept of negligence  
Assessment of cases in workers compensation, personal injury and malingering  
Identify case law and elements related to emotional distress in civil cases  
Conducting psychiatric –legal interview to assess emotional distress  
Juvenile fitness  
Issues of memory and suggestibility in children who are sexually abused  
Dynamics in families where sexual abuse has taken place  
Social Security Disability evaluation  
Sexual abuse and testimony in children  
Elements of Testamentary capacity and how to conduct an interview  
Uniform marriage, divorce and child custody act  
Forensic autopsy  
SVP evaluation, treatment protocol, risk prediction and assessment  
Elements of contractual capacity and how to conduct and interview  
Mental competency to write a contract  
Malpractice  
Polygraph  
Concept of impairment and disability  
Observation or review reports on Wrongful termination, racial & sexual discrimination, harassment, emotional distress, boundary violation & malpractice cases  
Hypnosis and Narco-analysis  
Psychological testing in civil and criminal cases  
How to review materials to conduct a disability evaluation  
Sexual Harassment and how to conduct and interview in such cases

How to conduct a disability evaluation

Familiarize with psychological testing in civil & criminal cases

Understanding of standards and practices of presenting testimony at a deposition

How to prepare & testify at depositions

Labor laws

False memories