

Preface

I am delighted to offer this second edition of *Confronting Mental Health Evidence*. The first edition, published in 2008, introduced a practical four-step framework—based in caselaw and psychology’s ethics, practice guidelines, and literature—to help lawyers organize psychological materials, examine mental health experts, and fashion legal arguments. In addition, substantive chapters reviewed literature on domestic violence and sexual abuse allegations and offered approaches, based on psychological literature, to manage those concerns.

This second edition, reflecting further development of my framework, adds to the first edition in four ways. First, a new subtitle: *A Practical PLAN to Examine Reliability and Experts in Family Law*. My 2013 book, *How to Examine Mental Health Experts: A Family Lawyer’s Handbook of Issues and Strategies*, gave the four-step framework a name, the *PLAN Model* (Psychology Law ANalysis Model). Too often, dealing with mental health experts is a daunting task: their methodology seems mysterious, their reports are confusing, their opinions are either too confident or equivocal. To represent your client adequately, you need a practical plan, the *PLAN Model*, to deal with experts and their work.

Second, this second edition refreshes, updates, and reorganizes several sections of the 2008 book. Also, citations now appear in footnotes for easier reference.

Third, this second edition adds three practical, substantive chapters that expand on important issues addressed briefly in the first edition: How to identify and challenge judgment biases that underlie expert opinions; how to adopt a lawyer’s approach to DSM-5 based testimony; and how to navigate confidentiality, HIPAA demands, and privilege when obtaining and using mental health records in your cases. If you understand and apply the principles in these chapters, you will handle mental health experts more effectively.

Finally, this second edition serves as a companion reference for *How to Examine Mental Health Experts: A Family Lawyer's Handbook of Issues and Strategies*. The latter book is organized in 28 short chapters. Each of those chapters represents an issue that may arise in one of *PLAN Model's* four steps; analyzes the issue from caselaw and from psychology's ethics, practice guidelines, and literature; and suggests sample questions on the issue for depositions of experts or for direct and cross-examinations. To highlight links between the two books, footnote numbers and content in the second edition that reference material in *How to Examine Mental Health Experts* appear in bold text.

The primary question that I challenge lawyers to continually ask mental health experts when critiquing their testimony is, "How do you know what you say you know?" I trust that this second edition will help you use this question more effectively when you confront mental health evidence in your cases.