

# Let's Get Started

*How do you know what you say you know?* This key question—the first sentence of each of my books—defines the critical mindset needed to focus your critiques of mental health experts, their work, and their testimony. This second edition of *How to Examine Mental Health Experts: A Family Lawyer's Handbook of Issues and Strategies* expands the theme.

The first edition, written as a quick-reference guide, offered short, user-friendly chapters that discussed an array of mental health expert issues that may arise in a given case. The goal was to explore each issue in the context of my *PLAN Model*, a practical, caselaw-based framework for examining the reliability of experts' work and testimony. Each issue chapter showed how the issue arises (*spot*), described how to analyze the issue using legal principles and caselaw as well as psychology's ethics and professional standards (*analyze*), and offered suggestions for developing deposition and courtroom examination questions and for framing written or oral legal arguments (*address*). I am grateful that many lawyers have used the issue chapters in their cases as I intended.

This second edition, organized in four parts, expands the scope of *How to Examine Mental Health Experts* while keeping the handbook structure and feel. Part 1 offers strategies for *thinking like a lawyer*, discussing the critical role of “story” in a case (your case story, opposing counsel's story, the expert's story), using our key question—*How do you know what you say you know?*—to orient your inquiries of experts, and applying a lawyer's “mindset” to manage experts in depositions and in court. Part 2 summarizes the four-step *PLAN Model*—each step based on *Daubert/Frye* caselaw and on psychology's ethics, professional guidelines, and literature—that enables you to systematically analyze an expert's work and testimony, to develop effective lines of questions, and to organize your oral or written arguments to the court about the quality of the testimony. Part 3, incorporating much of the first edition content, offers reorganized and new chapters of 20 issues related to

experts and their testimony. Part 4 focuses on procedure and strategies when dealing with mental health experts at depositions, at preliminary *Daubert/Frye* admissibility hearings, and at trial. Understanding the different demands of each of these contexts will help you focus on the goals for each context and note opportunities for creativity as you prepare to examine experts and develop your subsequent arguments to the court.

In sum, this practical, user-friendly second edition aims to help you sharpen your critiques and examinations of mental health experts, their work, and their testimony.

*Let's get started.*