

APA Official Actions

Position Statement on Peer Review of Expert Testimony

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Issue:

Psychiatrists serve a variety of roles in the legal system. In criminal cases, for example, they may be asked to evaluate and testify about a defendant’s competence to stand trial and criminal responsibility, as well as to provide expertise that aids the legal system in sentencing, risk assessment, disposition of insanity defense acquittees, juvenile transfers to adult courts, and more. In civil cases, psychiatrists engage in an even broader range of functions, evaluating and testifying about guardianship, testamentary capacity, contractual capacity, work disability, emotional harms, child custody, and malpractice, among others. Psychiatrists may also be called on to testify regarding a patient’s need for civil commitment and capacity to refuse treatment.

The critical role that psychiatric testimony can play in the legal process obligates psychiatrists to present evidence in a manner that enhances its validity and its usefulness in the legal system. Moreover, the attention often given to psychiatric testimony in high-profile cases can, if such testimony is lacking in any way, call into question the integrity of both psychiatry and the legal system. Hence, mechanisms for maintaining and improving the quality of psychiatric testimony are an important adjunct to psychiatrists’ forensic roles. It is incumbent on psychiatry (as a medical specialty with its own professional standards), while balancing obligations to society and public welfare, to encourage practices that increase public confidence in psychiatric expert testimony and treatment.

In clinical medicine, peer review has long been accepted as a vital means of upgrading the quality of clinical care by identifying ways in which care could be improved. Peer review is also used to ensure the quality of scientific publications and to make decisions about the allocation of funding for medical research. Experience to date with peer review of psychiatric expert testimony suggests that it can play a similar role in enhancing the quality of testimony in court.

APA Position:

Peer review of psychiatric expert testimony is a useful mechanism for improving the quality of information that psychiatrists present to the legal system when it focuses on educating psychiatrists, on a voluntary basis, regarding how to enhance the validity and utility of their expert testimony. Furthermore, innovative models of peer review and their systematic evaluation are important to maximizing the value of the peer review.

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