

BOOK REVIEW

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A Review of *Criminal Court Consultation*

REFERENCE: Rosner, R. and Harmon, R. B., Eds., *Criminal Court Consultation*, Plenum Press, 233 Spring Street, New York, NY 10013, 1989, 312 pp.

This is a collection of 18 essays plus an introduction by the editors. The latter is particularly useful, as it emphasizes a matter of central importance to the use of mental health professionals in the courts: the issues which arise in litigation are framed by the applicable law, not by psychiatry or psychology. Accordingly, the consultant should attempt to clarify the "legal criteria that define the [psychiatric-legal] issue" at the outset of his or her work. Nothing has done more to obfuscate the often difficult interactions of the courts and the medical and psychological consultants than failure to understand that, for example, whether or not antisocial personality is regarded as an "illness" for diagnostic or treatment purposes is not determinative of whether it should be an exculpatory factor with respect to the legal issue of criminal responsibility. This is not to say that the law makes the questions to be addressed clear; it is difficult to imagine concepts more vague than those on which competency to stand trial and criminal responsibility usually turn. Lack of determinate legal meanings invites substitution of alternative concepts of the disciplines on which courts rely to assist them in resolving the cases before them. Yet this substitution of terms confuses the task of rational adjudication.

Criminal Court Consultation compiles essays from people of several different types of professional background, including the law, psychiatry, psychology, and possibly others, but since only the institutional affiliation of the authors is given and not their experience or even the nature of their educational training, one has to guess at the character of their expertise. Some of the essays are potentially quite useful for consultants to the criminal courts; others seem of rather marginal usefulness. For example, the first essay, written by Judge Richard Andreas of the New York Supreme [trial] Court, focuses on problems of case flow and court delay. This seems tangential to the concerns of mental health consultants. On the other hand, Howard Owens and Ingo Keilintz contribute helpful insights on the task of mental health professionals attempting to provide useful services to the courts. Alan J. Tuckman offers tips to psychiatrists who become judicial expert witnesses, albeit of a sometimes distressing character, as when he emphasizes the necessity for "an air of self-assurance" and "the potential to be an exhibitionist and a showperson" as important qualifications for courtroom service. Abraham L. Halpern attacks the insanity defense in criminal cases, a matter of more immediate interest to those engaged

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in law reform efforts than case adjudication. The few pages devoted to his thoughts obscure his argument. Robert L. Sadoff writes on the other side of this issue, but he does not intellectually confront Halpern's positions. Other contributors address such questions as the use of evidence of "extreme emotional disturbance" to reduce charges of murder to manslaughter, criminal confessions of the mentally disabled, competence to stand trial, the use of psychiatric evaluations in sentencing convicted offenders and in parole decisions, the special problem of the malingering defendant, the evaluation of alleged sex offenders, the usefulness of neuropsychological evaluations, and other matters.

This book thus covers much ground in rather short space. Some of the individual pieces were initially prepared for other contexts and show signs of this; others are somewhat superficially written and edited. Yet several represent useful introductions to legal work for mental health professionals who find themselves embarking on attempting to help the courts and litigants in a number of specialized subject areas.