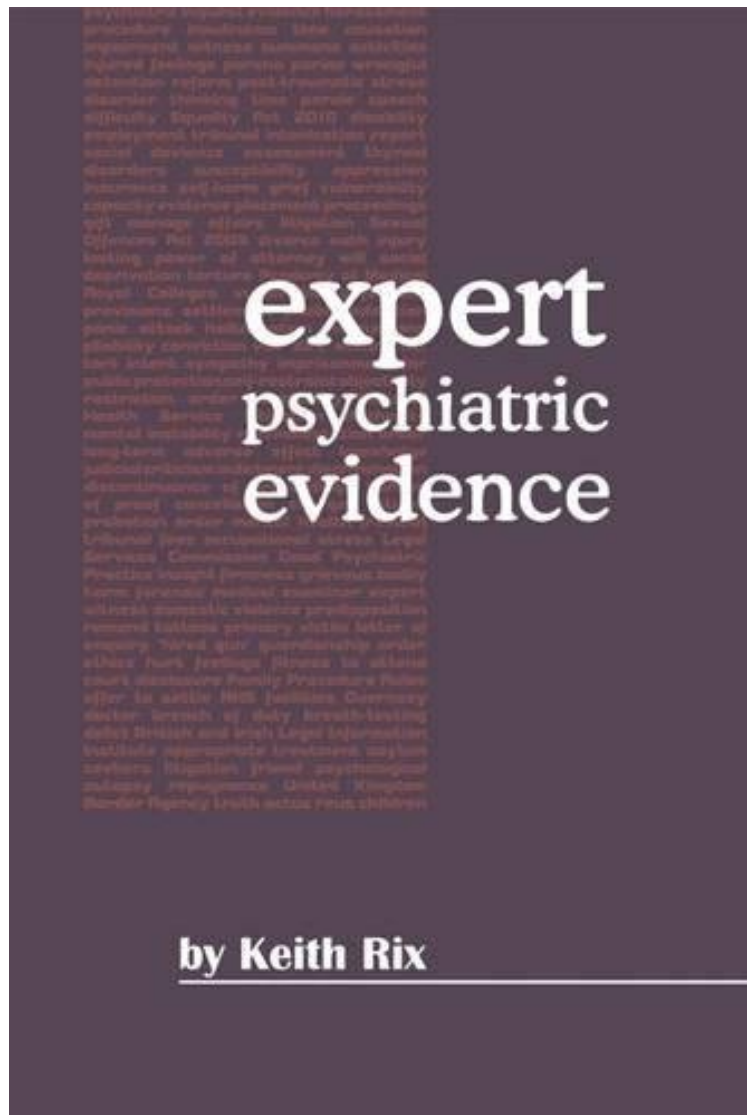


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Expert Psychiatric Evidence

Keith Rix

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Keith Rix : Expert Psychiatric Evidence before purchasing it in order to gage whether or not it would be worth my time, and all praised Expert Psychiatric Evidence:

This is a practical handbook on everything a medical professional needs to know in order to write a medico-legal report. It enables them to see how their knowledge and experience of psychiatry can be harnessed to answer the legal questions necessary for the administration of justice and the resolution of disputes and covers the training, skills and

knowledge that are necessary to prepare expert psychiatric evidence for courts and other legal situations. A variety of rules, guidance and professional codes of practice must be complied with when writing expert reports and the requirements from all of these sources are brought together here in one single volume. Chapters suitable for all medical experts include: the role and responsibilities an expert witness; the medico-legal consultation; the structure and form of the generic report; going to court; and maintaining expertise. Other chapters focus more specifically on reports for criminal proceedings, in personal injury cases, for family cases and those involving capacity, plus reports for tribunals, inquests and for jurisdictions in the British Isles outside England and Wales. Appendices include several sample letters, a consent form and other documents that can be adapted by those starting out in expert witness work. This book is aimed at psychiatrists who wish to write medico-legal reports and become expert witnesses and will also be a useful resource for established expert psychiatric witnesses and the solicitors and barristers who instruct them. RCPsych Publications is the publishing arm of the Royal College of Psychiatrists (based in London, United Kingdom), which has been promoting excellence in mental health care since 1841. Produced by the same editorial team who publish *The British Journal of Psychiatry*, they sell books for both psychiatrists and other mental health professionals; and also many written for the general public. Their popular series include the College Seminars Series, the NICE mental health guidelines and the Books Beyond Words series for people with intellectual disabilities. RCPsych publishes in all areas of psychiatry and mental health, including but not limited to: Clinical psychiatric practice Intellectual disability Mental health services for children, adolescents, adults and the elderly Psychopharmacology Psychotherapy Rehabilitation psychiatry Family mental health Service provision RCPsych Publications books can help with the following disorders: Addictions Affective disorders Attention deficit hyperactivity disorder (ADHD) Bereavement Borderline personality disorder Cognitive-behavioral therapy (CBT) Dementia Depression Eating disorders Perinatal psychiatric disorder Post-traumatic stress disorder (PTSD) Psychosis Schizophrenia Sleep problems

"I wish I had a book like this to help me during my initial stages of forensic training. I am sure most of the forensic trainees would treasure a book like this. I would certainly recommend that this book be read by anyone who wishes to do some court work - It answers most of the questions that I have had during my training so far and for which I have looked far and wide for answers." Dr. Sajid Muzaffar, Specialty Registrar in Forensic Psychiatry. "This is an excellent read and of value both to those starting out and those already with some experience as an expert." Dr. Mike Ventress, Consultant Forensic Psychiatrist "This is an admirable manual for psychiatrists, indeed for all medical practitioners who choose, or (as often happens) are obliged, to do forensic work and for the lawyers who enlist them - In short, I consider this a masterwork and wish that a guide of this depth and quality was available for all expert disciplines. I recommend it very highly." James Badenoch, QC - Chairman, The Expert Witness Institute "This really is a tour de force - Real practical advice in all chapters against a background of legal and medical analysis, which is just what young practitioners need." His Honour Judge Simon Lawler, QC "The judge quite rightly relied upon the evidence of Dr. Rix, a most experienced and distinguished psychiatrist, well known to this court." --Mr Justice Henriques in *R v Colin Howard Parker* [2005] EWCA Crim 1916 For audiences outside the British Isles, this text is a wonderfully detailed cultural window into the practice of forensic psychiatry abroad For readers outside the Isles, it offers an excellent vantage point on the British practice of forensic psychiatry. Learning how others practice in the field can shed new light on our own cultural nuance and style. --Bradley W. Freeman, MD - Vanderbilt University School of Medicine - *Journal of Clinical Psychiatry*, August 2012 73:8, p. 1138 Keith Rix, a British forensic psychiatrist, writes here with authority and detail about the range of forensic evaluations currently required by courts and tribunals in the United Kingdom. His text is enriched by examples from his practice and with quotes from judges, some of whom have not been slow to offer advice to the aspiring forensic psychiatrist: The area of expertise in any case may be likened to a broad street with the plaintiff walking on one pavement and the defendant on the opposite one. Somehow the expert must be ever mindful of the need to walk straight down the middle of the road and resist the temptation to join the party from whom his instructions come. The judge did not mention what can happen to people who walk down the middle of the road, but Rix has some stories to tell. Those who live where pavements are called sidewalks will notice that the forensic practice Rix describes differs from theirs in several respects. One is the routine inclusion by Rix of a methodology section in the psychiatric report. The United Kingdom has recently seen the publication of Law Commission proposals relating to evidentiary reliability in criminal trials. Those proposals place considerable emphasis on sound methodology as a criterion for admissibility. They arose largely out of concern over evidence's going to guilt or innocence. In one case expert evidence had been offered to the effect that the odds against two unexplained infant deaths occurring in the same family made it likely that a crime had been committed. Rix argues that it may now be time for psychiatric experts to describe their methodology, also. He suggests psychiatrists indicate in all of their reports that clinical practice depends on two types of knowledge: that for which there is sound scientific evidence and experience-based knowledge for which such evidence is lacking. "Indicate," he suggests, "that in relying on both categories of knowledge you have done so in accordance with what would be regarded as a responsible body of psychiatric practice" (p 41). This raises substantial questions, it seems to me, about the role of the report and the

duty of the expert to place it in proper context. The degree to which information of the type Rix describes is routinely provided in the United States is an under-researched area. I suspect that usual practice is to offer this type of explanation only when asked to do so in testimony. Rix also makes a number of suggestions in other areas of forensic practice: the psychiatric expert should have a selection of curriculum vitae for different types of work (p 18); with proper notice that this is their practice, psychiatrists are entitled not to sign a report until they have been paid (p 23); reports should come with tables of contents, unless they are very short (p 39); it may be acceptable not to list in a report all of the materials one has seen where the defense is still considering what information to disclose to the prosecution (p 43); where the report of another expert is part of the material, the conclusion of the other expert should be commented on (p 48); and the expert should provide a diagnosis, even if not asked to (p 48). Rix also makes an exception to the "don't answer a question you haven't been asked" rule where the subject is not having treatment that he ought to have: Whether asked to do so or not, make a recommendation for treatment that accords with the best practice of psychiatry, ask that this recommendation is passed on to the subject's ordinary medical attendant and ask to be informed that this has been done [p 48]. The requirement to act in the best interests of the person being assessed, Rix writes, ultimately outweighs any duty of confidentiality to the instructing party. The implied code of ethics is thus much closer to that of the practicing clinician than (con't below) --Alec Buchanan, MD, PhD, New Haven, CT J Am Acad Psychiatry Law 41:2:317-319 (June 2013)it is to the position that U.S. forensic psychiatry has adopted. Rix lists the principles of medical ethics applicable to the psychiatric expert witness as autonomy, beneficence, nonmaleficence, and justice. Those U.S.-based psychiatrists who have wrestled with the terminology and case law of provocation and extreme emotional disturbance will be interested to read the description of the Criminal Justice Act 2009 of England and Wales and its introduction of the defense (I would prefer partial defense, since it only reduces murder to manslaughter) of loss of control. There is a discussion of the practice of holding discussions between experts, not just in family proceedings, but also in civil and criminal matters. U.S. experts will welcome, I suspect, the discussion of the role of the single joint expert and the changes to practice (for instance, in the copying of all communications to both sides) that working in this way entails. The book is written with a refreshing frankness. Its advice on the fraught question of whether and how to address the ultimate issue before the court (to paraphrase Rix: note that it is, technically, none of one's business and then be prepared to say what one thinks) is particularly clear. As a result, for a book on a technical area of forensic psychiatry, Expert Psychiatric Evidence is an unusually easy read. It also has a very good index. Footnotes -Disclosures of financial or other potential conflicts of interest: Dr. Buchanan has recently coedited a book on a similar subject. --Alec Buchanan, MD, PhD, New Haven, CT J Am Acad Psychiatry Law 41:2:317-319 (June 2013)About the AuthorDr Keith Rix is a Consultant Forensic Psychiatrist at The Grange Consulting Rooms, Cleckheaton, and at Cygnet Hospital Wyke, Bradford. He qualified in medicine in Aberdeen and trained in psychiatry in Edinburgh and Manchester. His forensic experience began in the 1960s when he lived in hostels with ex-offenders and assessed prisoners for after-care hostels. Since 1983 he has been a visiting Consultant Psychiatrist at H.M. Prison, Leeds. He started the Leeds Magistrates' Courts Mental Health Assessment and Diversion Scheme and the city's forensic psychiatry service. In 2010 he obtained a Master of Laws (Distinction) in Medical Law and Ethics and he is also a part-time lecturer in the Department of Law at De Montfort University, Leicester. He has thirty years experience as an expert witness. In R v Parker [2005] EWCA Crim 1916, Mr Justice Henriques described him as "a most experienced and distinguished psychiatrist, well known to this court".