

Introduction to Section on Legal Issues

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Forensic psychologists serve as expert witnesses within a legal forum, ultimately providing the triers of fact with evidence pertaining to legal questions. The legal questions derive from legislation and statutes addressing forensic areas such as insanity, competency to stand trial, sexually violent predator (SVP) civil commitment, death penalty mitigation, personal injury, and child custody. As a result, the practice of forensic psychology demands experts to develop a specialized knowledge of legal issues within their area(s) of expertise.

The interface of psychology and the law is not always a clear one. The legal system emphasizes an adversarial process, whereas the field of forensic psychology accentuates truthfulness, objectivity, and impartiality.

For this section, we invite scholarly articles addressing this interface of psychology and the law. We invite scholarly works that address the fit among psychology, neuropsychology, psychiatry, and the law, including how practitioners can use science to address legal criteria and provide expert evidence to the triers of fact.

One recent example of an article that fits into this section is Fulero (in press), an excerpt of which was published in this journal in 2009. Fulero reviewed admissibility of some forensic assessment instruments that are used in disputed confession cases.

As another example, authors may wish to address, through legal case analysis (e.g., *Clark v. Arizona*) or clinical case examples, the issues of moral versus legal wrongfulness in insanity cases.

As a third example, authors may wish to survey case law within sexually violent predator (SVP) cases, focusing on whether courts recognize the diagnosis of paraphilic rape disorder or hebephilia as satisfying the criteria for legal mental abnormality. Similarly, how do courts legally define future dangerousness, and how do actuarial probability estimates fit with the clear-and-convincing standard of proof requirement in many of these proceedings? Furthermore, although these SVP proceedings are civil in nature, should civil-commitment respondents have the right to be competent to stand trial, considering that the potential consequences could include indefinite civil commitment? Should these offenders have a legal right to a forensic evaluation to determine their competency to understand the nature and objectives of the legal

proceedings, to make rational legal decisions, to question witnesses and testify, and to ultimately participate in their legal proceedings? According to *Daubert* and *Frye* admissibility requirements, should forensic neuropsychological and psychiatric evidence addressing volitional impairments be admissible in SVP proceedings?

We look forward to receiving manuscripts that thoughtfully explore legal issues relevant to forensic psychologists.

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References

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Daubert v. Merrell Dow Pharmaceuticals, 509 U.S. 579 (1993).

Frye v. United States, 293 F. 1013 (D.C. Cir. 1923).

Fulero, S. (in press). Admissibility of expert testimony based on the Grisso and Gudjonsson scales in disputed confession cases. *Journal of Psychiatry & Law*. Excerpted in *Open Access Journal of Forensic Psychology*, 1, E44-E55.