



Forensic Psychological Evaluations, Risk Assessments, and Expert Testimony: From Choosing the Expert to Testimony

November 5 and November 12, 8:30-11:30am

Presentation Speakers:

Diane A. Tennes, Ph.D., LADC, is a forensic psychologist, and licensed as a clinical psychologist and alcohol and drug counselor in Maine. She is a past president of the Maine Psychological Association (MePA) and currently the chair of their legislative committee. Dr. Tennes obtained her Ph.D. from the University of Maine and is currently an adjunct faculty member there. She is a rostered guardian ad litem and serves as the Vice-Chair of the Maine GAL Review Board. Clinically, Dr. Tennes performs court-mandated and private forensic evaluations, including civil competencies, criminal responsibility, risk assessments, parental capacity, and child custody evaluations. She is also a National Health Consultant for Job Corps, providing consultation on substance abuse policy implementation and compliance to Job Corps' Wellness Programs at centers in the Boston, Philadelphia and San Francisco regions for the National Office of Job Corps through a subcontract with Humanitas, Inc. in Silver Spring, MD.

Dana E. Prescott, JD, LMSW, PhD, is licensed to practice in Maine and Massachusetts and is a partner with Prescott, Jamieson, & Murphy Law Group LLC, Saco, Maine. He is a Fellow of the International Academy of Family Lawyers and the American Academy of Matrimonial Lawyers. He was awarded an MSW from Boston College and a Ph.D. in social work from Simmons College. Dr. Prescott holds an adjunct faculty appointment at the Boston College School of Social Work and has taught at the Harvard T.H. Chan School of Public Health and Simmons University. He is a frequent consultant, author, and speaker on professional ethics and policy related to expert and forensic roles, family law and practice, and policy and court systems. He is a rostered guardian ad litem and currently serves as Chair of Maine's GAL Review Board.

The speakers are principals in Raven Consulting and Community Services. Additional information concerning the presenters and RCCS may be found at <https://ravenconsultingeducation.com/>.

Program Design and Summary:

Forensic Psychological Evaluations, Risk Assessments, Parental Capacity Evaluations, and Child Protection Codes play an increasing role in child custody, abuse, and neglect, and criminal cases involving parental conflict, addiction, competency, criminal responsibility, and sentencing mitigation, among many other types of litigation involving forensic evaluations. This program is designed for lawyers, judges, GALs, or mental health professionals who work with families and individuals in the judicial system. The first day will focus on improved understanding of forensic psychology and its role from samples of relevant referral questions, collection of data, and issuance of the final report. The second day is an advanced discussion of the ethics concerning expert testimony from *State v. Williams* and its progeny to a discussion of research related to biases which may influence experts and lawyers. **CLE and CEU credits: 6 total credits, 1 Ethics credit.**

Day 1: 8:30 a.m. to 11:30 a.m.

- A. Foundation and Understanding the Basics (8:30-9:15)
- Defining forensic psychology and its purpose
 - Who is the client?
 - The different between testimony and consultation
 - The specialty ethics codes that apply to forensics
 - The expert's licensure and how it defines scope of opinion
 - Deciding to use a forensic expert: Post-conviction review and self-protection
- B. Statutes Define the Forensic Role and the Referral Questions (9:15-9:45)
- Federal versus state law
 - Competency, criminal responsibility, and other mental conditions
 - Bind over hearings
 - Sentencing and mitigation
 - Child protection and Title 22: Jeopardy, reunification, and termination
 - Best interest of the child [BIC] standards under Title 19-A
- C. Designing the Referral Questions (9:45 to 10:15)
- Referral questions: What works?
 - Crafting the questions to meet the legal standard
 - What do you want to know?
- D. Communications and Confidentiality (10:15 to 11:00)
- Privileged and discoverable
 - Informed consent and waiver
 - Differences between juveniles and adults
 - Admissions of guilt or fault
 - Emails and texting your expert
 - Editing and drafting reports
 - Submission of report to court: Mandatory or not?
- E. Discussion and Questions (11:00 to 11:30)

Day 2: 8:30 a.m. to 11:30 a.m.

- A. Data Collection and Testing (8:30 to 9:30)
- Interviewing of the examinee and collateral sources
 - Psychological, cognitive, and personality testing
 - Actuarial measures and assessment tools
 - Current and future risks of recidivism
 - Domestic violence, sexual abuse, and pornography
 - CODE evaluations, jeopardy, and risk
 - Parental capacity evaluations
 - The expert and looking at social media: A new challenge
- B. The Ethics of Being an Expert: What the Research Tells Us (9:30 to 10:30)
- Selection, allegiance, and confirmation biases
 - Lawyers, experts and gender and race
 - Influences of bias on judicial decision making
 - The “hired gun” and “new” science
 - “Hot tubbing” and experts: A new wave?
- C. Relevance, Reliability, and Admissibility of Opinion (10:30 to 11:30)
- M.R.Evid. 701-705
 - Jury or non-jury
 - Judicial discretion and the early motion *in limine*
 - *State v. Williams* and its progeny
 - Maine is not a *Daubert* state
 - Tips and traps for admission of opinion
 - Hearsay admissible as substantive evidence
 - Opinions on the ultimate issue
- D. Discussion and Questions (11:30 to 12:00) – Voluntary additional time.