

Dear Sir/Madam

This submission relates to your questions 7, 14, 15, 16, 19, 32 (objective assessment can contribute to that definition); and, 34 (the issue is the need to include scientific, evidence-based measurement).

In contemporary clinical psychology practice it is accepted that assessment of persons, and especially for high impact decisions, needs to be based wherever possible on different methods for answering the key question(s). Traditionally, we only had available interview methods, and before the advent of research-based structured interview for mental health in the mid-1980's, there were few or no constraints regarding any subjective biases of the interviewer. For example, mental health research has demonstrated that agreement between interviewers of the same person can have very poor concordance.

The professionally accepted alternative, or complementary, data to interview is standardised assessment. Intellectual assessment is a prime example, utilising the same materials and tasks and evidence-based score cut-offs in order to answer the key question. The same kind of approach is also available for assessment of personality, and one widely-used standardised instrument in particular has been applied extensively in forensic settings, including contributing to decisions about fitness to stand trial. That instrument is the MMPI-2 (Minnesota Multiphasic Personality Inventory). For the purpose of eliminating subjective bias, as well as providing evidence-based scoring and cut-offs for a range of mental health functions, the MMPI-2 is highly recommended in order provide more than interview opinion, and to supplement usefully the information available to decision-makers.

Although I have not worked in forensic settings, as a clinical psychologist I have utilised MMPI-2 in clinical practice and taught use of the instrument to postgraduate clinical psychology students over the last 30 years. I am aware that MMPI-2 has useful forensic application. I have attached for your information a reference to the main text relating to use of the MMPI-2 in forensic settings, and urge its close consideration in what is high impact decision-making, which requires a multi-method approach and cannot rely solely or largely on subjective opinion if practice in the area is to be at contemporary level.

I am happy to be contacted should you wish to discuss this matter in more detail.

Also, as a founder member of the Australian Clinical Psychologists Association (ACPA) I would like to offer my support for the Submission by Dr Jeanette Stewart on behalf of the Association.

Yours sincerely

Raymond Rudd MSc MAPS MACPA

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Former Honorary Senior Fellow The University of Melbourne



Psychological Assessment: Clinical & Forensic

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The MMPI, MMPI-2, and MMPI-A In Court: A Practical Guide for Expert Witnesses and Attorneys (3rd Edition)

By [Kenneth S. Pope](#), Ph.D., ABPP

[James N. Butcher](#), Ph.D.

[Joyce Seelen](#), Esq.

Publisher: American Psychological Association, May 2006

Below are [Reviews](#), [Ordering Information](#), & [About the Authors](#)

REVIEWS OF THE THIRD EDITION:

"The third edition of this essential work by three acknowledged giants in the field achieves the contrasting goals of completeness and practicality. Dealing with new rules (HIPAA), new cases (Daubert v. Merrell-Dow) and new research on psychological testing, this classic reference work superbly prepares everyone from novice to seasoned expert witness for the presentation of psychological evidence in court. The icing on this cake includes excellent appendices, a very useful forensic glossary and extensive references."

-- **Thomas G. Gutheil, MD**

Professor of Psychiatry, Harvard Medical School

Past President, American Academy of Psychiatry and Law

Cofounder, Program in Psychiatry and the Law, Mass. Mental Health Center

"With its clear, compelling descriptions of the MMPI and its progeny, and expert guidance for management of effective cross-examination, this book is essential to the libraries of forensic psychologists and attorneys who deal with MMPI profiles in court. The reader will be brought abreast of potential uses and misuses of the MMPI in forensic settings, advances in forensic malingering research, and emerging legislation and case law that may bear on admissibility issues. Included is a step by step guide to deposing or cross-examining the expert who is presenting MMPI data. Springing from the authors' experience, ethical grounding, and wisdom, the material is accessible and eminently useful."

-- **Mary Connell, Ed.D.**, ABPP, Board Certified in Forensic Psychology

Independent Practice, Fort Worth, Texas

REVIEWS OF EARLIER EDITIONS:

"A must for every trial lawyer's library."

-- **Patricia C. Bobb, Esq.**, Board of Governors, Association of Trial Lawyers of America

"An invaluable preparatory tool for expert witnesses and lawyers.... The information for attorneys about how to prepare a case is concise, creative, intelligent and wise, useful as a guide for all types of litigation preparation."

-- **Jean E. Dubofsky, Esq.**, Former Justice, Colorado Supreme Court

"An excellent thinking through of the status of knowledge in psychological assessment and a very practical guide to responsible forensic practice. The chapter on deposing and cross-examining expert witnesses alone would be worth the price of the book."

-- **Philip Erdberg, Ph.D.**, ABPP, Former President, Society for Personality Assessment

"From its reviews of research to its model answers to a wide variety of legal questions, this richly detailed guide is a treasure of informed judgment and practical wisdom."

-- **Cheri Adrian, Ph.D.**, Psychodiagnostic Assessment Service, UCLA Neuropsychiatric Institute

"A much needed book on forensic application of several versions of the MMPI...will serve a very important purpose."

-- **John Graham, Ph.D.**, Professor and Chair, Department of Psychology, Kent State University

"A scholarly, current, and practical guide...an invaluable work that is essential for the practicing attorney who handles a case that involves psychological testimony with the MMPI or its progeny."

-- **Joseph C. George, Ph.D., LLD**, Practicing Attorney and Licensed Psychologist

"This is essential reading for any trial attorney intending to cross swords with a psychologist or psychiatrist at deposition or trial. Although full of scientific detail, this is not ivory tower stuff; the authors display practical knowledge of real-world litigation."

-- **Robert McKim Bell**, Prosecutor

ORDERING INFORMATION:

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ABOUT THE AUTHORS:

[Ken Pope](#), Ph.D., ABPP

James N. Butcher, PhD, is a professor emeritus of psychology in the Department of Psychology at the University of Minnesota. He graduated from Guilford College in North Carolina with a BA in psychology in 1960, received an MA in experimental psychology from the University of North Carolina at Chapel Hill in 1962, and received a PhD in clinical psychology at the University of North Carolina at Chapel Hill in 1964. He was awarded honorary doctorates for his international personality assessment research (Doctor Honoris Causa) from the Free University of Brussels, Belgium, in 1990 and from the University of Florence, Italy (Laurea ad Honorem in Psychology)

in 2005. He received the Bruno Klopfer Award from the Society for Personality Assessment in 2004 for longstanding contributions to personality assessment.

He has maintained an active research program in the areas of personality assessment, abnormal psychology, cross-cultural personality factors, and computer-based personality assessment. He is a past member of the University of Minnesota Press's MMPI Consultative Committee. Since 1982, the committee has been actively engaged in a large-scale project to revise and restandardize the MMPI. He is the former editor of *Psychological Assessment* and currently serves as consulting editor for numerous other journals in psychology and psychiatry. He has served on the Board of Trustees of the Society for Personality Assessment and the Executive Committees of Divisions 1 (General Psychology) and 5 (Division of Measurement and Evaluation) of the American Psychological Association. He is an active fellow of the American Psychological Association.

In 1965, James Butcher, a new faculty member of the University of Minnesota and just out of graduate school at the University of North Carolina, founded the Symposium on Recent Developments in the Use of the MMPI to provide a forum for researchers to discuss current and proposed research on the MMPI. Over the years of its existence, the annual symposium has served as a vehicle for many important new developments in the MMPI and generated numerous research investigations that have opened new research directions for the instrument. A year after the MMPI symposium began, the need for practical training in the use of the test became apparent because many psychologists were not receiving assessment training in their graduate programs. The MMPI symposium was expanded to include practical workshops on the clinical application of the MMPI. Since its inception, the MMPI Workshop Series has provided professional training on the MMPI and MMPI-2 to thousands of psychologists in the United States.

Throughout his career in psychology, Butcher has been involved in studying the use of the MMPI in intercultural contexts. In 1970, he founded the International Conference on Personality Assessment, which has been held every 2 years. The conference provides the opportunity for scholars from a range of countries to discuss their research and to exchange views on issues and techniques in personality assessment with professionals from other countries. Programs devoted to facilitating international research on personality assessment have been conducted in several countries--- Australia, Belgium, China, Chile, Denmark, Egypt, Greece, Holland, Hong Kong, Iran, Israel, Italy, Japan, Korea, Mexico, Norway, and South Africa.

Butcher has conducted extensive research on the MMPI for over 44 years in a broad range of contexts and published 50 books and more than 175 articles in the areas of personality assessment, abnormal psychology, and psychotherapy. His publications include basic research works in abnormal psychology, personality assessment, and the MMPI, including research methodology and computer applications of psychological tests. He was central figure in the revision of the MMPI and the development of the MMPI-2 and MMPI-A. Butcher's contribution to the MMPI revision began in 1969, when he organized a national symposium to address the question of whether the MMPI needed to be revised and, if so, how. During the 1970s, he published articles and held additional meetings to keep alive the possibility of an MMPI revision. Finally in 1982, the test publisher initiated a revision with a team composed of Butcher, Grant Dahlstrom, Jack R. Graham, and Auke Tellegen (who participated in the later stages of the project). The MMPI revision effort spanned 10 years and included scores of empirical studies with a broad range of normal and clinical populations. This revision effort culminated in the publication of the MMPI-2 in 1989 and the MMPI-A in 1992.

In addition to [*MMPI, MMPI-2, & MMPI-A in Court: A Practical Guide for Expert Witnesses & Attorneys, 3rd edition*](#) (by [K.S. Pope](#), J.N. Butcher, & [J. Seelen](#); published by the American Psychological Association), Butcher has authored a number of books on the MMPI and abnormal psychology. His published books include: Butcher, J. N. (2005). *MMPI-2: A beginner's guide (Second Edition)* (The American Psychological Association); *International Adaptations of the MMPI-2* (University of Minnesota Press, 1996); *Use of the MMPI-2 in Treatment Planning*

(Oxford University Press, 1990b); *A Practitioner's Guide to Computerized Psychological Assessment* (Basic Books, 1987), *Essentials of MMPI-2 and MMPI-A Interpretation* (with Carolyn L. Williams; University of Minnesota Press, Second Edition) (2002), *Abnormal Psychology and Modern Life* with Sue Mineka and Jill Hooley. Allyn-Bacon (12th ed.) (2004); Butcher, J. N. (Ed). (2002). *Clinical personality assessment (2nd Edition)*. New York: Oxford University Press; and *Handbook of Research Methods in Clinical Psychology* (2nd ed., with Philip C. Kendall & Grayson Holmback; Wiley, 1999).

He has been actively involved in developing and organizing disaster response programs for dealing with human problems following airline disasters. Dr. Butcher organized a model crisis intervention disaster response for the Minneapolis-Paul Airport and organized and supervised psychological services following two major airline disasters, the Northwest Flight 255 and Aloha Airlines's Maui accidents.

Butcher's forensic testimony, the source of much material included in this book, has been extensive and covers many types of legal cases. As might be expected, his testimony almost always centers around the interpretation of MMPI-2 scores. Issues concerning technical aspects of the test or the likely meaning of a particular MMPI configuration are common themes in his court testimony. His forensic experience includes personal injury, criminal, family custody, and medical malpractice.

Finally, Jim spends some of his spare time painting watercolors. If you'd like to see some of his work, here's [his watercolor of Minnehaha Falls](#), [his watercolor of Glacier Express](#), [his watercolor of the bike path in Excelsior](#), and [his watercolor of Vicksburg Courthouse](#), which is the cover art of *The MMPI, MMPI-2, & MMPI-A in Court: A Practical Guide for Expert Witnesses and Attorneys, Third Edition*, published by the American Psychological Association in May, 2006.

Joyce Seelen, JD, received her BA in journalism from the University of Minnesota and her JD from the University of Denver School of Law. She practiced in Denver as a Colorado state public defender, beginning in 1980, where she defended indigent people charged with crimes.

In 1982, she successfully defended a poor person charged with first-degree murder, after which she began a private practice that emphasizes representation of the victims of abuse by people in positions of trust. An active litigator, she has tried several civil cases to jury verdicts in excess of \$1 million each. In two of her cases, *Moses v. the Diocese* (1993) and *The Bear Valley Church of Christ v. DeBose* (1996), the Colorado supreme court became the leading court in the country in extending civil protection to people harmed by the negligence of religious institutions.

In 1995, her peers in the Colorado Trial Lawyers Association created a special award of merit for her “in recognition of her zealous advocacy of victims while advancing public understanding of the civil justice system.”

In another of her cases, *Bohrer v. Church Mutual*, for the first time in the state's history, in 1998 the Colorado supreme court ordered an insurance company to pay for damages caused by negligent counseling, despite the fact that the counsellee individual being counseled had been sexually abused by the insured minister and the policy had excluded coverage for sexual abuse. Ms. Seelen generally restricts her practice to the representation of personal injury plaintiffs who are often denied access to the civil justice system because of the prejudices within that system concerning “emotional damages.” In addition, she prosecutes a mix of large and small cases because of her belief that plaintiffs in smaller cases are often denied effective access to the civil justice system.

In 2003, Seelen moved to the Big Island of Hawaii, and began combining an active long-distance law practice in Denver with a new real estate career in Hawaii. What began as an effort by Seelen to “slow down” has generated a series of opportunities. In 2004, she successfully represented a

child in Denver in ground-breaking civil litigation against Children's Hospital, currently on appeal at *Liggett v. Nelligan and The Children's Hospital Association*, Case No. 04CA2262, Colorado Court of Appeals. The psychological damages verdict, which is nearly a \$1 million dollars, is on appeal. In the same year, the Kobe Bryant criminal prosecution team called on Seelen and her special expertise to assist them in picking a jury in the difficult Eagle, Colorado, case, *People v. Bryant*, (03CR204, Eagle County, Colorado), which was dismissed at the end of the first week.

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