

An Example

Let's talk about an example. Let's say that you were called by the prosecutor to evaluate a woman who has killed her husband and who has been charged with first-degree murder. The prosecutor wants you to conduct a mental-state-at-the-time-of-the-offense (MSO) examination and help the court determine her criminal responsibility.

You learn that another expert, one working for the defense, has already evaluated the defendant and opined that she was under "extreme emotional distress" at the time of the incident. The prosecutor does not agree that such a finding is in accordance with state law and believes you will see the situation differently.

If you disagree with the defense expert and opine that the defendant was not under extreme emotional distress, how will you feel about the effect of your opinion on the defendant who may have difficulty arguing that she should be entitled to a manslaughter verdict rather than murder?

This is just one of many situations in which the opinion of a forensic mental health clinician may not be helpful to the individual in question. There are many examples from civil law as well. Suppose for a moment that you are asked to conduct a disability or workman's compensation evaluation on an individual applying for benefits. Your opinion may have a strong influence on the legal decision maker (hearing officer) in the case. Depending on your opinion, the individual may or may not be entitled to benefits.