

Tales From the Court

A review of

Trials of a Forensic Psychologist: A Casebook

by Charles Patrick Ewing

Hoboken, NJ: Wiley, 2008. 280 pp. ISBN 978-0-470-17072-4. \$39.95, paperback

Reviewed by

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In 1983, as a young psychologist and well before I had testified in court, I listened to a set of audiotapes describing guidelines for being an expert witness. I was greatly impressed by the clarity and concrete, practical focus of those audiotapes, and those tapes served as an early catalyst for me, sparking my interest in forensic psychology. Those tapes were by Charles Patrick Ewing, the author of *Trials of a Forensic Psychologist: A Casebook*. Ewing, a law school professor at the State University of New York, University at Buffalo, is one of the most renowned forensic psychologists in the United States, the author of a number of books, countless articles, and editor of a respected forensic psychology journal. As is evident from *Trials*, his expertise is widely sought around the country in high-profile criminal trials.

And the man can write! The accounts of the 10 trials in this book are compelling. I can think of few if any forensic psychology books that I have read for pleasure or that I cannot put down, but *Trials* is indeed one. Instead of reading it out of a sense of duty or responsibility to keep up with developments in the field, I found myself reading it for sheer enjoyment. The accounts of the 10 trials that Ewing presents are gripping narratives that easily kept my interest. Perhaps the book's closest analogue is not another forensic psychology book but rather Oliver Sacks's (1998) *The Man Who Mistook His Wife for a Hat*, an absorbing collection of case studies by a neurologist. In both books, the authors take what

is normally an arcane subject and translate the cases (or in Ewing's book, the trials) into moving human narratives.

Yet, there is no hyperbole in *Trials*. This is not a written version of *CSI*. Rather, Ewing sets the stage for each of 10 major cases in which he has testified at trial, discusses the strategies of both prosecution and defense, and recounts his trial testimony, usually with verbatim transcript quotations. Moreover, Ewing follows each case to its conclusion, frequently through years of appeals or a lengthy incarceration. Thus, one can see how the case flowed, from the crime (frequently heinous) to the psychological defense used, to the testimony, to the trial outcome, and finally to the aftermath.

Ewing tells these forensic tales with a sense of humility and openness. Because of the adversarial nature of the legal system, there is a tendency for forensic psychologists to feel like combatants. As a result, many forensic psychologists (in my unempirical, anecdotal experience) prefer to recount only their “wins,” the cases in which the court or the jury found their testimony persuasive. Ewing does nothing of the kind. He honestly reports (without apparent rancor or bitterness) when the court or jury found his testimony unpersuasive. He is above all realistic. For example, he states, “My 30-plus years of forensic work, which includes the cases described in this book, has led me to suspect that often the influence of expert witnesses (myself included) is not as great as many people seem to think” (p. 251).

The examples of Ewing's actual courtroom testimony are instructive. Reading transcripts of Ewing's testimony is like seeing a master surgeon at work. He handles cross-examination assertively but without defensiveness. On a few occasions, he inserts a bit of humor into his testimony. For example, Ewing was being cross-examined at length on the peculiar (and irrelevant) issue of Benjamin Rush, one of the founders of American psychiatry, whose likeness graced the logo of the third edition of the *Diagnostic and Statistical Manual of Mental Disorders* (American Psychiatric Association, 1987). As the prosecutor continued to badger Ewing, the colloquy between them went like this:

Prosecutor: Perhaps you're more familiar that he thought mental illness was caused by bad blood in the head. To treat the illness he would bleed the veins in people's heads.

Ewing: I'm not familiar with that.

Prosecutor: That's the guy they continued to use as a logo for their books.

Ewing: Whatever he did, he is recognized as the father of American psychiatry. He's not my father. (p. 212)

As must be evident from the above review, I found this to be an excellent book—well written, engaging, informative. *Trials* gives the reader a sense of how forensic psychology fits in context in legal proceedings. Ewing creates engaging, engrossing stories to convey the

course of a forensic psychology case, and these narratives, I suspect, will stay with the reader far longer than the dry, technical materials on the subject one usually reads. I can think of no better book to recommend to neophyte forensic psychologists to give them a concrete sense of how their evaluation and testimony skills will actually be applied in the future. But even the experienced forensic practitioner will enjoy the book, although for a different reason—to recognize a fellow practitioner of one's craft practicing at a high level.

References

- American Psychiatric Association. (1987). *Diagnostic and statistical manual of mental disorders* (3rd ed., rev.). Washington, DC: Author.
- Sacks, O. (1998). *The man who mistook his wife for a hat*. New York: Touchstone.
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