

*Expert Psychological Testimony for the Courts*. Edited by Mark Costanzo, Daniel Krauss, & Kathy Pezdek. Mahwah, NJ: Lawrence Erlbaum Associates, 2007. Pp. 321. \$89.99 cloth; \$34.95 paper.

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In recent decades, the frequency and scope of expert psychological testimony in criminal and civil cases has dramatically increased. This ambitious book, edited by Costanzo, Krauss, and Pezdek, brings together several of these experts to comment on the extent of psychological testimony in the courts, the quality of the scientific evidence on which this testimony is based, the research on how jurors respond to these experts, and how the legal system might be modified in response to current psychological research. The book begins with a detailed analysis of how the courts decided to allow expert psychological testimony, and how the admissibility of such evidence has been the subject of considerable debate within the past 20 years. For those observing the trend toward increased use of expert psychological testimony, of particular concern is the rapidly growing demand for expert psychological witnesses—who are typically offered lucrative compensation—posing a particular threat to the reliability of this expert testimony. A second concern is a seeming propensity of experts to express opinions in court that they would not offer in a peer-reviewed academic journal. A final concern is that these experts may be too prone to advocate for a cause, rather than limiting their remarks to the scope of their scientific knowledge.

This list of concerns regarding psychological testimony forms the backdrop for the next nine chapters. Each of these focuses on a particular topic of concern to the legal system and provides a detailed accounting of how psychological research and testimony can and should contribute to legal decisionmaking. These chapters address the following areas: (1) how psychological processes can subjectively influence the seemingly objective interpretation of forensic evidence such as fingerprints and DNA; (2) how psychology can explain police behavior and false confessions; (3) the psychological evidence on faulty eyewitness testimony; (4) the social and organizational climates in which sexual harassment may occur and what factors may explain why a target of harassment may not complain; (5) how research in psychology can contribute to the effective dissemination of mitigating factors to capital jurors making sentencing decisions; (6) how psychological testimony is difficult to apply in current insanity cases, demonstrating the vast divide between psychology and the law for answering the insanity question; (7) psychological research regarding battered woman

syndrome and how this information can combat the misinformation jurors typically harbor; (8) expert testimony on predicting future dangerousness in a variety of legal settings; and (9) psychological testimony in custody cases considering the “best interests of the child.” The final chapter of *Expert Psychological Testimony for the Courts* discusses the most common dilemmas and ethical conflicts faced by experts in court; this text concludes with suggestions for avoiding the most serious pitfalls facing expert witnesses—suggesting, for example, that as the public face of psychology, these expert witnesses especially need to understand the fundamental differences between the domains of law and psychology.

All told, this book impressively documents the current state of federal (and to a lesser extent, state-specific) rules of evidence regarding expert psychological testimony in both civil and criminal cases. It provides considerable information—across a wide range of issues—regarding the usefulness of psychology in informing and contextualizing legal decisionmaking. One limitation, however, is the overwhelming positive take on psychological expert testimony. Although the first and last substantive chapters of this book discuss ethical concerns and dilemmas—including psychologists possibly overstepping their scientific knowledge and becoming advocates—most of the book highlights the numerous benefits of psychological testimony, without a thorough analysis of how competing experts, a tendency to defer to experts, and the unfamiliarity of nonpsychologists with psychological scientific evidence, may all be causes for concern and provide a rationale for the cautious use of psychological experts in legal settings. Further, although this book acknowledges that financial considerations may influence psychological testimony (since a psychologist who testifies in a manner that is not helpful to the hiring attorney probably will not be hired again), it fails to consider how significant financial considerations are for the lawyer’s client. Of course, indigent clients are unlikely to have the financial means to hire the “best” psychologists as expert witnesses (if they can hire any), which should cause concern about whether these experts are primarily available only to the wealthy, and if each of the topics in this book may look immeasurably different after social class is considered.

Overall, *Expert Psychological Testimony for the Courts* is a well-written, interesting read; it provides nuanced information on the increasing role that psychologists will play in determining the future application of law. It should be of interest to academics studying legal changes, to criminal and civil law scholars, and to advanced students in both the psychology and sociology of law.