



Presents

Ain't No Crystal Ball: Ethics, Behavioral Science and Forensic Experts

by

Robert Kinscherff, Ph.D., J.D., Executive Director, Center for Law, Brain & Behavior at

and

Massachusetts General Hospital, Harvard Medical School

Stephen Behnke, Ph.D., J.D., Massachusetts Mental Health Center, Harvard Medical School

At the Hyatt Regency Guam on Thursday, September 1, 2022

This workshop for judicial, other legal professionals, and forensic behavioral health professionals is designed to support them in: (a) identifying when psychologists and other behavioral scientists may be helpful in attorney advocacy and/or judicial decision-making; (b) the scientific bases of behavioral science testimony; and (c) the limits of expert testimony. Using lecture, case examples, and participant discussion, the workshop reviews the fundamentals of the scientific method in behavioral science, the key factors of reliability and validity of scientific research, and core principals in applying behavioral science research to individual cases before the courts. The landmark U.S. Supreme Court case establishing the legal test for scientific reliability (*Daubert v. Merrell Dow Pharmaceuticals*, 1992) and its progeny are reviewed. The differences among “fact” – “clinical professional” – “pure and case-specific expert” witnesses are discussed, and the limits of expert testimony in opining on “ultimate issue” determinations clarified. Guidance is offered regarding identification and qualification of experts, defining scope of case-relevant expertise, and courtroom presentation of expert behavioral health witnesses. Applications include criminal matters (e.g., competence to stand trial, insanity defense, aid in sentencing), civil matters (child protection, divorce child custody, involuntary civil commitment, personal injury, malpractice), and administrative law matters (professional licensure complaints, social security, special education). Instructors will encourage participants to identify issues of interest and will actively engage participants in discussing pressing issues for Guam judges and attorneys.

Early Registration Fee (non-refundable) by 5 p.m., Thursday, August 18, 2022 \$ 100.00

Late Registration Fee (non-refundable) by 5 p.m., Thursday, August 25, 2022 \$ 125.00

Fee covers: Continental Breakfast, Full Lunch, snacks during Break and beverages all day.

Certificate of Attendance for six (6) contact hours of Continuing Education (CE).

Contacts: Nadine Cepeda @ (671) 482-7799; Email: ntcepeda@yahoo.com

Dr. Mamie Balajadia @ (671) 688-6264; Email: mamiecb@yahoo.com

Name of Participant: _____ **Agency/Company:** _____

Contact: Cell # 671- _____ **Business # 671-** _____ **Email:** _____

Please make check* payable to: **GUAM PSYCHOLOGICAL ASSOCIATION**

Please mail payment and this Registration Form to: **P.O. Box 12061 Tamuning, GU 96931-2061**

*There is a \$100.00 charge for a returned check without sufficient funds.

Ain't No Crystal Ball: Ethics, Behavioral Science & Forensic Experts

9:00 AM to 5:00 PM - September 1, 2022 at The Hyatt Regency Guam

AGENDA

7:45 A.M. – 8:45 A.M.	REGISTRATION & continental breakfast served
8:45 A.M. – 9:00 A.M.	Welcome Remarks and Introduction of Lecturers Dr. Iain Twaddle, President of Guam Psychological Association
9:00 A.M. – 10:30 A.M. (1.5 hour)	Methods and Madness: Reliability and Legal Tests of Reliability
10:30 A.M. - 10:45 A.M. (15 minutes)	BREAK
10:45 A.M. – 12:15 P.M. (1.5 hour)	The Wizard's Hat: Rules, Roles and Ethics in Behavioral Science Testimony
12:15 P.M. – 1:15 P.M.	LUNCH
1:15 P.M. – 2:45 P.M. (1.5 hour)	Civil & Uncivil Matters: Expert Testimony in the Context of Cases
2:24 P.M. – 3:00 P.M.	BREAK
3:00 P.M. – 4:30 P.M. (1.5 hour)	Cameo Appearances: Ethical and Tactical Approaches to Presenting and Challenging Expert Behavioral Science Testimony
4:30 P.M. – 5:00 P.M. (30 minutes)	Q & A
5:00 P.M.	CLOSING REMARKS



Presents

**Fundamental Principles and Emerging Issues in ETHICS
for Behavioral Health & Allied Health Professionals**

by

Robert Kinscherff, Ph.D., J.D., Executive Director, Center for Law, Brain & Behavior at
and Massachusetts General Hospital, Harvard Medical School.
Stephen Behnke, Ph.D., J.D., Massachusetts Mental Health Center, Harvard Medical School.

At the Hyatt Regency Guam on Friday, September 2, 2022

This ethics workshop will address ethics and ethical decision making. The workshop will begin by posing the fundamental question: What do we talk about when we talk about “ethics”? The workshop will then examine ethical decision making, offer a process for resolving ethical dilemmas, and place this process in the context of legal, clinical, and risk management considerations. The workshop will compare and contrast the ethics codes of behavioral and allied health professionals (e.g. American Psychological Association, National Association of Social Workers, American Counseling Association). The workshop will examine the structures of the codes and highlight how ethics codes may be conceptualized and used as tools to assist behavioral and allied health professionals in resolving ethical dilemmas, over and above how ethics codes are often viewed, as merely setting forth ethical obligations and prohibitions. Multiple case vignettes will be used to illustrate ethical decision making applied in actual clinical practice, with a focus on navigating multiple relationships and maintaining collegial and supportive relationships in a small community. The instructors will actively solicit topics from participants and are especially eager to explore the role of Guam culture in participants’ ethical decision making.

Early Registration Fee (non-refundable) by 5 p.m., Friday, August 19, 2022 \$ 100.00

Late Registration Fee (non-refundable) by 5 p.m., Friday, August 26, 2022 \$ 125.00

Fee covers: Continental Breakfast, Full Lunch, snacks during Break and beverages all day.

Certificate of Attendance for six (6) contact hours of Continuing Education (CE).

Contacts: Nadine Cepeda @ (671) 482-7799; Email: ntcepeda@yahoo.com

Dr. Mamie Balajadia @ (671) 688-6264; Email: mamiecb@yahoo.com

Name of Participant: _____ **Agency/Company:** _____

Contact: Cell # 671-_____ **Business # 671-**_____ **Email:** _____

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*There is a \$100.00 charge for a returned check without sufficient funds.

Fundamental Principles and Emerging issues in Ethics for Behavioral Health and Allied Health Professionals

9:00 AM to 5:00 PM - September 2, 2022 at The Hyatt Regency Guam

AGENDA

7:45 A.M. – 8:45 A.M.	REGISTRATION & continental breakfast served
8:45 A.M. – 9:00 A.M.	Welcome Remarks and Introduction of Lecturers Dr. Iain Twaddle, President of Guam Psychological Association
9:00 A.M. – 10:30 A.M. (1.5 hour)	Posing the Question: What Do We Talk about When We Talk about “Ethics”? Developing a Process for Decision Making that Integrates Ethical, Legal, Clinical, and Risk Management Considerations.
10:30 A.M. - 10:45 A.M. (15 minutes)	BREAK
10:45 A.M. – 12:15 P.M. (1.5 hour)	More to an Ethics Code than <i>Do’s and Do Not’s</i> : Ethics Codes of Allied Health Professionals as Helpful Tools and Resources, with Examples A’plenty.
12:15 P.M. – 1:15 P.M.	LUNCH
1:15 P.M. – 2:45 P.M. (1.5 hour)	Special Issues in Ethics: Multiple Relationships in a Small Community, Maintaining Collegial Relationships, Self-care in Stressful Times, and Competence.
2:24 P.M. – 3:00 P.M.	BREAK
3:00 P.M. – 4:30 P.M. (1.5 hour)	Vignettes: Applying lesson to Real-world Scenarios.
4:30 P.M. – 5:00 P.M. (30 minutes)	Questions, Comments, Future Directions
5:00 P.M.	CLOSING REMARKS

Curriculum Vitae
of
Stephen H. Behnke, Ph.D., J.D.



EDUCATION:

2013 MDiv Divinity Harvard Divinity School
1994 PhD Clinical Psychology University of Michigan
1986 JD Law Yale Law School
1982 BA Phi Beta Kappa Classics Princeton University

POSTDOCTORAL TRAINING:

1996-1997 Fellow Medical Ethics, Harvard Medical School
 Division of Medical Ethics
1994-1996 Fellow in Psychology, Department of Psychiatry,
 Harvard Medical School/Massachusetts Mental
 Health Center

FACULTY ACADEMIC APPOINTMENT:

1996-Present Lecturer on Psychiatry, Department of Psychiatry, Harvard Medical School
2002-2008 Instructor, Designed and taught medical ethics, Simmons Graduate School

APPOINTMENTS at HOSPITALS/AFFILIATED INSTITUTIONS:

2017 Supervising Psychologist/Psychiatry MMHC

OTHER PROFESSIONAL POSITIONS:

2016-Present Consultant in Psychology, Law & Ethics
2000-2015 Director, Office of Ethics, American Psychological Association
1999-2000 Director, Program in the Practice of Scientific Investigation,
 Division of Medical Ethics, Harvard Medical School
1998-1999 Faculty Fellow, Program in Ethics and the Professions, Harvard University
1996-1998 Chief Psychologist, Day Hospital Unit, Harvard Medical School/
 Massachusetts Mental Health Center

Over the past fifteen years, Dr. Behnke has presented on various aspects of law, psychology, ethics, and spirituality at professional meetings in the United States and internationally. He used his training in law, psychology, ethics and divinity to teach, train, and consult with students and mental health professionals. These activities include teaching psychology interns at the Massachusetts Mental Health Center, assisting to plan a yearly conference on psychological testing and assessment, and being available to consult with psychology faculty as legal and ethical dilemmas arise in practice and training in the psychology training program.

In addition, he collaborates with Professor Elyn Saks on a variety of projects to reduce the stigma of mental illness for individuals with lived experience. These activities involve a collaboration with the Consumer Advisory Board on the “re-naming” project and facilitating collaboration between Professor Saks and Harvard Medical School entities to address stigma. In 2018, this collaboration involved facilitating Professor Saks’ involvement in the IEPA conference (“Prevention & Early Intervention: Broadening the Scope”), meeting with Massachusetts Mental Health Psychology interns, and speaking to individuals in the CEDAR clinic. In 2019, this collaboration involved other Harvard Medical School entities such as the Division of Social Medicine.

Dr. Behnke has written extensively at the intersection of law, psychology, and ethics, and he is currently writing a state-by-state book series on laws relevant to mental health practice.

Curriculum Vitae
Of
Robert Kinscherff, Ph.D., J.D.



Robert Kinscherff, Ph.D., J.D. is a clinical/forensic psychologist and attorney who was educated at University of California at Berkeley (B.A. Political Science, departmental *valedictorian*), University of Chicago (M.A. Committee on Social Thought, Philosophy), City University of New York (Ph.D. Clinical Psychology), and Harvard Law School (J.D. *magna cum laude*). He currently serves as Executive Director of the Center for Law, Brain & Behavior (CLBB) at Massachusetts General Hospital (MGH), Harvard Medical School. He remains Professor in the Doctoral Clinical Psychology Program at William James College where he currently teaches forensic psychology, law and mental health, and ecology of child behavioral health. Prior positions include Director of Forensic Training (Law

and Psychiatry Service, MGH), Director of Clinical Services (Easter Seals of New Hampshire), Director of Juvenile Court Clinic Services (MA Trial Court), Assistant Commissioner for Forensic Mental Health Services (MA Department of Mental Health), and Forensic Examiner for the MA Parole Board. Dr. Kinscherff is a Fellow of the American Psychological Association and has served APA as a two-term Chair of the Ethics Committee, Chair of the Committee on Legal Issues (COLI), Chair of its Working Group on Gun Violence Policy, and Member of the Board of Professional Affairs (BPA) and Committee on Professional Practices and Standards COPPS). He has also served on many APA Working Groups and Task Forces, as APA liaison to the American Bar Association, and as APA representative for Congressional, White House Summit, Rand Corporation, and President Biden transition team briefings and meetings on community violence and gun violence policy.

Dr. Kinscherff's research, publication and professional practice areas include legal and ethics issues in behavioral health practice, forensic psychology practice and risk management for juvenile and adult sexual and violent offenders with behavioral health disorders, public health approaches to community and gun violence, and social and neurodevelopmental aspects of trauma and resilience. He teaches, trains, and consults nationally and internationally for behavioral health and social services professionals, clinical care and forensic mental health systems administrators, judges and attorneys, juvenile and criminal justice system professionals, and educators. For many years, he has participated on planning committees and as faculty for Massachusetts Continuing Legal Education (MCLE) and the Flaschner Judicial Institute for professional development for MA attorneys and judges. Dr. Kinscherff is also a planning committee member and faculty for the Federal Judicial Center's (FJC) intensive **Science in the Courtroom** training series (a collaboration of FJC, CLBB, and Harvard Law School) for federal judges and court staff. He serves on the innovative Deferred Sentencing Program of the Rhode Island Federal District Court. From 2015-2017 he was Senior Fellow in Law and Applied Neuroscience for a joint fellowship of Harvard Law School and the Center for Law, Brain & Behavior and has participated in instruction of the Law and Neuroscience class at Harvard Law School since that time. He has authored or co-authored scientific amicus briefs and affidavits for state and federal appellate courts including the US Supreme Court, numerous articles and chapters, and co-authored a book on professional ethics for psychologists published by the American Psychological Association.