

## Psychiatry Neuropsychology

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### ABSTRACT

Forensic Neuropsychology is a new and rapidly evolving subspecialty of clinical neuropsychology that applies neuropsychological principles and practices to matters that pertain to legal decision-making. Forensic neuropsychologists provide the trier of fact with specialized information regarding brain-behavior relationships. The primary responsibility of the forensic neuropsychologist is to provide information based on scientifically-validated neuropsychological principles and clinical methodology that is pertinent to the Forensic Question at hand—which is not just whether the patient has dysfunction, but whether the dysfunction results from the event under consideration. To best answer the Forensic Question, the neuropsychologist must use a methodology that has been scientifically-validated on brain-impaired individuals, and can distinguish various brain conditions from each other as well as from normal variation. The methodology must be able to determine whether any dysfunction found is, in fact, the result of a neurological condition as opposed to non-neurological, psychological, or even factitious disorders. This paper discusses neuropsychological methodology in the context of forensic application and the requirements of the legal process and illustrates these issues with case examples.

**Keywords:** Neuropsychology; Clinical methodology; COVID-19; Forensic; Depression

### INTRODUCTION

Forensic Neuropsychology is a subspecialty of clinical neuropsychology that directly applies neuropsychological principles and practices to matters that pertain to legal decision-making. Practitioners of forensic neuropsychology are trained as clinical neuropsychologists and subsequently specialize in the forensic application of their knowledge and skills.

The field of forensic neuropsychology is quite new and is rapidly evolving. There are, at the present time, no formal training programs, licensure requirements, or professional organizations devoted specifically to forensic neuropsychology. There are relatively few textbooks in the field, and only a single journal devoted solely to the field, the Journal of Forensic Neuropsychology. There is no formal process for assigning the title of “forensic neuropsychologist” upon a practitioner. Rather, this title can be claimed, in most states, by a practitioner who is first qualified as a licensed psychologist, and who possesses the additional training and experience necessary to meet the guidelines for qualifications as a neuropsychologist. One’s training, background, and knowledge must meet, at the

minimum, the requirements for licensure in one’s state and the ethical guidelines for practice of the APA. The National Academy of Neuropsychology has proposed a specific definition of a clinical neuropsychologist. One would expect a forensic neuropsychologist to have further training and experience in the legal arena.

### Neuropsychological methodology

Clinical neuropsychologists can be called upon to assist in both criminal and civil cases. Regardless of the legal venue, the primary responsibility of the clinical neuropsychologist participating in forensic work is to provide information based on scientifically-validated neuropsychological principles and clinical methodology that is pertinent to the Forensic Question at hand—for example, “Does the plaintiff suffer from significant cognitive deficit as a result of the mild head injury sustained in a motor vehicle accident?” Or, in a criminal case, “Can the defendant’s criminal behaviours be explained by brain damage he sustained as a teenager?”

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Preliminary review of the patient's neuropsychological results would seem to show a pattern of significant brain-related impairment. In particular, the pattern shows variability in cognitive function along with sensorimotor findings. Thus, a tentative conclusion of brain impairment from a head injury would seem appropriate. However, closer review of the findings shows numerous inconsistencies that raise questions about this conclusion. In fact, the pattern of results may not represent any neurological condition whatsoever. For example, as noted earlier, the variability in higher cognitive function is much greater than is usually seen. That is, patients who perform as well as CR on the Category Test do not have the level of difficulty she had on Trails B. Further, the patient showed no specific neuropsychological findings (no aphasia or constructional dyspraxia), which again is an unusual situation in light of the other, very significant findings. Finally, the sensorimotor results are highly lateralized, which is not typical in head injury, especially when there are no neurological findings. Thus, from a consideration of these results in light of known neuropsychological patterns in neurological conditions, questions would be raised as to whether the results validly reflect a neurological condition.

#### CONCLUSION

Forensic neuropsychology is a rapidly developing field that has shown its potential for providing important and relevant information regarding brain-behavior relationships in legal situations. The forensic neuropsychologist provides the court

with information about an individual's current neurocognitive function and dysfunction and, most importantly, with information regarding the cause of any dysfunction found. Our contributions to the legal field will be dependent upon the appropriate application of scientifically-validated methodology in our efforts to answer the Forensic Questions that are posed. As has been pointed out, there is a body of research and clinical knowledge that allows neuropsychologists to accomplish this. It is incumbent upon forensic neuropsychologists to be well versed in these findings and techniques in order to fulfill our responsibilities. Ultimately, future progress of the field will depend upon our success in applying sound scientific methodology to questions from the legal arena.

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