

**The Mental Health Professional in Court:
A Survival Guide**

by Thomas G. Gutheil, MD, and Eric Y. Drogin, JD, PhD.
American Psychiatric Publishing, Washington, DC, 2013,
115 pages, \$62.00 (paper).

The title of Drs Gutheil and Drogin's book effectively sets the foundation for the information contained within, especially the words *survival guide*. The focus of this book is to provide knowledge and guidance to those mental health providers who find themselves in court, which for many is a rather unfamiliar and intimidating position. As the preface quickly makes clear, the text is meant to provide brief yet sufficient information for inexperienced professionals to better understand the court process to which they may be subjected. This text is not intended for persons who provide expert witness testimony but is focused on educating mental health professionals about malpractice litigation.

The volume is organized well, and the chapters are in a logical sequence. The chapters lead the reader through a natural, chronological set of events that are typically experienced by those defending themselves in a malpractice suit. Each chapter provides insightful information about the different stages of litigation. The book begins explaining how the professional might be a target of litigation and then moves into the legal process. The chapter titles are essentially questions a defendant might ask. Although some chapter titles, such as "What Is Motivating Everyone?" and "Why Is This Taking So Long?" appear vague, the theme of the chapter is quickly realized. The strongest chapters in the book are "Now Do I Get My Say?" and "Am I Going to Win This Thing?" which discuss pretrial discovery and the trial process, respectively. Each chapter ends with a list of key points and supporting references.

Readers will appreciate the style in which the authors present the material. The authors have purposefully paired serious

information and real-world examples with a conversational style and an occasional comical tone. This type of writing eases readers' anxiety while educating them about basic, yet crucial, aspects of a malpractice suit. The text not only gives an overview of what to expect but also offers direct advice on how readers might want to interact with their counsel, the opposing side, their patients, and others involved. The strengths of the book are the anecdotal and personal insights provided by the authors that go beyond the concrete facts and logistics of a malpractice suit. For example, when a subpoena has been received, the authors recommend calling the clerk of the court to find out more information, as "it is often almost impossible to tell from the stew of jargon the subpoena contains just what the case is about" (p 64).

Considering the various resources available to those facing malpractice litigation, this book is a worthwhile read. The authors have tremendous experience in the forensic arena. The text is easy to read, simple to follow, and quick to understand. The appendices include a description of the civil litigation process, a glossary of terms, and a list of additional resources. The included index is helpful for readily finding information. Although the targeted audience is mental health malpractice defendants, other health professionals may benefit from this text. The majority of the chapters are applicable to all malpractice defendants regardless of their specialty. In short, those involved in litigation should be confident when entering the legal arena, and this book will help them get there.

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