Legal Representatives' Opinions regarding Psychologists Engaging in Expert Witness Services in Australian Courts and Tribunals

Elena Gianvanni and Stefanie J. Sharman

School of Psychology, Deakin University, Melbourne, Australia

Legal representatives engage psychologists to provide expert witness opinions about a number of factors, including the psychological factors that may have contributed to the perpetrator's behaviour and the likelihood of reoffending. Although this evidence can affect the outcome of proceedings, little is known about how the experts who provide it are chosen or about the quality of their services. This paper explored legal representatives' reasons for engaging psychologists as expert witnesses, how they choose these experts, and their opinions about the expertise provided. Questions were also asked about the features of good and poor written and oral expert testimony. The results show that the majority of legal representatives engage psychologists who are usually chosen through referrals from colleagues and others. The legal representatives in the present sample had little awareness about the different backgrounds of experts (e.g. clinical vs forensic psychology). These results have implications for psychologists who provide expert evidence and the legal representatives who engage them.

Key words: expert witnesses; legal representatives; psychologists; testimony.

When the perpetrator of a crime is believed to have experienced or be experiencing mental health difficulties, a psychological report is requested to assist the court with a number of matters (Heilbrun, Marczyk, & DeMatteo, 2002). These matters may include, but are not limited to, identifying psychological and psychiatric factors contributing to the offending behaviour, determination of whether or not the perpetrator has remorse for his or her wrongdoing, the likelihood of reoffending, and whether or not the mental health condition(s) identified will make imprisonment or any other penalty imposed by the court to adversely affect the perpetrator's mental health or make the penalty more difficult for him or her than it would for a person who does not have any mental health conditions

(Heilbrun et al., 2002; McClellan, 2009; *R v Verdins, Buckley and Vo* [2007]).

Although the decisions regarding the outcome of proceedings and the penalties imposed are uniquely the duty of the court, psychological evidence tendered during proceedings is taken into consideration by decision-makers such as judges, magistrates and jury members; as such, this psychological evidence may affect the sentence decision (Heilbrun et al., 2002). Not only can a psychologist's testimony affect the outcome of legal proceedings – it may also affect the judicial system and the wider community. The judicial system may be affected due to the cost of delaying proceedings in order to assess the perpetrator, while the community may be affected if the assessment does not

Correspondence: Stefanie Sharman, School of Psychology Deakin University 221 Burwood Highway Burwood, VIC 3125, Australia. Telephone: +61 3 9244 6485. Email: stefanie.sharman@deakin.edu.au

correctly identify the level of risk associated with a particular offender and he or she is released back into that community (Heilbrun et al., 2002; McClellan, 2009; Varela & Conroy, 2012).

Given the importance of psychological testimony, it is essential to understand how the experts who provide it are selected. A recent article has identified major gaps in our knowledge about psychologists testifying as expert witnesses in Australia (Gianvanni & Sharman, 2015). These expert witnesses must be registered as psychologists under the Australian Health Practitioner Regulation Agency (AHPRA) through the Psychology Board of Australia (PBA) registration scheme, and some experts also hold specialist memberships with the Australian Psychological Society (APS) – but beyond this, little else is known. In particular, there is no information available regarding how these experts are chosen to provide testimony, their level of experience and knowledge, and whether or not they possess the level of expertise required in their duty as expert witnesses when testifying in legal proceedings.

From a legal perspective, the *Evidence Act* (Cth) defines an expert witness as a ‘person who has specialised knowledge’ and further states that this knowledge should be ‘based on the person’s training, study or experience’ (Section 79; Part 3.3). The Evidence Act intentionally does not provide a definition of specialised knowledge in order to ensure a liberal approach to the admission of useful and reliable evidence, such as evidence based on experience rather than study. Such evidence might otherwise be excluded if a more rigid test of reliability like the field of expertise approach (the Daubert approach) or the general acceptance test (the Frye test) were reintroduced (Australian Law Reform Commission, 1985, 2005; McClellan, 2009).

The little research on this subject to date indicates that psychologists and other professionals do not always provide good expert evidence (Haas, 1993; LaFortune & Nicholson, 1995; Leslie, Young, Valentine, &

Gudjonsson, 2007; Nicholson & Norwood, 2000; Packer, 2008; Yuille, 1989). For example, in one Australian study, 244 judges responded to a survey about expert evidence in the courtroom (Freckelton, Reddy, & Selby, 1999). The judges raised a number of problems regarding expert evidence, including testimony from psychiatrists and psychologists. These problems included a lack of comprehensibility of the expert evidence, partisan bias, a lack of training, a lack of consideration of the complexity of the evidence (e.g. jurors are unable to understand the technicality of evidence), experts exceeding the parameters of their expertise, the use of jargon in testimony, the utility of expert testimony, and poor examination and cross-examination performance (Freckelton et al., 1999). Magistrates identified similar problems when they were surveyed by the same researchers (Freckelton, Reddy, & Selby, 2001).

International research has highlighted similar complaints with respect to expert evidence. Research in the American state of Oklahoma showed that the legal representatives consulted were dissatisfied with the quality of pre-trial competency reports, primarily due to the limited information provided on the background of the perpetrator, his or her psychiatric condition(s), and psycho-legal abilities (LaFortune & Nicholson, 1995). Research conducted in England – which surveyed 62 criminal barristers regarding their opinions on using clinical psychologists and psychiatrists as expert witnesses – revealed concerns about the poor quality of testimony provided by both psychiatrists and clinical psychologists, their main concern being with experts providing inconsistent opinions in their written reports and oral testimony (Leslie et al., 2007).

Given the problems raised in relation to psychiatrists and psychologists’ expert opinions in Australia and internationally, the aim of the current study was to examine legal representatives’ reasons for engaging psychologists as expert witnesses and the methods

through which they choose these experts. Legal representatives' opinions about expertise and their understanding of the concept of 'specialised knowledge' were also explored, along with their views on the features of good and poor written and oral expert testimony. The results of this study inform on the current practices utilised for choosing psychologists as expert witnesses and the strengths and limitations of their services. This insight may assist in developing benchmarks for quality assurance and guidelines aimed at assisting legal representatives when selecting psychologists. It should also help psychologists who want to provide services to the judicial system by providing them with information on what is expected when providing written and oral testimony.

Method

Participants

The participants consisted of 62 legal representatives (37 males and 25 females) aged from 18 to over 60 years, with the majority of participants aged between 31 and 50 years ($n = 37$, 59.7%). The participants practised in New South Wales ($n = 23$), Victoria ($n = 21$) and Queensland ($n = 14$), while a few practised in multiple states ($n = 4$). The participants consisted of solicitors ($n = 33$), barristers ($n = 20$), and lawyers ($n = 9$). Most of the participants were practising criminal law ($n = 33$) or criminal and civil law ($n = 21$), while a small number were practicing only civil law but had a background in criminal law ($n = 8$). The participants' average experience or practice ranged from 1 to 40 years, with a mean of 15.16 years ($SD = 10.6$). The majority of participants attended a combination of courts (75.8%), which included magistrate, county, supreme, district, federal and family courts, as well as courts of appeal. The remaining participants only attended one court, which was usually the magistrate ($n = 10$) or local ($n = 5$) court.

Materials and Procedure

After obtaining approval from the university ethics board, a database of both prosecution and defence legal representatives around Australia – with particular focus on New South Wales, Victoria and Queensland – was put together by the first author using search engines and public databases. Only legal professionals who were currently practising or had practised criminal law were included. Those under the age of 18 or who were practising other areas of law (e.g. tax law, property law) were excluded. Each potential participant was sent an envelope containing the following documents: a plain language statement, a copy of the questionnaire and a prepaid return envelope. The return of the completed questionnaire indicated that participants consented to participate in the study.

The questionnaire consisted of two sections. The first section contained questions about the participants' background. Participants were asked to state their gender, their age group (18–30, 31–40, 41–50, 51–60, over 60), their area of practice (criminal, civil, or both), and the number of years that they had been practicing. They identified the state in which they practised (New South Wales, Queensland, Victoria, or other), and whether they were a lawyer, barrister, solicitor, or other legal representative. Participants were asked which courts and/or tribunals they most frequently attended.

The second section contained questions about legal representatives' experiences working with psychologists for court purposes and their opinions of these psychologists. They were first asked whether they use or had used psychologists as expert witnesses in criminal proceedings. Next, they were asked how often they requested a psychological report for a case (per annum) and how often they called a psychologist as an expert witness in court (per annum). Participants were asked to explain their motivation or rationale for requesting a psychological report and describe the most likely nature of the cases in which a

psychological report is required (e.g., sexual offence, violent offence). Participants then ranked the following options in order of how they selected a psychologist (where 1 = *most frequent* and 8 = *least frequent*): referral from a colleague, word of mouth, Internet search/Google, advertisement, workshop/seminar, APS website, PBA website.

The participants then indicated which of the following psychologists they use for report writing: clinical (psychologist with a master's or doctorate in clinical psychology), forensic (psychologist with a master's or doctorate in forensic psychology), organisational (psychologist with a master's or doctorate in organisational psychology), generalist (psychologist without a master's or doctorate in one of the disciplines of psychology), or unsure. They were asked whether they are aware of the different pathways to becoming a registered psychologist (yes or no), and whether they are familiar with the differences in training and knowledge between a generalist psychologist (professional without a post-graduate degree) and a 'specialist' psychologist (professional who has completed a postgraduate degree in psychology, e.g. clinical or forensic psychologist – yes or no answer).

The participants indicated which of the following factors influence their choice when selecting a psychologist to write a court report: age, gender, ethnicity, years of experience, previous quality of reports, current employment, previous employment, experience in court, formal qualifications. Next, participants were asked if they think there should be minimum standards in order for psychologists to be recognised as expert witnesses in criminal proceedings (e.g. qualifications, years of experience). They were then asked to describe the features that they think make a good psychological report, followed by the features that make a poor psychological report. The participants then described their understanding of the meaning of 'sufficiently qualified training and/or experience' and lastly outlined what they think makes good expert witness testimony in court

and what makes poor expert witness testimony in court.

Data Analysis

This study adopted a survey approach using both quantitative and qualitative questions to probe legal representatives' opinions in different ways. The quantitative data were analysed using SPSS v22.0. For the qualitative data, this study uses an inductive thematic analysis method to identify themes that are strongly linked to the data collected (Braun & Clarke, 2006). The process of thematic analysis used is described in Clarke and Braun (2013). The questionnaires were imported into QSR International's NVivo and the first author read and re-read all 62 questionnaires to become familiarised with the content. Each question was then allocated to a theme (e.g. Questions 1 to 5 were allocated to the theme of exploring legal representatives' motivations for engaging psychologists as expert witnesses). The next step was to identify common themes and generate initial codes. These were then reviewed several times by the first author and discussed with the second author. After several reviews and discussions, consensus on the main themes was reached. A semantic and realist approach to thematic data analysis was then taken (Braun & Clarke, 2006) under the assumption that participants accurately reflected their experiences and opinions in their answers.

Results

The results are presented in four sections. First, participants' reasons for engaging psychologists as expert witnesses are examined. Second, the methods that participants use to select psychologists as expert witnesses are presented. Third, participants' opinions of expertise and specialised knowledge are explored. Finally, participants' opinions about good and poor written and oral testimony are examined.

Reasons for Engaging Psychologists as Expert Witnesses

The first step was to determine how often and why participants engage psychologists as expert witnesses. The majority of participants (80.6%) indicated that they engage psychologists to provide expert witness services, mostly in the form of written testimony, approximately 16 times per year ($SD = 21.71$, range = 1–100). The participants engage psychologists to provide oral testimony in court approximately 3 times per year ($M = 2.92$, $SD = 7.39$, range = 0–50). The main reason that participants seek the services of psychologists is to assist clients in sentencing by identifying mitigating factors. More specifically, psychological reports are sought to assist the court with understanding any link between the client's psychological state and the offence committed, to provide an opinion on the impact of a custodial sentence, and to provide the court with thorough antecedents and relevant background including the client's traumas, developmental issues, intellectual and cognitive deficits, propensity for violence, impulse problems, risk of reoffending, prognosis and treatment/rehabilitation options. Some additional reasons for requesting psychological reports include trying to 'personalise' the client, assess the client's remorse, and determine the client's fitness to provide instruction on plea. A small number of participants also indicated that they have used psychologists' reports in cases where sentences of imprisonment were likely and where the client had clearly identifiable psychological or psychiatric issues. Reports are also sought in cases in which there may be a focus on rehabilitation rather than penalty or deterrents.

How Psychologists Are Chosen to Be Expert Witnesses

Next, the participants' preferred methods of choosing psychologists as expert witnesses were examined. Most often the participants

use referrals from colleagues (75.8%), followed by word of mouth (62.9%), and information obtained from workshops or seminars (29.0%). The most frequently cited factors influencing choice of psychologists are the quality of previous reports (91.9%), experience in court (80.6%), and formal qualifications (67.7%). More than half of the participants (59.7%) also indicated that the number of years of experience influences their choices. Current and previous employment were considered only by some participants (29.0% and 21.0%, respectively), whereas gender (4.8%) and age (0.0%) do not appear to have much influence when choosing experts.

Regarding the professional background of the experts chosen, most participants indicated that they would choose a professional with a clinical and/or forensic background (35.5%), while a smaller group of participants indicated only choosing an expert with a forensic background (19.4%) or a clinical background (9.7%). The remaining participants indicated choosing a generalist psychologist (3.2%) or a professional with a combination of backgrounds (clinical, forensic, generalist and/or organisational) and/or relying on a pool of professionals with different backgrounds (25.8%). Four participants were unsure of the professional background of the experts they chose (6.5%).

Most participants (71.0%) indicated that they did not know the different pathways for becoming a registered psychologist, and slightly more than half were not aware or familiar with the difference in training and knowledge between a generalist psychologist and a 'specialist' psychologist (51.6%).

Expertise and Specialised Knowledge

When asked whether there should be minimum standards in order for psychologists to be recognised and engaged as expert witnesses in criminal proceedings, 62.9% of participants agreed with this proposition, 25.8% disagreed, 6.4% were unsure, and 4.8% did not answer the question. Of those who agreed

with having minimum standards, two possible standards were identified: formal qualifications and experience. More specifically, in relation to formal qualifications, most participants did not specify the level of qualification preferred; however, of the few who did, they indicated that a minimum of a master's degree should be a prerequisite for psychologists to be engaged in expert witnesses services ($n = 4$). Regarding experience, once again, most participants did not provide specific details about the minimum number of years of experience they perceived to be essential; of those who answered the question, most suggested a minimum of 3 to 5 years ($N = 3$).

Regarding participants' understanding of the concept of 'specialised knowledge' and what it means to be 'sufficiently qualified by training and/or experience', 41.9% of participants indicated that these concepts suggest a psychologist who has formal qualifications coupled with work experience, 9.6% proposed a professional who has work experience alone, and 3.2% proposed formal qualifications only. Nearly 23% of participants did not answer this question. Other participants (22.5%) provided alternative suggestions like 'the court will figure it out' or 'enough background to express an expert opinion on matters relevant to the hearing, including staying up to date with literature'.

Of the 41.9% of participants who suggested that 'specialised knowledge' refers to a psychologist with formal qualification and experience, just over half (23.0%) explicitly stated the need for the professional to hold a postgraduate degree and have experienced 'a number of years of work in specific areas'. Indeed, one participant suggested 'qualifications of more than a bachelor's degree, such as a master's or doctorate, and experience in specific matters (more than treating handful of patients)'.

Good and Poor Written Testimonies

Almost all participants (93.5%) indicated that a good report (written expert testimony) has

clear formatting with clear and simple language and is easy to follow and comprehend. It includes a clear link between facts and opinions (29.0%) and these have supporting evidence throughout the body of the report (29.0%). Compliance with the Expert Witness Code of Conduct and an appreciation of the purpose of the report and the professional's role within the judicial system is clearly evident in a good report (29.0%). Psychological issues related to the client are well identified (27.4%) throughout the body of a good report, and this should include a detailed background on the client (25.8%), a detailed diagnosis (22.5%), a detailed prognosis (8.0%), and a detailed treatment plan and/or identified treatment options (22.5%). It was felt that a good report answers the questions asked in the Letter of Instructions (16.1%) and questions related to *Verdins* principles, as well as questions regarding capacity to instruct and/or plea (16.1%). In a good report, psychometric tests and results are clearly explained in layperson's terms (16.1%) and the link between mental health issues and offending is well identified (14.5%). Lastly, a good report is unbiased, objective and non-partisan (11.2%) and clearly establishes the likelihood of reoffending (6.4%).

In contrast, the legal representatives believe that poor reports have poor formatting, including (but not limited to) poor grammar, being overloaded with jargon, containing content that has obviously been cut and pasted from previous reports, or that use a template or computer-generated approach (62.9%). Participants also thought that a poor report contains conclusions that do not reference the supporting evidence and/or that are inconsistent with the body of the report (24.0%). A poor report also does not contain enough clinical observations or enough mention of the relationship between the pathology and the causation of offending (12.0%). A poor report lacks individualisation and a history of the client (11.2%) and does not include a treatment plan, describe

the impact of imprisonment, or estimate the likelihood of reoffending (11.2%). It lacks psychometric testing or the results of such testing are not explained in layperson's terms (6.4%). Furthermore, the legal representatives think that a poor report makes suggestions about penalties or outcomes to the judge/magistrate (8.0%), lacks objectivity (9.0%), and contains opinions that are outside the professional's area of expertise (3.2%). Finally, a poor report does not contain sufficient details about the expert in his or her curriculum vitae (1.6%). Five participants did not answer this question (8.0%).

Good and Poor Oral Testimonies

The participants indicated that a good oral testimony is one delivered by an expert who is confident in his or her abilities, opinions and recommendations, and who is able to withstand cross-examination by a prosecutor or questions from the magistrate or judge without coming across as arrogant (46.0%). A good expert listens to each question asked and restricts the answer to the question at hand (29.0%), answers in a concise and direct way (26.0%) with a clear voice (21.0%), and provides reasons and justifications for his or her opinions and recommendations (21.0%). During good oral testimony, a good expert is willing to make concessions and/or prepared to be corrected (16.0%), and comes across as calm, mature, honest, and professional (14.5%). Good oral testimony does not contain jargon (11.2%) and the expert is well prepared (13.0%). During good oral testimony, the expert is clearly independent, objective, impartial, and does not advocate for the client (9.6%). The expert relies on his or her professional skills and stays within his or her area of expertise (8.0%). Mental health issues, diagnoses and the effects of these on offending (8.0%) are clearly identified, as well as treatment needs and risk management strategies (4.8%). Good oral testimony reflects a good understanding of court procedures and etiquette (4.8%) and the expert is able to

recall facts relevant to the client's case or demonstrate a good understanding of the case (4.8%). Additionally, in good oral testimony, the expert's opinions are consistent with the opinions expressed in the written reports and they are able to expand on those opinions in their oral testimony (3.2%). Six legal professionals did not answer this question (9.7%).

The most frequently reported themes regarding poor oral testimony include the expert being unclear, evasive and/or inconsistent (30%) and changing his or her opinion during cross-examination due to pressure or intimidation (19.0%). During poor oral testimony, the expert comes across as too dogmatic, opinionated, argumentative, and/or defensive (18.0%) and is unable to either give an opinion or qualify that opinion by providing examples (16.0%). During poor testimony, the expert appears to lack objectivity (14.5%), feel nervous or anxious (12.9%), and come across as unprepared or disorganised (11.2%). In poor testimony, the expert's opinion is either speculative or exaggerated and/or contradicts previous evidence (8.0%), or the expert is too rigid and refuses to be challenged (7.0%). During poor oral testimony, the expert expresses opinions that are outside his or her area of expertise (6.4%) or comes across as having little to no understanding of court procedures and what is required from an expert in a court setting (3.2%). The final factor that contributes to poor oral testimony is the expert's inability to relate well to judicial officers and decision-makers (i.e. jurors, magistrates, and judges, 1.6%). Nine legal professionals did not answer this question (14.5%).

Discussion

To the best of the authors' knowledge, the current study is the first research conducted in Australia aimed at generating a body of descriptive data regarding legal representatives' methods of selecting psychologists for court services and their opinions regarding these services. The results indicate

that the most common form of evidence requested by legal representatives is written, which is sought approximately sixteen times per year. Oral testimony is sought much less – only three times per year. These findings are not unanticipated given that, currently in Australia, psychological expertise is mostly requested as a form of psychological report during a sentencing hearing and that this is infrequently challenged. Psychologists are only likely to be requested to attend court (and provide oral testimony) when the opinions expressed in their written testimony (court report) are challenged – and during sentencing proceedings such challenges seldom occur. Legal representatives' main reasons for requesting psychological testimony is the identification of mitigating factors – namely antecedents to the offence – in the perpetrator's relevant background, along with a diagnosis, a prognosis, the likelihood of the risk of future offending, and proposing treatment/rehabilitation options.

When choosing a psychologist as an expert witness, the results indicate that legal representatives are most likely to do so on the basis of a referral from a colleague or word of mouth. They pay most attention to factors including the quality of previous reports, experience in court and formal qualifications when selecting an expert witness. Interestingly, this research highlights a preference for choosing a professional with a clinical and/or forensic background, but most participants did not know the different pathways to becoming a registered psychologist, nor were they aware of or familiar with the difference in training and knowledge between a generalist psychologist and a 'specialist' psychologist (e.g. a generalist vs a clinical/forensic psychologist).

Participants' responses about expertise indicate that the majority believe that there should be minimum standards for psychologists to be recognised and engaged as expert witnesses in criminal proceedings based on formal qualifications and experience. Regrettably, most participants did not specify the

level of qualification preferred, possibly due to their lack of familiarity with the different pathways to becoming a psychologist. Regarding the standard of experience, once again most participants did not provide specific details about the minimum number of years of experience that they perceive to be essential. Participants' understanding of the concepts of 'specialised knowledge' and being 'sufficiently qualified by training and/or experience' indicate that they understand these terms to mean a psychologist who has formal qualifications coupled with work experience. However, few participants indicated the level of formal qualification necessary or the minimum number of years of experience.

Participants had clear ideas of the features that indicate good or poor written testimony. Good court reports have clear and simple language and are easy to follow, with clear links between facts and opinions and supporting evidence throughout the body of the report. Factors such as compliance with the Expert Witness Code of Conduct, appreciation of the purpose of the report and the expert's role within the judicial system and identification of psychological issues related to the client are also identified as features of a good report. The participants perceive poor reports to be those that contain too much jargon, which is consistent with the concerns identified by Australian judges and magistrates (Freckelton et al., 1999, 2001). Additionally, poor reports feature poor formatting, conclusions without supporting evidence or that are inconsistent with the body of the report, a lack of relationship between the offender's pathology and the causes of the offence, a lack of individualisation and history of the client, and a lack of treatment plan, and do not contain enough clinical observations. These findings are consistent with international research in which a lack of information about an offender's background (LaFortune & Nicholson, 1995) and inconsistencies with

previously expressed opinions (Leslie et al., 2007) are identified as major concerns in regard to psychological testimony.

Regarding oral testimony, the majority of participants indicated that good oral testimony involves experts who are confident in their abilities, opinions, and recommendations, and are able to withstand cross-examination. Participants identified factors such as carefully listening to the questions asked and answering each question in a direct and concise way as features of good oral testimony. The participants also indicate that good oral testimony involves experts providing reasons and justifications for their opinions and recommendations, a willingness to make concessions, and presenting themselves as calm, mature, honest, and professional. Inversely, poor oral testimony, according to the participants, is given by experts who are unclear, evasive, inconsistent, too dogmatic, opinionated, argumentative, and/or defensive, and who are also unable to either give opinions or qualify their opinions by providing examples. These results are consistent with the opinions of Australian judges and magistrates who have identified factors like the use of jargon, lack of objectivity, and experts expressing opinions outside their area of expertise as features of poor oral testimony (Freckelton et al., 1999, 2001). Similar to the results in Leslie et al. (2007), the participants of the present study indicate that providing opinions during oral testimony that are inconsistent with the ones expressed in the written testimony is also a concern.

One limitation of the current study is the small number of participants; only 62 legal representatives were included who are predominantly from New South Wales, Victoria, and Queensland. This small sample might impact upon the generalisability of the results obtained; however, considering that saturation was achieved during data analysis – as the same themes were identified across the legal representatives who participated – it is unlikely that additional themes would have been discovered if more participants or

participants from other Australian states had been included. Another limitation of the current research is that the data were collected using a questionnaire. Even though some of the questions are open-ended, the use of a questionnaire limits the participants' ability to provide extensive answers. For example, when asked what type of psychologists they have used, such as clinical and forensic psychologists, there was no opportunity for participants to further explain the reasons behind their choices.

The findings of this study have implications for both psychologists and legal representatives. For psychologists, the results highlight the features of good and poor written and oral testimony from a legal perspective, information which may be beneficial to psychologists who have been asked to provide expert witness services. Although literature regarding 'how to write a good report', for example, is certainly not lacking, to the authors' knowledge there is no current research available that specifically focuses on the perspective of Australian legal representatives. This study has also revealed the importance for psychologists and the field of psychology overall to further educate audiences like legal representatives and the judicial system in the different pathways to accreditation and the different competencies and skills acquired during formative years. Although some of the training in 'specialist' postgraduate psychology programmes overlaps, such as training in the ability to provide treatment to an individual who is experiencing mental health symptoms, much of the training does not. For example, clinical psychologists are not trained in forensic interviewing.

The results of the current research may provide legal representatives with a greater awareness that psychologists are experts in different areas, depending on their training and work experience. Therefore, they may consider which area of expertise is the most appropriate when engaging the services of a psychologist in a particular case. Furthermore, the indicators of good and poor written

reports and oral testimony may be useful for legal representatives when judging the quality of the services provided by psychologists. It is important for legal representatives to be confident both in their selection of experts and the quality of their reports and, if needed, oral testimony. It is to be hoped that a more detailed understanding of experts' training and background will lead to a more informed choice – one that is more tailored to the referral questions or the particular type of offending behaviour.

Disclosure Statement

No potential conflict of interest was reported by the authors.

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