Clinical Practice on Trial: Education, Tutorials and Guidelines for Best Practices in the Medico-Legal Arena

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As Section Head of Education, Tutorials, and Guidelines for Best Practices, I am delighted to introduce this new peer reviewed section forum. The mission here is candid yet ambitious. It is to provide our readership with timely, accessible, and empirically grounded resources that foster best practices in assessment, testimony, and reporting in the medico-legal arena.

Herein this introduction, my objective here is to set the table for the scope, intent, and scholarly vision of a new section forum within the pages of *Psychological Injury and the Law*.

To this end, the assessment and interpretation of (neuro)psychological injury in legal contexts requires more than clinical acumen. It demands the tiresome integration of scientific evidence including that garnered from objective psychometric testing yoked to peer-reviewed empirical research, professional judgment, and legal literateness (see Cox, Stinar & Foster, 2017; Harrison & Sparks, 2022; Young, 2021). Yet, it must also be recognized that assessment is buttressed by that which is not entirely objective. The evaluator is inextricably part of the process, shaping it through assumptions, test selection, interpretive frameworks, and the lens through which findings are understood. Reflexivity, or more simply, an awareness of how one's own professional, cultural, and epistemic standpoint informs judgment is therefore essential, particularly in the training and education of emerging clinicians. Encouraging trainees to critically examine tool selection, normative appropriateness, translation and interpreter use, and the cultural validity of instruments helps ensure that scientific rigor is accompanied by cultural and ethical competence. This orientation also opens important space for discussion of anti-racist and culturally responsive assessment practices, including the recognition of potential harms associated with certain measures (e.g., the Boston Naming Test) and the need for advocacy around the development and adoption of culturally fair testing practices in the (neuro)psycho legal context (see Nijdam-Jones & Rosenfeld, 2017).

The interface between (neuro)psychological injury and the law is inimitably multifaceted (see Young, Foote, Kerig et al., 2020; Young & Goodman-Delahunty, 2021). It is a space where science should not be conflated with advocacy, where clinicians and researchers must reflexively and objectively translate nuanced empirical findings into practical frameworks that withstand both scientific scrutiny and legal cross-examination in a credible, non-partisan manner (see Brodsky & Wilson, 2016; Richards, Geiger & Tussey, 2025; Woody, 2016). This section is intended to advance that mission by offering resources that illuminate, standardize, and enrich best practices at the interface of (neuro)psychology and the law.

Manuscripts deemed suitable for this section may take many forms as we aim to be deliberately expansive in scope. To this end, we invite manuscripts including but not limited to:

- Tutorials and How-To Guides: Step by step approaches to complex assessment issues (e.g., implementing performance validity testing, or navigating dual-diagnosis presentations in civil litigation).
- Practice Guidelines: Consensus based or empirically derived recommendations that clarify best practices in various areas (e.g., remote assessment, diagnostic guidelines, assessment of chronic pain related disability, documenting psychological sequelae in workplace injury). To this end moreover, we welcome practice guidelines from state, provincial, national and international associations, academies, and/or organizations.

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- Case Studies: Illustrations of best practice approaches in real world contexts, with commentary on clinical reasoning, legal interface, and lessons learned.
- Systematic and Scoping Reviews: Syntheses of research on key topics relevant to the courtroom, such as the reliability of symptom validity tests or evolving case law and legal decisions shaping admissibility of test measures and/or expert testimony.
- Empirical Studies: Original research that advances understanding of (neuro)psychological injury assessment or clarifies methodological controversies.
- Commentaries and Perspective Pieces: Contributions that address emerging controversies, policy implications, or evolving legal precedents (e.g., implications of the *Daubert* trilogy for psychological testimony).
- Interdisciplinary Contributions: Manuscripts from psychiatry, neurology, neuroradiology, law, or related disciplines that enrich the dialogue between science and legal practice.

We moreover enthusiastically invite submissions that extend best practice discussions beyond psychometrics and diagnosis and encompass real world contextual factors that shape assessment in medico-legal settings. Of particular importance are manuscripts that elucidate the role of:

- Linguistic Factors: This could include challenges in validity testing and symptom reporting among multilingual or limited English proficiency populations.
- Cultural Considerations: For example, including culturally bound expressions of distress, differences in help seeking behavior, or culturally normative explanatory models of illness and disability.
- Acculturation Processes: For example, how immigrant or refugee status influences adaptation, coping, and the presentation of psychological injury in legal claims.
- Developmental Stage: For example, addressing how children, adolescents, and older adults may require modified assessment procedures, interpretive frameworks, or test accommodations.
- Educational Opportunity and Success: For example, considering how historical inequities in schooling, literacy, and socio-economic context may complicate test performance.

To these ends, such contributions are vital for ensuring that medico-legal evaluations are not only scientifically robust but also equitable and contextually sensitive.

In keeping with the journal's mission, submissions of varied lengths and styles are welcome (see https://link.springer.com/journal/12207). Whether a brief commentary, a tutorial intended for applied use, author debate, or a systematic review, contributions should remain focused on equipping practitioners and stakeholders with scientifically informed strategies that improve practice and withstand legal scrutiny.

Ultimately, this section aims to serve as a practical forum bringing together researchers, clinicians, and legal professionals in a communal effort to promote standards of practice in (neuro)psychological injury assessment and testimony. In doing so, we hope to foster not only stronger science but also more reliable, transparent, and non-partisan applications of that science in the courtroom.

References

Brodsky, S. L., & Wilson, J. K. (2016). Worst expert testimony ever. *Psychological Injury and Law, 9*, 272–274. https://doi.org/10.1007/s12207-016-9261-7

Cox, J., Stinar, L. D., & Foster, E. E. (2017). On being a novice forensic evaluator: Reflections from early career forensic psychologists. *Psychological Injury and Law, 10*, 191–195. https://doi.org/10.1007/s12207-017-9281-y

Harrison, A., & Sparks, R. (2022). Disability diagnoses: Seven sins of clinicians. *Psychological Injury and Law, 15*, 268–286. https://doi.org/10.1007/s12207-022-09449-x

Nijdam-Jones, A., & Rosenfeld, B (2017). Cross-cultural feigning assessment: A systematic review of feigning instruments used with linguistically, ethically, and culturally diverse samples. *Psychological Assessment* 11. 1321–1336 DOI: 10.1037/pas0000438

Richards, P. M., Geiger, J. A., & Tussey, C. M. (2015). The dirty dozen: 12 sources of bias in forensic neuropsychology with ways to mitigate. *Psychological Injury and Law, 8*, 265–280. https://doi.org/10.1007/s12207-015-9235-1

Woody, R.H. Psychological Testimony and the *Daubert* Standard. *Psychol. Inj. and Law* 9, 91–96 (2016). https://doi.org/10.1007/s12207-016-9255-5

Young, G., & Goodman-Delahunty, J. (2021). <article-title update="added">Revisiting Daubert: Judicial gatekeeping and expert ethics in court. *Psychological Injury and Law, 14*, 304–315. https://doi.org/10.1007/s12207-021-09428-8

Young, G., Foote, W. E., & Kerig, P. K. (2020). Introducing psychological injury and law. *Psychological Injury and Law, 13*, 452–463. https://doi.org/10.1007/s12207-020-09396-5

Young, G. (2021). Testing in psychological injury and law. *Psychological Injury and Law, 14*, 1. https://doi.org/10.1007/s12207-021-09405-1