



Courtroom Testimony

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This position statement has been revised by the Canadian Psychiatric Association's Standing Committee on Professional Standards and Practice and approved for republication by the CPA's Board of Directors on July 10, 2011.

The original position statement was developed by the Standing Committee on Professional Standards and Practice and approved by the Board of Directors on June 3, 1978.

Psychiatrists should provide courtroom evidence that is fair, objective and impartial. The opinion evidence provided should be in the areas where the psychiatrist has expertise. Whenever possible, psychiatrists should testify in a court of law as to the mental state of a particular person only if they have examined that person or made significant attempts to do so. They may review records and critique a diagnosis but should not make a diagnosis without an examination of the person.

There are certain evaluations, such as record reviews in malpractice cases, that do not require a personal examination. Psychiatrists may be asked to provide testimony in cases where the person or his or her lawyer has refused to agree to the examination. However, psychiatrists may advise the court on hypothetical questions regarding psychiatric issues within their expertise. If reasonable attempts to interview a person fail, an opinion may be provided stating that the opinion provided was based on other listed information. Any limitations to the opinion provided should be noted.

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