

THE RORSCHACH COMPREHENSIVE SYSTEM USE IN THE FORENSIC SETTING

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In 1966 Weiner, Exner and Sciara published an article “Is the Rorschach Welcome in the Courtroom?” [1] The article reported on a survey of almost 8000 federal and state court cases in which psychologists presented Rorschach testimony. That survey revealed in only six cases was the appropriateness of the Rorschach challenged and in only one case was the testimony not admitted. The conclusion of the study was clearly that the Rorschach is welcome in the courtroom. That study is now 14 years old and a similar study should be initiated to explore if there are different rates of acceptance now. In 2005 another article published in JPA, “The Status of Rorschach in Clinical and Forensic Practice: An Official Statement by the Board of the Trustees of the Society for Personality Assessment”[2] reviewed the status of using the Rorschach in forensic settings. That article in part states:

“Although court and legal settings require a higher level of expertise in the use of the Rorschach for expert testimony, articles summarizing the utility of the Rorschach as an instrument indicate that the Rorschach meets the variety of legal tests for admissibility, including validity publication in peer reviewed journals, and acceptance within the relevant professional community.”

The article goes on to conclude:

“...the Rorschach possess documented reliability and validity similar to other generally accepted test instruments used in the assessment of personality and psychopathology and that its responsible use in personality assessment is appropriate and justified.”

I have used the Rorschach over the past 30 years in many different types of cases. The cases in which I have used the Rorschach included:

1. Criminal: Murder, attempted murder, embezzlement, child sexual abuse, assault, and rape.
2. Civil: Post-traumatic stress disorder, job related anxiety/depression, psychological impact of physical injury, medical malpractice, and legal malpractice.
3. Domestic: Child custody, fitness to parent, and termination of parental rights.

4. Quasi-legal: Workers compensation, fitness to serve (law enforcement), and sexual harassment on the job.

In that time I have had only one reasonable challenge to the use of the Rorschach and the judge quickly indicated it would be admitted into evidence.

Since 1996, however, there have been some clear challenges not only to using the Rorschach in the courtroom, but to using many different types of psychological tests. Depending on the court system, different standards will apply to the admissibility of expert testimony, including the use of specific tests. The standard that is used in the Federal Rules of Evidence is currently a variation of the Daubert test. That test includes several guidelines to be followed by the Court:

1. Is the theory (or hypothesis) falsifiable or testable?
2. Have the findings been subjected to peer review and publication?
3. What is the known or potential error rate of the scientific theory or technique?
4. What standards, controlling the technique's operation, maximize its validity?
5. Has the theory been generally accepted as valid in the relevant scientific community?

While these guidelines have been reviewed and modified in different jurisdictions, these are the basic issues that are often applied to acceptability of the Rorschach in the legal system. As with most professional issues, there are those who would argue that the Rorschach is not appropriate to be used in the courts. Many of those individuals would also argue that other well accepted psychological tests should also not be used in the courts.

The Rorschach Comprehensive System (CS), unlike its predecessor systems, appears to meet the guidelines established by Daubert. The appropriately trained forensic psychologist, using standard techniques and thoughtful application, should have no difficulty presenting Rorschach information in court. Other information, along with appropriate other materials (history, records of various types, and clinical interviews) should allow the forensic psychologist to answer questions regarding the individual's personality functioning as it applies to the question at hand.

For psychologists wishing to establish themselves in using the Rorschach in forensic settings, formal training in the Comprehensive System is essential. Basic training should include the foundations of administration, coding, and interpretation. More advanced training in applying the basics in forensic settings, answering forensic questions and learning to testify would come with specialty coursework.

In addition to formalized advanced training, ongoing consultation with experts in the Rorschach can help to identify areas of weaknesses and give confirmation (or disconfirmation) of opinions being developed. As Ritzler, Erard and Pettigrew summarized in their article, "Protecting the Integrity of Rorschach Expert Witnesses: The Admissibility of Testimony under Daubert/Kumho Analyses,"^[3]

"...the Rorschach Comprehensive System provides a model for the orderly evolution of the kind of scientifically based, state of the art clinical practice which Duabert/Kumho challenges us to uphold."

[1] Weiner, I., Exner, J., & Sciara, A. (1966) Is the Rorschach Welcome in the Courtroom? Journal of Personality Assessment, 67, pp. 422-424.

[2] Society for Personality Assessment Board of Trustees. (2005) The Status of the Rorschach in Clinical and Forensic Practice: An Official Statement by the Board of Trustees of the Society for Personality Assessment. Journal of Personality Assessment, 85, p. 221.

[3] Ritzler, B., Erard, R., & Pettigrew, G. (2002). Protecting the Integrity of Rorschach Expert Witnesses: A Reply to Grove and Barden (1999) Re: The Admissibility of Testimony Under Daubert/Kumho Analyses. Psychology, Public Policy, and Law, 8, pp. 201-215.