

BOOK REVIEW

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A Review of Legal Encroachment on Psychiatric Practice

REFERENCE: Rachlin, S., Ed., *Legal Encroachment on Psychiatric Practice*, Jossey-Bass, Inc., 433 California St., San Francisco, CA 94104, 1985, 96 pp., \$8.95.

This volume is a resourceful study on current problems on the interface, law and psychiatry. It is not an anthology. With particular attention to psychiatric-legal issues in civil law, the Editor, Stephen Rachlin, has gathered the opinion of a seminal group of teachers, all active in the American Academy of Psychiatry and the Law, who have published on current civil law-psychiatric interface, and in a series of articles, have extended and clarified current issues. Gutheil and Mills enlarge on the conflicting models of the law and on clinical practice. The need for the law to study the viewpoint of psychiatry is made obvious by the isolation of the lawyer from readily available clinical literature. The conceptual models of psychiatry and law are reviewed to provide an underpinning for the discussion of the collaborators.

Robert Miller, on involuntary civil commitment, anticipates that judges and the legislatures will further invade professional fields.

Bob Sadoff elaborates on competence and informed consent, the right of the patient to be heard.

Tom Gutheil reviews Rogers and Commissioner of Department of Mental Health through eight years of inconsistent opinion. This article is in clarification of various decisions on Rogers, and it is probably the most succinct summary on the role of the "court as therapist" with the expected result, restrictive sanctions on treatment. This is a biting commentary.

Winn Perr reviews psychiatric malpractice. Winn as both lawyer and psychiatrist notes that the law needs a reorientation for it often reflects inconsistent attempts to place blame on psychiatrists for actions of their patients.

Mark Mills reviews Tarasoff and expands on the need of the courts to broaden psychiatric responsibility. He also comments on the lack of ability of the clinician to predict violent behavior.

Ben Bursten reviews the erosion of psychiatric confidentiality, an unusual essay. He notes that changes are occurring in psychiatric practice which reflect a change from public health issues to the safety of the public. This shift has eroded confidentiality and its essential patient's right.

Harold Schwartz and Stephen Rachlin enlarge on the importance of the medical record and its accessibility to the patient.

The series of essays in this 90-page volume expose controversies in psychiatry and the law, and provide an excellent foundation for a better understanding between the law and psychiatry.

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