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DANIEL W. SHUMAN: A GIFT FOR COLLABORATION

*Liza H. Gold**
*Robert I. Simon***

WE were deeply saddened by the news of the death on April 26, 2011, of our colleague and friend, Professor Daniel W. Shuman. Both Dr. Gold and Dr. Simon co-authored books and articles with Dan Shuman, and our personal and professional lives were enriched by his friendship and scholarship. Poignantly, he passed away just weeks before the 2011 American Psychiatric Association Annual Meeting, where he was awarded the Manfred S. Guttmacher Award for the prior year's most valuable contribution to the literature of forensic psychiatry for his co-authorship with Dr. Gold of *Evaluating Mental Health Disability in the Workplace: Model, Process, and Analysis*.¹

Dr. Simon knew and collaborated with Professor Shuman since the early 1990s. Through Dr. Simon, Dr. Gold met and collaborated with Professor Shuman on a variety of projects beginning in 2000. By 2007, Dr. Gold had written half of the *Disability* book, but she had not been able to go further. Dr. Simon suggested she contact Professor Shuman to see if he would be interested in co-authoring the text and pushing the book forward. Professor Shuman did not hesitate when approached, and within a year, the project was finished. Although formally awarded the Guttmacher award posthumously, Professor Shuman knew he was being honored for the book. Dan was very moved to have won this prestigious award. The memory of his happiness at knowing he was to receive this latest honor from the American Psychiatric Association and the American Academy of Psychiatry and the Law gives both Dr. Gold and Dr. Simon some comfort, despite our feelings of loss.

From the beginning of our association with Professor Shuman, he provided invaluable advice and assistance when discussions of forensic psychiatry moved into legal arenas. We have not been alone in benefitting from Professor Shuman's interest in mental health issues and the law.

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1. LIZA H. GOLD & DANIEL W. SHUMAN, *EVALUATING MENTAL HEALTH DISABILITY IN THE WORKPLACE: MODEL, PROCESS, AND ANALYSIS* (2009).

Professor Shuman had a gift for challenging colleagues to approach issues in the law and psychiatry from new perspectives. For over twenty-five years, his work has had enormous influence on legal scholars, legal practitioners, and clinicians in the mental health field.

Professor Shuman's interest in the intersection of law and mental health, a cutting-edge area of academic and professional exploration in the past decades, began early in his legal career. Professor David Wexler, himself a pioneer in mental health law policy, related that he first met Professor Shuman in 1970, when Professor Shuman was a second-year law student at the University of Arizona. Professor Shuman took Professor Wexler's first Law and Psychiatry Seminar. The class project, an empirical observational study of the civil commitment system in Arizona, resulted in an entire issue of the *Arizona Law Review*.² The book-length law review issue was recipient of the 1972 Guttmacher Award, the first ever given. Professor Wexler described Professor Shuman as one of the stars of that first seminar group. He observed that Professor Shuman, even as a law student, demonstrated a natural aptitude for an academic legal career.

Professor Shuman's career revolved around integrating science, psychiatry, psychology, and law. He taught mental health and legal professionals alike that expert testimony could be analyzed to determine its value in any given case. Professor Shuman summarized his approach to the analysis of mental health testimony when discussing the role of the psychiatric expert in civil litigation with Dr. Gold in 2000. Professor Shuman said the law needed to know four basic points regarding any mental health expert's testimony:

- 1) Is the expert testimony relevant, that is, will it assist the trier of fact and is it admissible in the specific case?
- 2) Is the expert testimony reliable, that is, is the expert properly qualified?
- 3) Upon what information may an expert base an opinion?
- 4) What form may that testimony take?

In considering these questions, Professor Shuman cut through the common legal prejudice against mental health testimony as inherently unreliable as well as the all too frequent use of "junk science" offered as expert testimony. His insightful evaluation of the relevance and reliability of mental health testimony using this approach is reflected in his 1986 book, *Psychiatric and Psychological Evidence*.³ Professor Shuman won his first Guttmacher Award in 1988 for this book, a work so influential that it is now in its third edition (2005). Professor Shuman is, in fact, among the very few people who have won the Guttmacher Award more than once, a testament to his scholarship and contributions to the field of mental health and the law.

2. See 13 ARIZ. L. REV., No. 1 (1971).

3. DANIEL W. SHUMAN, *PSYCHIATRIC AND PSYCHOLOGICAL EVIDENCE* (1986).

Professor Shuman went on to collaborate with some of the leaders in the fields of psychiatry and psychology to produce other invaluable books. Most recently, these include:

ROBERT I. SIMON, M.D. & DANIEL W. SHUMAN, J.D., *CLINICAL MANUAL OF PSYCHIATRY AND LAW* (2007);

RICHARD ROGERS & DANIEL W. SHUMAN, *FUNDAMENTALS OF FORENSIC PRACTICE: MENTAL HEALTH AND CRIMINAL LAW* (2005);

BRUCE D. SALES & DANIEL SHUMAN, *EXPERTS IN COURT: RECONCILING LAW, SCIENCE, AND PROFESSIONAL KNOWLEDGE* (2005);
and

RETROSPECTIVE ASSESSMENT OF MENTAL STATES IN LITIGATION: PREDICTING THE PAST (Robert I. Simon, M.D. & Daniel W. Shuman, J.D., eds. 2002).

These books, as well as nearly a dozen others, sixty articles, and multiple book chapters, reflect Professor Shuman's position as one of the preeminent scholars in the field of mental health and the law.

Professor Shuman's academic curiosity was part of what made him an exceptional scholar and teacher. He was not satisfied with defining and changing the way legal and psychiatric professionals understood what it meant to demand or offer expert psychiatric testimony. He explored some of the most controversial ethical, philosophical, and practical issues arising at the interface of law and psychiatry. The more controversial the topic, the more Professor Shuman relished the discussion and debate. Professor Shuman could be relied upon to follow these subjects wherever they led and then ask, "so what?" He could be counted on to take the subject to the next level, exploring the mental health, legal, forensic, and public policy implications of these ideas.

Professor Shuman had a gift for collaboration based on mutual respect, honesty, and an intense desire to push the boundaries of knowledge. He loved new ideas, whether his own or someone else's, and he sought collaboration with us, just as we did with him. If an idea was not going to fly, Professor Shuman said so directly, and then he worked to reformulate the concept into a valuable contribution to the field of mental health and the law. I believe Dan would agree that all our collaborative works were more thoughtful and scholarly because we stimulated each other's creativity and curiosity.

In addition to his scholarly side, Professor Shuman's gift for collaboration included a playful side. For example, Professor Shuman and Dr. Gold often bet on Dallas Cowboys and Washington Redskins games. The longstanding rivalry between these two teams is well known. Any season the Redskins beat the Cowboys is a winning season, regardless of the season record. If Professor Shuman's Cowboys won, as they have all too often in recent years, Dr. Gold would send him the wager's requisite price: a supply of dark chocolate with nuts; if the Redskins won, Professor Shuman would send Dr. Gold a supply of milk chocolate with caramel.

These side bets were a highlight both of the football season and both Dr. Gold and Dr. Shuman's collaboration.

Professor Shuman's ability to integrate mental health, forensic, and legal issues was unique. Psychiatrists and psychologists have recognized his contributions with awards and invitations to teach at meetings and seminars. In 2005, the American Academy of Forensic Psychology awarded him the Distinguished Lifetime Achievement Award. In his last years, Professor Shuman fought to continue teaching and writing despite the increasing burden of his illness. He also wanted to continue the collaborative work that he found so gratifying. Despite his impairments, he wanted Dr. Gold to select a presentation subject for the required 2011 Guttmacher award lecture that could form the basis of the next collaborative project.

That there will not be another collaboration is a personal and professional loss to us both. We will remember Professor Shuman as an exceptional scholar, a valued collaborator, and a cherished friend.