Thriving as a forensic psychologist

Practitioner Profile: William E. Foote, PhD

Back when William E. Foote, PhD, was in training, much of what is now known as forensic psychology didn’t exist yet.

“There were no textbooks and no major test instruments,” says Foote, who earned his psychology doctorate from the University of New Mexico in 1978. “We had some authorities in the field doing good work, but they hadn’t published widely at that point…. It just really wasn’t a field.”

Fast-forward three decades, and both the field and Foote are thriving. For the last 34 years, Foote has had a forensic psychology practice in Albuquerque, N.M., specializing in both criminal and civil cases.

“It has been one of the greatest joys of my life to see the field of forensic psychology happen,” says Foote.

An “information-gathering machine”

Foote got his first taste of forensic work as a psychological counselor at the Penitentiary of New Mexico in Santa Fe, his first clinical placement while he was in graduate school back in the mid-1970s. An internship at California’s Atascadero State Hospital confirmed his fascination with forensic work. “I like trying to understand how people end up doing what they do,” says Foote.

When Foote launched his private practice in 1979, he decided to focus on forensic work. The work hasn’t changed much over the years, although standards and the complexity of cases have.

“We now do more comprehensive, thoughtful, thorough evaluations,” he says, explaining that while three-page evaluations used to be acceptable, he now writes 15 or 20 pages. “And we used to be shooting in the dark, since we didn’t know much about violence prevention or post-traumatic stress disorder. Science has moved along and given us a lot more to deal with than before.”

Although it varies from year to year, Foote’s practice is evenly divided between civil and criminal cases.

On the civil side, Foote has developed a specialty in employment discrimination cases, writing reports and testifying in depositions or in court about the impact of hostile work environments or harassment on workers. He has also shared his expertise with others in two volumes co-authored with Jane Goodman-Delahunt: Evaluation for Workplace Discrimination and Harassment: Best Practices for Forensic Mental Health Assessment (Oxford, 2010) and Evaluating Sexual Harassment: Psychological, Social, and Legal Considerations in Forensic Examinations (APA, 2004). Foote also evaluates plaintiffs involved in car accidents and other personal injury cases.

On the criminal side, Foote conducts pre-trial evaluations. He may be assessing criminals’ state of mind – whether legally insane or criminally responsible – when they committed their offenses. He also assesses their competence to stand trial. Post-conviction, Foote helps the court decide whether an individual should be on probation or in jail or what should happen once they’re released. He also consults in death penalty cases.

Foote also consults occasionally with the state and local police department and sheriff’s department, working with officers whose fitness for duty has been questioned.

Another of Foote’s specialties is sexual abuse by clergy and teachers, a specialty that resulted in his evaluating 85 Inuit men sexually abused by a teacher in Canada’s arctic region and then helping to create a treatment program for them once the case was settled. “I’ve also done a lot of work with Pueblo, Navajo and Apache folks here in New Mexico,” says Foote, who served as a diagnostic consultant to the Indian Health Service for more than a decade early in his career.

No matter what kind of case he’s working on, Foote’s role is typically the same. “You’re an information-gathering machine,” he says. “For us to be able to get into people’s
lives, understand their lives and be able to communicate what they’ve been through is the essence of the art of forensic psychology.”

Opportunities and challenges
For Foote, forensic psychology is incredibly rewarding. “You do a job that helps the system function more effectively and helps justice happen,” he says.

It’s also rewarding financially, especially since forensic psychologists work outside the traditional third-party insurance reimbursement system. Foote is paid directly by lawyers, courts and public defender systems or sometimes even clients or their families.

But forensic psychology isn’t entirely immune from the same kind of market forces that other practitioners face, says Foote. Over the last decade, he says, brokers acting as middle-men have sprung up and act almost like insurance companies.

“Some are high-quality organizations that don’t really trample on you,” says Foote. Others, however, have such a fixed format for what they want in an evaluation that ethical issues can arise. “You have to be careful with such a restricted format that you’re not asked to do an inadequate evaluation for the purpose intended,” he says.

There’s plenty of work out there for forensic psychologists, adds Foote. And psychologists are well-suited for forensic work, given their background in assessment and knowledge of such areas as family dynamics or rehabilitation psychology.

But the field isn’t for everyone, he warns.

“For one thing, you have to be able to get into thinking much more linearly and much more like lawyers than most psychologists are comfortable doing,” he says, explaining that forensic psychologists must deal in facts rather than delve into the unconscious and other psychological concepts. Forensic psychologists are also constrained by the rules of law and rules of evidence, he says, which means it’s a much less free and intuitive process than psychotherapy.

Forensic psychology is also much more confrontational. “You’re often in an adversarial position, with people who want to leave you dead on the witness stand,” he says.

Plus, the work can be very stressful, says Foote, who has declared a hiatus on working on certain kinds of emotionally difficult cases.

“Trauma — to victims or the people we evaluate — is a central part of what we do,” says Foote, who manages his own stress by spending time with his history professor wife and two adult children, fly-fishing and singing with a men’s a cappella group. “You’ve got to be tough to do forensic work. If you’re not tough, you drop out.”

What’s more, a background in clinical psychology or related fields isn’t enough, says Foote. “You can’t just step out of a clinical therapy office and into the courtroom without a lot of preparation,” he says. “It’s not something people can take on as a hobby or a sideline.”

Forensic psychology has what Foote calls a “more particular” set of ethical standards, for instance. Forensic psychologists also need to know a lot about the law in the area where they propose to work and how to handle such cases.

That’s why would-be forensic psychologists need specialized training and supervision. Both APA’s Div. 41 (American Psychology-Law Society) and the American Academy of Forensic Psychology offer high-quality training, he says.

Foote is personally committed to ensuring that psychologists get the training they need to do forensic work.

As Div. 41’s president in 2012 and 2013, he launched an initiative called the Forensic Practitioner’s Toolbox. A joint project between Div. 41 and Div. 42 (Psychologists in Independent Practice), this web-based educational resource is expected to feature monthly programs and other resources on forensic practice once the material is available online early in 2014.

Thorough preparation is necessary because of the very high stakes involved, says Foote. “There’s not a single case we take on where there isn’t some substantial amount of money or degree of liberty or danger to the public at stake,” he says.