

PART III

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ANALYSIS AND IMPLICATIONS

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THE CASE STUDY

Summary, Reflections, and Ethics

During my almost 3-year involvement in the capital murder case against Kevin Ward, a distinct and predictable course of action developed, each step requiring careful consideration. Following my initial “blind” review of Ward’s art in 2006, the defense attorneys secured approval from a judge to hire me as an expert witness. Although he did not wish to provide too much information about the case, he did indicate that although there was not a formal “*Daubert* hearing conducted in this case . . . I guess it was one of those decisions that I had to make in this instance, as to whether or not I was going to permit it, obviously, to go forward, and that was a decision that I had to make.” The judgment is typically made on a case-by-case basis.

I was not contacted again until the spring of 2007. At this time, I was asked to prepare a comprehensive report of my review of the art. I did not hear from the defense team again, except for periodic check-ins from Lisa Peters, for almost 2 years. In 2009, I received a flurry of e-mails from Jackie Chief, the lead counsel for the defense, and Bill Williams, the prosecuting attorney. The prosecutor requested a great deal of information from me; the defense counsel advised me to ignore his request, as she would take care of it. She made it clear that I was beholden only to her. I was asked to plan for a meeting with the defendant, during which I would assess him. On the basis of my assessment, I would write a report for the defense team about Ward’s mental state.

A meeting was scheduled for the middle of the summer of 2009. While in Peru (picking up my newly adopted son), I received an e-mail informing me that a plea bargain had been reached and that the case would not be going to trial. Nevertheless, I would still meet with the defendant on