

"Social Framework" Evidence: Why Social Psychology Should Not Supplant Clinical Evaluations in Harassment and Discrimination Cases

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In spite of the impossibility of ascribing a standardized measure of emotional harm that might be presumed to flow from adverse workplace events, a new breed of expert testimony has appeared recently that purports to do just that. Articles have been published proposing "social framework" evidence - based upon purportedly empirical studies of the consequences of harassment.

"Social framework" evidence is not a viable substitute for forensic evaluations in employment lawsuits in which emotional damages are sought. Even if reliable data could be derived regarding the incidence of harassment and discrimination and their consequent effects, the effects vary so widely from victim to victim that reliable generalizations are impossible and a specialized forensic inquiry will still be necessary in every case in which more than just the "garden variety" of harm is claimed.

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