

VIRGINIA :

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

JOHN C. DEPP, II

Plaintiff,

v.

AMBER LAURA HEARD

Defendant.

Civil Action No.: CL-2019-0002911

DECLARATION OF DR. SHANNON J. CURRY, PSYD, MSCP

1. My name is Shannon J. Curry.
2. I am a clinical and forensic psychologist and the owner and director of the Curry Psychology Group, a multispecialty mental health center in Newport Beach, California.
3. I have extensive clinical and research experience and expertise in individual and community trauma, forensic psychology, and relationships/the Gottman Method of Couples Therapy. I have ten years of experience as a licensed clinical psychologist, providing direct therapy and assessment.
4. I received my Bachelor of Arts in Psychology and Social Behavior with high honors from the University of California, Irvine; a Master of Arts in Psychology from Pepperdine University; a Post-Doctoral Master of Science in Clinical Psychopharmacology from Alliant University (for psychologist prescriptive authority in certain states and federal jurisdictions); and a doctorate in Clinical Psychology from Pepperdine University with research honors.
5. This declaration is based on my personal knowledge, years of experience, training, and education.

6. On October 1, 2021, Dr. Hughes was ordered to provide me with the “*raw data* [emphasis added] collected... during her examination of Ms. Heard by November 15, 2021.” Further, on January 25, 2022, the Court ordered the production of “[a]ll documents relied on by Dr. Dawn Hughes in providing any opinions in this case, including anything supporting the bases for such opinions.”

7. Dr. Hughes has not provided me with complete data from her evaluation of Ms. Heard. To date, I have only received the test scores from Dr. Hughes’ examination of Ms. Heard on September 26, 2019. However, Dr. Hughes’ supplemental designation report dated January 11, 2022 indicates that Dr. Hughes met with Ms. Heard four more times after that date. Furthermore, Dr. Hughes’ report indicates that her opinions were derived from multiple sources of additional information including record review, clinical interview of Ms. Heard, and collateral interviews with Ms. Heard’s mother and treating providers. However, I have not received the raw notes related to these critical components of the evaluation.

8. Furthermore, in her second supplemental designation report, Dr. Hughes indicated that she met with Ms. Heard for a sixth time on December 27, 2021—more than two years after the initial date of her examination of Ms. Heard—during which she administered a new test, the CAPS-5. Dr. Hughes has not provided me with the data from this test or her notes from this meeting.

9. On December 3, 2021, I emailed Dr. Hughes to request the remainder of her test data including “the raw notes from [her] semi-structured clinical interview of [Ms. Heard] and collateral interviews with [Ms. Heard’s] mother and treating providers.” On December 4, 2021, Dr. Hughes replied that “[she] was instructed to provide only the psychological testing data as per their agreement.”

10. Withholding data in a forensic context is inconsistent with the principle of transparency which is enumerated throughout extensive bodies of professional literature and practice standards. Such sources use the term “raw data” (per the language of the court order) interchangeably with the terms “test data” (per Dr. Hughes’ 12/4/21 email), “clinical raw data,” “scientific data,” “documentation,” and “data” to refer to the unedited sources of information upon which an expert bases their opinions (AERA, APA & NCME, 2014; APA, 2019; APA, 2017; APA, 2013; Bush, Connell & Denney, 2020).

11. In addition, the American Psychological Association (APA)’s Ethical Principles of Psychologists and Code of Conduct (EPPCC) define “test data” as follows: “The term test data refers to raw and scaled scores, client/patient responses to test questions or stimuli, and psychologists’ notes and recordings concerning client/ patient statements and behavior during an examination. Those portions of test materials that include client/patient responses are included in the definition of test data” (APA, 2017). Moreover, the current edition of Standards for Educational and Psychological Testing (AERA, APA & NCME, 2014) published in sponsorship by the American Educational Research Association (AERA), American Psychological Association (APA), and National Council on Measurement in Education (NCME) provides criteria for best practices in psychological testing. The term “clinical raw data” is used throughout this text when referring to any data gathered that relates to a particular examinee. According to these professional practice guidelines, except in rare circumstances, psychometric test data alone would be an inadequate basis for an opinion. As such, disclosure of psychometric test data by itself is also an inadequate basis for peer-review.

12. Forensic psychologists have an ethical obligation to appropriately document and maintain records of their work and to enable its review. In addition, forensic practitioners are

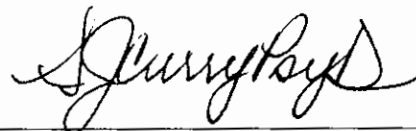
guided by relevant statutes including the Federal Rules of Evidence (FRE), the Federal Rules of Civil Procedure (FRCP) and similar state statutes. Guideline 10.06 of APA's Specialty Guidelines of Forensic Psychology (SGFP) states that forensic practitioners "recognize the importance of documenting *all data they consider* [emphasis added] with enough detail and quality to allow for reasonable judicial scrutiny and adequate discovery," and that... "this documentation includes, but is not limited to, letters and consultations; notes, recordings, and transcriptions; assessment and test data, scoring reports and interpretations; and all other records in any form or medium that were created or exchanged in connection with a matter" (APA, 2013). SGFP Guideline 11.01, which addresses Accuracy, Integrity, and Avoidance of Deception, underscores the importance of transparency, stating:

"When responding to discovery requests and providing sworn testimony, forensic practitioners strive to have readily available for inspection all data which they considered, regardless of whether the data supports their opinion, subject to and consistent with court order, relevant rules of evidence, test security issues, and professional standards (AERA, APA, & NCME, in press; Committee on Legal Issues, American Psychological Association, 2006; Bank & Packer, 2007; Golding, 1990)".

13. Even absent these professional standards, Dr. Hughes undoubtedly relied upon her contemporaneous notes to provide an opinion in this case so on that basis alone Dr. Hughes should have produced these documents.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 17th day of February, 2022



Dr. Shannon J. Curry, PsyD, MSCP