

IN THE MONTGOMERY COUNTY, OHIO, COURT OF COMMON PLEAS  
CIVIL DIVISION

LARRY C. JAMES, <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	Case No. 2017 CV 00839
	:	
v.	:	
	:	
DAVID HOFFMAN, <i>et al.</i> ,	:	Judge Timothy N. O'Connell
	:	
Defendants.	:	

**AFFIDAVIT OF**  
**ROBERT J. RESNICK**

**and**

**Exhibit A**

**In Support Of**

**PLAINTIFFS' CONSOLIDATED MEMORANDUM IN OPPOSITION TO  
DEFENDANTS' MOTIONS TO DISMISS FOR LACK OF PERSONAL JURISDICTION  
AND FORUM NON CONVENIENS**

IN THE MONTGOMERY COUNTY, OHIO, COURT OF COMMON PLEAS  
CIVIL DIVISION

**LARRY C. JAMES, et. al.,** : **CASE NO: 2017 CV 00839**  
:   
**Plaintiffs,** : **Judge Timothy N. O'Connell**  
:   
**vs.** :   
:   
**DAVID HOFFMAN, et. al.,** :   
:   
**Defendants** :   
:   
:

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**AFFIDAVIT OF ROBERT J. RESNICK**

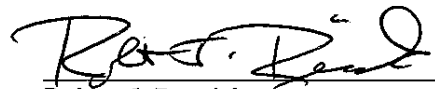
State of Virginia )  
 ) ss:  
County of Harrison )

1. I, Robert J. Resnick, having been first duly cautioned and sworn, state the following based upon personal knowledge:
2. I am currently a Council of Representatives (Council) member of the American Psychological Association (APA) representing the Psychologists in Independent Practice (APA Division 42). I am also a former APA President. I have closely followed the events related to the Independent Review conducted by Mr. David Hoffman of the law firm Sidney Austin LLP on behalf of the APA regarding the post-9/11 involvement of psychologists in detainee interrogations, the APA Ethics Code, and related APA ethics pronouncements including the Psychological Ethics in National Security (PENS) Task Force.
3. At the February 2016 Council meeting I attended, the APA Board of Directors announced that it had rehired Mr. Hoffman to review the Report prepared from his Independent Review in light of certain Department of Defense (DoD) policies provided to him by some individuals named in the Report and which had not previously been referenced or analyzed in the Report. Concerns were expressed to the Board by many Council members that rehiring Mr. Hoffman to review his own work for errors and omissions was, at the least, a potential conflict of interest and not an appropriate action. Despite these expressed concerns and the advice to not rehire Mr. Hoffman, the Board rehired him and his law firm to evaluate the impact of the omitted DoD policies on the Report's original analysis and conclusions. A supplemental report was due on June 8, 2016. As of today, no supplemental report has been forthcoming.

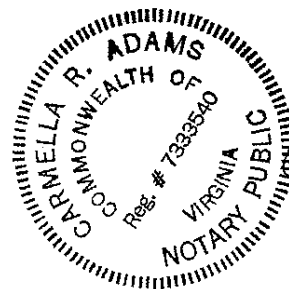
4. On August 13, 2016, at the request of some former APA Presidents, a meeting was convened with several former presidents and a subset of the Board, along with several staff members, to discuss concerns related to the Independent Review and the Board's handling of the resulting Report. I and some other former presidents in attendance at the meeting voiced concern about the way the Board appeared to "rush to judgment," leaving some APA members, APA staff and former presidents with no recourse to the allegations made in the Report, while APA proffered apologies. Concern was also expressed that those targeted in the Report were asked to cooperate but discouraged from obtaining counsel in advance.


5. Additionally during the meeting, some Board members admitted that their actions were impulsive and not thought through and acknowledged that the Report contained many inaccuracies. A copy of the notes of that meeting (attached as Exhibit A, with typos from original corrected), submitted by me to the APA Division 42 Board of Directors several days after the meeting, are an accurate account of the meeting to the best of my knowledge and belief (with the one exception that Norman Abeles was not in attendance though inadvertently listed as being there).

FURTHER AFFIANT SAYETH NOT.

  
Robert J. Resnick

Sworn and subscribed to before a notary public in the State of Virginia, this 28<sup>th</sup> day of April 2017.



  
Notary Public  
my Commission Exp. 01/31/2018

## Exhibit A

**Subject:**[DIV42BD] Meeting with Former President and the Board of Directors  
**Date:**Thu, 18 Aug 2016 23:25:49 +0000  
**From:**Resnick, Robert <rresnick@RMC.EDU>  
**Reply-To:**Division 42 (Independent Practice) Board of Directors  
<DIV42BD@LISTS.APA.ORG>  
**To:**DIV42BD@LISTS.APA.ORG

The following is accurate to the best of my knowledge and belief:

On Saturday, 13 August 2016, at 9AM at the request of some former APA Presidents, a meeting was convened with several former presidents and a subset of the Board of Directors (BOD) along with some staffers. To the best of my recollection, the former presidents included Pat Deleon, James Bray, Norm Ables, Dorothy Cantor, Gerry Koocher, Ron Levant, Nadine Kaslow, myself, and perhaps, others. From the Board of Directors was Susan McDaniels, Barry Anton, Jennifer Kelly, Bonnie Markham, and perhaps, others. Several staffers were present but did not speak and, some appeared to be taking notes and, as far as I know, the meeting was not recorded.

Drs. Deleon, Bray and Resnick and others voiced concern and were critical of the way the BOD handled the Hoffman Report and their “rush to judgment” that left some APA members, “executive” staff and former presidents hanging in the wind with no recourse while APA proffered apologies.

From the Former Presidents:

- Before releasing the report the Board permitted Reisner and Soldz (not an APA member at the time) private access to the Hoffman Report even though it was known that both had collaborated with Risen of the NYT in his attacks on APA and some of its members.
- Reisner and Soldz continued to make inappropriate demands concerning former presidents including expulsion, governance bans, redacting awards—none of which are permitted by APA by-laws. The BOD never made it clear that such demands were not permitted by association bylaws and rules.
- Asking those targeted in the report to cooperate and discouraging them from obtaining counsel in advance.
- Early access and opportunity to respond to the report of those members maligned was promised - but never came to fruition.

- By remaining silent, the BOD gave tacit agreement to the conclusions of the Hoffman Report.

From the Board of Directors:

- Several board members admitted that their actions were impulsive and not thought through and should have been more forthcoming about details.
- Then President Kaslow said she had written and re-written a resignation letter from APA several times (though it was never tendered).
- The Board acknowledged that the report contains many inaccuracies.
- They seemed to acknowledge there was no evidence that APA officers colluded with the government.
- There was acknowledgement that while former presidents were repeatedly and erroneously accused of supporting or suborning torture and seeking to weaken the ethics code, the BOD never attempted to correct those impressions and remained silent.
- Those who were named in the report have had no meaningful opportunity to correct or respond to those allegations.

It was my clear impression that the BOD greatest concern was about fall out and possible litigation and that precipitated a duck-and-cover mentality. Further, it appears that the BOD has dug itself into a deep hole with frequent *mea culpa*. The last bullet point from the former presidents, I believe, contributed to 42's concerns about transparency.

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