

From: Council Representatives List [mailto:COR@LISTS.APA.ORG] **On Behalf Of** O'Brien, Maureen
Sent: Tuesday, May 10, 2016 4:27 PM
To: COR@LISTS.APA.ORG
Subject: [COR] Response to Dr. Koocher's Questions Regarding Decision to Reengage Mr. Hoffman

Sent on behalf of Dr. Susan McDaniel

Dr. Koocher,

Thank you for your questions regarding the decision to re-engage Mr. Hoffman and his law firm, Sidley Austin LLP, to conduct the supplemental review. As explained in the April 2016 communication to Council, Mr. Hoffman has been engaged for the limited purpose of analyzing certain Department of Defense ("DoD") policies recently brought to the Board's attention in reports by the Association's Division 19 and several psychologists discussed in the *Independent Review*. Specifically, Mr. Hoffman has been asked to review the relevant policies and assess the extent to which they bear upon the issues, findings, and/or conclusions reflected in the *Independent Review*. Mr. Hoffman also intends to indicate in his report whether any modifications or clarifications to the *Independent Review* are appropriate in light of these policies.

Your email suggests that Mr. Hoffman has a conflict of interest because the supplemental review will involve an assessment of his prior work and competence. The Board disagrees. The Association is not seeking an investigation of Mr. Hoffman's initial investigation. Rather, the supplemental review is a continuation of Mr. Hoffman's prior work, based on the existence of factual information that has recently been called to our attention. Mr. Hoffman is the person best situated to reasonably and economically review the DoD policies that have been identified in the context of his prior findings, and in his sole and independent judgment modify his findings and conclusions to the extent appropriate. Mr. Hoffman shares APA's interest in ensuring that his *Independent Review* is fair and accurate. Indeed, he has already issued one amended version of his Report that corrected certain factual errors.

Your email also suggests that the Board's decision to authorize the supplemental review was motivated by a desire to validate its prior recommendations to Council for responsive action. To the contrary, the Board's decision to reengage Mr. Hoffman was driven by the goal of ensuring that the conclusions reflected in the *Independent Review* take account of the potentially relevant DoD policies that have been called to our attention. Consistent with the November 2014 Resolution authorizing the *Independent Review*, the Board's purpose always has been to ensure an independent review of the facts based upon all reasonably available evidence. With respect to the suggestion that some Board members had a conflict of interest because of authorizing the original work by Sidley Austin, we disagree for the reasons stated above that any non-recused Board member has a conflict. Again, as stated in prior communications, the Board's vote to authorize the supplemental review passed with two recusals and one abstention.

Regards,

Susan H. McDaniel, PhD