

From: Belar, Cynthia  
To: COR  
Sent: Fri, Apr 15, 2016 11:00 am  
Subject: [COR] Sidley Austin Re-engagement

For those who have difficulties with attachments, here is the communication from President McDaniel. cdb

Dear Council Colleagues:

We would like to inform you that the Board of Directors, after lengthy discussions following Council's input, has decided to re-engage David Hoffman and the law firm Sidley Austin on a very limited basis to examine certain matters brought to our attention by Division 19 (Society for Military Psychology) and several psychologists mentioned in the Independent Review (Drs. Morgan Banks, Debra Dunivin, Larry James, and Russ Newman). The Division and these psychologists issued reports raising questions regarding specific Department of Defense (DoD) policies that may be relevant to the findings and conclusions of the Independent Review but do not appear to have been addressed. The Board determined that a supplemental review focused on the DoD policies cited in the reports best serves the Association and our members.

In deciding on this course of action, the Board seriously considered the concerns expressed by Council members at this past February meeting. We would like to share with you the rationale for the Board's decision.

Once information regarding these DoD policies was brought to the Board's attention, we considered four options for moving forward: 1) take no action; 2) review both reports and available historical data and, on our own, assess the implications of the DoD policies that have been identified; 3) re-engage Mr. Hoffman to examine the significance of the DoD policies at issue; or 4) hire a new independent investigator to do so.

Given the important, though narrow, questions to consider, and in the interest of getting answers in a timely and efficient manner, the Board determined that it would best serve the Association and our members to re-engage Mr. Hoffman in a limited fashion. He is uniquely suited to conduct a supplemental review of the DoD policies that have been recently identified and to evaluate their effect on the findings and conclusions reflected in the Independent Review.

His supplemental review will address only the following three questions:

- (1) the extent to which he considered the DoD policies at issue in writing his Independent Review;
- (2) the extent to which those DoD policies are relevant to the issues, findings, and/or conclusions addressed and reflected in the Independent Review; and
- (3) whether any modifications of the Independent Review are warranted in light of the DoD policies.

To be clear, the Board is not seeking an "investigation of the investigation." The intent of this supplemental review is to consider factual information that has recently come to light and which,

in our view, requires further examination in the context of the Independent Review. The Board's decision to re-engage Mr. Hoffman was driven by our fiduciary responsibility to the Association and our members to recognize and understand the role of the DoD policies in the independent review.

Mr. Hoffman shares APA's interest in ensuring that his Independent Review is accurate. He has already demonstrated his willingness to correct factual inaccuracies that are brought to his attention. As you will recall, Mr. Hoffman issued an Amended Final Report in September based on feedback he received from APA members mentioned in the Independent Review, as well as released an accompanying errata sheet noting his revisions.

The Board shares the Council's concern about the financial implications of this decision, and has taken a number of critical steps to manage the time and expense to be incurred. Because Mr. Hoffman will be reviewing a discrete set of issues, he expects to complete the review by June 8. He has agreed to update APA every two weeks on his progress. He has also agreed that if it appears that this deadline cannot be met, he will inform the Board no later than May 15 and will discuss with the Board the need for an extension and provide a date by which his report can be expected to be received.

Mr. Hoffman and the Board have agreed that the supplemental review should cost no more than \$200,000. He will report his progress to the Board midway through his work to ensure that the Board can properly oversee its scope and cost.

We thank Council for your input and hope that this letter adequately conveys the very careful deliberation that the Board underwent in deciding upon this course of action to address significant concerns raised by our members related to the Independent Review. The Board takes very seriously our fiduciary responsibility to our members and our Association to learn and assess the facts when presented with challenging situations and to act accordingly.

Best regards,

Susan H. McDaniel, Ph.D.  
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American Psychological Association