

HARVARD UNIVERSITY



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Gerald L. Klerman, M.D.
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Dear Gerry:

I have read with great interest your article on Osheroff. Here are my reactions off the top of my head.

First, if I were Osheroff's lawyer, I would be delighted to have you publish this and would certainly introduce it in court, if possible. In contrast, my specific intention was to write an article which would alert the profession without taking a strong adversarial position influencing a trial in progress.

Second, I was very impressed with the overall grasp and understanding of the issues in your article. However, scientific efficacy is not the same as the legal standard of care. Your article tends to equate them. As a good scientific physician, you would like the standard of care to be based on good efficacy studies. There are, however, many kinds of medical practice where that is not possible, and the professional standard of care is not the same as the "scientific standard." Since there might be some confusion in the mind of readers, I think you should explicitly identify this distinction. I want to emphasize that scientific efficacy is not the same as the professional standard of care.

Third, in addition to being powerful and erudite, your article is very challenging to psychoanalysts. My own belief is that they will not be able to prove efficacy for a host of reasons, and the challenge you put to them is, therefore, unrealistic in the sense that there is no way they can meet it. Although you do allude to some of the difficulties of doing such studies, I think the reality is that a psychoanalysis

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of any condition cannot meet efficacy criteria.

Finally, I have no views about whether you should or should not publish this paper, only that if you do, you should recognize that it may influence the ongoing litigation.

Sincerely,



Alan A. Stone, M.D.
Touroff-Glueck Professor
of Law and Psychiatry

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