

April 19, 2010

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### EDUCATION

- 1990 Doctor of Philosophy, Clinical Psychology, University of Houston, Houston, Texas  
Dissertation: Validity and Utility of Traditional and Computer-Generated Psychological Reports in an Adolescent Inpatient Setting
- 1984 Master of Arts, Clinical Psychology, University of Houston, Houston, Texas
- 1980 Bachelor of Science, Psychology, University of Wisconsin-Oshkosh, Oshkosh, Wisconsin

### CERTIFICATION AND LICENSURE

- 2004 Diplomate, Forensic Psychology, American Board of Professional Psychology
- 1992 Psychologist, State of Texas, license #2-4393

### SPECIALIZED TRAINING

- 2006 Vision Science III (eye movements course offered to Ph.D. and OD graduate students), University of Houston College of Optometry, August 23 - December 8.
- 2003 NHTSA Standardized Field Sobriety Testing Instructors Course, June 10 - 13.
- 2002 NHTSA Standardized Field Sobriety Testing Course, July 12 - 14.
- 1987 - American Psychological Association approved internship in Clinical Psychology, Fairfield  
1988 Hills Hospital, Newtown, Connecticut, August 7 - August 4.

### ACADEMIC APPOINTMENTS

- May '09- Editorial Board Member, *Open Access Journal of Forensic Psychology*; peer-reviewed  
Present on-line scientific journal; Section Editor: Forensic Instruments
- Oct. '07 - Editorial Board Member, *Psychological Injury and Law*; peer-reviewed  
Present scientific journal published by Springer
- Apr. '06 - Consulting Editor, *Assessment*; peer-reviewed, scientific journal devoted to  
Present psychological testing published by Sage

Sep. '99 - Adjunct Faculty, Sam Houston State University, Dept. of Psychology  
Feb. '04

RECENT PROFESSIONAL EXPERIENCE

Nov. '89 - *Private Practice Psychologist*  
Present Houston, Texas

Provided psychological and forensic evaluations of persons to assist in diagnosis, treatment planning, determination of trial competency, risk assessment, mental state at the time of offense; eyewitness factors, and standardized field sobriety test consultation and expert testimony. Provided consultation, evaluation, and training for substance abuse clinic and other psychology and psychiatry practices.

Oct. 09- Owner, Forensic Sobriety Assessment, LLC  
Present Houston, Texas

Provided training, certification, consultation, and testimony pertaining to Driving Under the Influence (DUI) cases to attorneys and investigators.

Nov. '90 - *Clinical Psychologist IV* (1995 – 2004)  
Feb. '04 Mental Health and Mental Retardation Authority (MHMRA) of Harris County, Forensic Psychiatry Services, Houston, Texas

Conducted court-ordered evaluations of competency to stand trial, sanity/insanity at the time of the offense for Harris County (Texas) county criminal and state district courts, submitted reports, testified in court hearings and trials.

*Clinical Psychologist II, III* (1990 - 1995)  
MHMRA, Adult Mental Health Division, Houston, Texas

Conducted psychological evaluations for adult mental health outpatients at MHMRA clinics throughout Houston, wrote consultative reports, conducted staff training.

Oct. '89 - *Psychological Tester*, Robert Willard, Ph.D., Pasadena, Texas  
Mar. '90

Conducted psychological (psychopathology, intellectual, personality) testing and wrote consultative reports for adult and adolescent psychiatric inpatients.

Oct. '88 - *Psychotherapist*, Weinberger & Associates, P.C., Houston, Texas  
Oct. '89

Provided individual, group, and family therapy for adolescent psychiatric inpatients and their families.

## AREAS OF PRACTICE AND EXPERTISE

*Assessment of personality, psychopathology, and intelligence* – Standardized tests and procedures are useful to thoroughly and reliably assess human characteristics, including symptoms of mental illness, personality differences, and cognitive abilities. Such techniques are supplemented by review of relevant records and input from collateral sources.

*Assessment of psychological injury* – Determining the extent and cause of psychiatric disability or injury requires a thorough investigation of a claimant's symptoms, history, social environment, and testing performance. Specialized assessment measures may be required, as is input from family and other persons who observe the claimant in daily functioning.

*Assessment of malingering of mental illness and cognitive limitations* – Criminal defendants may feign psychiatric symptoms in order to avoid accountability, while civil litigants might do so in order to create the appearance of damages. Using interview, collateral information, and psychological testing, it is often possible to demonstrate that a person is exaggerating reports of symptoms or did not perform to the best of his/her ability on cognitive tests.

*Evaluation of behavioral DUI/DWI evidence – Driving While Intoxicated* offenses are prosecuted using behavioral cues of intoxication, sobriety tests, and breath or blood samples. Having completed the NHTSA SFST Instructor course and published in this area, I can review the arrest video to determine if the tests were administered correctly, and I can testify regarding the limitations in the development, validation, and interpretation of the tests and behavioral cues of intoxication.

*Assessment of competency to stand trial* – A defendant must understand the proceedings and be able to assist in his/her defense. In order to validly waive constitutional rights, such as waiving the right to trial or to testify, the defendant must be able to do so knowingly and intelligently. The examiner must have knowledge not only of psychology or psychiatry, but also of the particular case, the court system and case law in the jurisdiction. Care must be taken not to undermine the defendant's rights.

*Assessment of mental state at the time of the offense (criminal responsibility/insanity defense)* – The insanity defense requires the presence of a severe mental illness at the time of the offense. Depending on the jurisdiction, it must also prevent the person from knowing or appreciating the wrongfulness of the act, or prevent the person from exercising self-control. As with competency to stand trial, the examiner must be knowledgeable about case law pertaining to issues such as amnesia and substance use.

*Assessment of risk and dangerousness* – Psychologists have developed tools over the past 20 years to assess the risk of criminal recidivism, violence, or future sexual abuse. Many are actuarial, in that they rely on demographic characteristics of the subject, their criminal history, and characteristics of the victim, added up or combined in a specified manner. Other risk factors pertain to personal qualities of the person being assessed, such as impulsivity. Each assessment must be tailored to the demographics of the person being assessed and whether prediction of sexual, supervision failure, or general risk is desired.

*Eyewitness expert testimony* – The eyewitness's memory of the face seen at a crime is an extremely fragile piece of evidence that can be contaminated by careless questioning and procedures. Likewise, the eyewitness's confidence can increase dramatically from the time of the original identification through feedback ("You did good") or conveying that the eyewitness is vital to the case. A thorough review of

the police procedures and lineup materials is required in such cases and compared with the standards laid out by the National Institute of Justice.

#### PEER-REVIEWED PUBLICATIONS

Rubenzer, S. J. (in press). Judging Intoxication. Manuscript accepted for publication, *Behavioral Sciences & the Law*.

Rubenzer, S. J., & Stevenson, S. (2010). Horizontal Gaze Nystagmus: A Review of Vision Science and Application Issues. *Journal of Forensic Sciences*, 55(2), 394-409. Published on-line January 25.

Rubenzer, S. J. (2009). Posttraumatic Stress Disorder: Assessing Response Style and Malingering. *Psychological Injury and Law*, 2(2), 114-142. DOI 10.1007/s12207-009-9045-4.

Rubenzer, S. J. (2007/2008). The Standardized Field Sobriety Tests: A Review of Scientific and Legal Issues. *Law and Human Behavior*, 32(4), 293-313. Epub 2007 Oct 6; DOI: 10.1007/s10979-007-9111-y.

Rubenzer, S. J., Faschingbauer, T. J., & Ones, D. S. (2000). Assessing the U.S. Presidents Using the Revised NEO Personality Inventory, *Assessment*, 7(4), 403-420. (Special issue: Innovations in assessment with the Revised NEO Personality Inventory, R. R. McCrae, & P. T. Costa (Guest Eds.). [Peer reviewed, invited]

Rubenzer, S. J. (1992). A Comparison of Traditional and Computer-Generated Psychological Reports in an Adolescent Inpatient Setting. *Journal of Clinical Psychology*, 48(6), 817-826.

#### OTHER PAPERS AND PUBLICATIONS

Rubenzer, S. J. (2009). Understanding Correlations. *DWI Journal: Law and Science*, 24(1), 1-7.

Rubenzer, S. J. (2007/8). Ten Things You Didn't Know about HGN. *DWI Journal: Law and Science*. Also *The Champion*, 32(6), 56-61, 63.

Rubenzer, S. J. (2007). The Dubious Value of Psychological Testing in Custody Determination. Unpublished manuscript.

Rubenzer, S. J. (2006). Understanding SFSTs Accuracy Rates, Error Rates, and Reliability. *The Forum* (publication of the California Attorneys for Criminal Justice), 33(3), 31-37.

Rubenzer, S. J. (2006). The Standardized Field Sobriety Tests: A History and Review of Scientific and Legal Issues. Unpublished manuscript.

Rubenzer, S. J. (2006). Malingering of Psychiatric Problems, Brain Damage, Chronic Pain, and Controversial Syndromes in a Personal Injury Setting, *FDCC Quarterly* (publication of the Federation of Defense and Corporate Counsel), Summer issue.

Rubenzer, S. J. (2006). Handling Eyewitness Evidence, *The Defender* (Publication of the Harris County Criminal Defense Lawyers Association), Summer issue, 5-9.

Rubenzer, S. J. (2005). Assessing Dangerousness, *Voice for the Defense* (Publication of the Texas Criminal Defense Lawyers Association), November issue, 16-23.

Rubenzer, S. J. (2005). The Thirty Minute *Voir Dire*: Applying Jury Research and Psychometrics, *The Defender* (Publication of the Harris County Criminal Defense Lawyers Association), Fall issue, 10-13.

Rubenzer, S. J. (2005). Malingering Psychiatric Disorders and Cognitive Impairment In Personal Injury Settings II – Mild Head Injury and Chronic Pain, *For The Defense* (publication of the Defense Research Institute), 47(10) October issue.

Rubenzer, S. J., & Faschingbauer, T. J. (2005). Response to “Does Character Count in the Oval Office?” (A Review of Personality, Character, & Leadership in the White House: Psychologists Assess the Presidents), [\*PsycCRITIQUES—Contemporary Psychology: APA Review of Books\*, 50 \(No. 32\), Article 12.](#)

Rubenzer, S. J. (2005). Malingering Psychiatric Disorders and Cognitive Impairment In Personal Injury Settings, *For The Defense*, 47(4), April issue, 18-25, 67.

Rubenzer, S. J., Ones, D. S., & Faschingbauer, T. J. (2005). How Psychologists Rate the Presidents, History News Network, February, <http://hnn.us/articles/10324.html>

Rubenzer, S. J. (2004). Malingering Incompetence to Stand Trial, Insanity, and Mental Retardation, *The Texas Prosecutor*, 35(6) Nov-Dec. issue.

Rubenzer, S. J. (2004). Malingering of Psychiatric Disorders and Cognitive Impairment in Criminal Court Settings, *The Prosecutor* (Publication of the National District Attorneys Association), 38(5), Sept.-Oct. issue.

Rubenzer, S. J., & Faschingbauer, T. J. (August 2004). *Personality, Character, and Leadership in the White House: Psychologists Assess the Presidents*, Potomac Books, Inc. (formerly Brassey's, Inc.), Dulles, VA. Publication offers received from the American Psychological Association, Northern Illinois University Press, Nova Science Publishers.

Rubenzer, S. J., & Faschingbauer, T. J. (2004). What Makes a Good President? Can Personality Predict a Great President?, *The Boston Globe*, June 12.

Rubenzer, S. J., & Faschingbauer, T. J. (2004). Candidate Traits Matter, Too. *USA Today*, March 17.

Rubenzer, S. J. (2003). The Psychometrics and Science of the Standardized Field Sobriety Tests, *The Champion* (publication of the National Criminal Defense Lawyers Association), May and June issues; *Voice for the Defense*.

Rubenzer, S. J., Faschingbauer, T. J., & Ones, D. S. (2002). Assessments of America's Chief Executives: Insights from Biographers and Objective Personality Measures. In O. Feldman and L. Valenty (Eds.), *Political Leadership for the New Century: Personality and Behavior among American Leaders*, Praeger Publishing Company.

Rubenzer, S. J. (2002). Assessing the Probative and Prejudicial Value of Evidence: The Power of Statistics, *The Defender*, Winter issue. This article also published in *Voice for the Defense*, October 2005 issue.

Rubenzer, S. J. (2002). Eyewitness Identification: Challenging a Confident Witness and Common Misconceptions, *Voice for the Defense*, May issue, 20-23 and *The Defender*, Spring issue, 21-23.

Rubenzer, S. J. (1991). Computerized Testing and Clinical Judgment: Cause for Concern. *The Clinical Psychologist*, 44(5), 63-66.

### MAJOR PRESENTATIONS

Rubenzer, S. J. (2010). Eyewitness Identification. Continuing Legal Education program, Montgomery County Criminal Defense Lawyers Association. Conroe, TX.

Rubenzer, S. J. (2009). Eyewitness Identification. Continuing Legal Education program, Texas Criminal Defense Lawyers Association. Houston, TX.

Rubenzer, S. J. (2008). Scientific Issues in Judging Intoxication and SFST Research. Continuing Legal Education program, Houston, TX.

Rubenzer, S. J. & Stevenson, S. B. (2007, 2008). Horizontal Gaze Nystagmus: Behavioral and Visual Science Perspectives, Continuing Legal Education program, Houston, TX.

Rubenzer, S. J. & Faschingbauer, T. J. (2007). Who Has the Right Stuff for 2008? International Society for Political Psychology annual meeting, Portland, OR.

Rubenzer, S. J. (2007). The Dubious Value of Psychological Testing In Custody Evaluation. Continuing Legal Education program, Houston, TX.

Rubenzer, S. J. (2006). Responding to SFST Statistics. *Rules of the Road*, California Attorneys for Criminal Justice program, September 30, Rancho Mirage, CA.

Rubenzer, S. J. (2005). Malingering, Symptom Magnification, and Somatization. Association of Administrative Law Judges annual conference, October 26, Jacksonville, FL

Rubenzer, S. J. (2005). Statistical Issues in Forensic Testing / What's that Credential on the CV?, 12<sup>th</sup> Annual *Mastering Scientific Evidence in DWI/DUI Cases*, Texas Criminal Defense Attorneys Association, Houston.

Rubenzer, S. J. (2004). Debunking SFSTs Using Science, Psychometrics, and the NHTSA Materials, 11<sup>th</sup> Annual *Mastering Scientific Evidence* (Advanced training for criminal defense lawyers engaged in DWI defense, Atlanta, GA).

Rubenzer, S. J. (2004). SFSTs: Science and Application. *A Day in the Life of the Criminal Defense Lawyer* (CLE seminar), Texas Criminal Defense Lawyers Association.

Rubenzer, S. J., Ones, D. S., & Faschingbauer, T. J. (2000, August). Personality Traits of U.S. Presidents. In L. M. Hough & D. S. Ones (Co-Chairs), *Personality and Performance in Leadership Positions: Presidents, CEO's and Managers*, symposium conducted at the annual conference of the American Psychological Association, Washington, DC.

Rubenzer, S. J. (2000). Developments in Risk Assessment. In J. Krockner (Chair), *Mental Health & the Criminal Justice System*, Houston Bar Association Criminal Bench Bar Conference, Houston, Texas.

Rubenzer, S. J., Faschingbauer, T. J., & Ones, D. S. (1996). Personality Scores and IQ Ratings of U.S. Presidents. Symposium presentation at the 1996 American Psychological Association annual convention, Toronto.

Rubenzer, S. J. (1990). Clinical Personality Assessment in the 1990's. Symposium presented at the 100<sup>th</sup> American Psychological Association annual convention, Washington, DC. Participants: James Butcher, John Exner, Theodore Millon, Douglas Jackson, Paul Costa, Leslie Morey.

#### PROFESSIONAL AFFILIATIONS (CURRENT AND PAST)

American Board of Professional Psychology  
American Academy of Forensic Psychology, Fellow  
American Psychological Association, Division 41 (Psychology and Law)  
Association for the Scientific Advancement in Personal Injury and Law  
Houston Psychological Assessment Association, Founder  
Association of Family and Conciliation Courts  
American Society of Trial Consultants  
Houston Neuropsychological Society  
Society for Personality Assessment  
Houston Psychological Association  
Foundation for the Study of Personality in History, Chairman & Co-Founder