Reviewer's report

Title: Depression and Decision-making Capacity for Treatment and Research: A Systematic Review

Version: 2 Date: 3 July 2013

Reviewer: Bettina von Helversen

Reviewer's report:

I reviewed a prior version of the article. The additional information added in the revision (and being more familiar with the topic after reading it again) helped me understand the paper and the goals of the authors better. I think the article is now more accessible for readers outside of the field and close to acceptance. Although (or maybe because) I had fewer problems with understanding the article, I still had trouble with some parts. In addition, I'm not quite satisfied with the authors' responses to one of my concerns.

Major Compulsory revisions

1) In my first review I complained the appreciation ability was not sufficiently defined. I can see that the authors use the standard formulation to define it and I appreciate the additional information, but it still remains unclear how appreciation is operationalized in the MacCat. Adding this information would make it easier to follow the discussion regarding appreciation and potential measurement problems in the MacCat, in particular if there are problems how appreciation can be operationalized for patients with depression. I don't think simply citing references for the MacCat is sufficient, as it is an important part of the article.

2) I like that the model by Grisso and Appelbaum is introduced in the beginning to help understanding the abilities necessary to make treatment decisions. I was surprised, however, that the discussion only considered the appreciation ability. Reasoning abilities are frequently mentioned in the summaries of the empirical studies and seem to be impaired to a similar if somewhat lower degree than appreciation abilities. Thus I think it should be discussed to what degree reasoning abilities are impaired in depression and why they are not mentioned in the clinical ethical analyses. They do seem to play a part in the legal considerations (i.e. use or weigh ability).

Minor essential revisions

3) “understandable quality”: I did not quite understand what “understandable quality” means: Does it mean that patients are able to rationalize their choices and thus convince others that they are not impaired even though they lack appreciation abilities? It would help to explain this in more detail.

4) In the discussion some references are missing. For instance in the second paragraph several papers are mentioned to but the references are not included.
In addition the following claims about self esteem should be supported by references: “... low self-esteem, which is common in the general population, can be secondary to any illness involving stigma and which ordinarily would not be seen as resulting in a lack of DMC”

Discretionary revisions

6) I’m not a native English speaker, thus I may not be the best to judge language quality, but I found a few sentences rather convoluted. In the following I listed a few examples of sentences that I think should be reworded. Overall, I think checking for readability and clarity would not hurt.

p4. “There is also the question of how much ability is required to yield a categorical judgment and the reliability of these judgments” (it is somewhat unclear if ability refers to the ability of the patient or the doctor)

p6. “and where relevant studies were read in through to determine eligibility”

p7. “The heterogeneous methods of papers made systematic quality assessment of the papers unsuitable for the review but all studies were found to relate to legal standards and so were included in the review.”

p12. “to assess the prevalence of DMC using the MacCat-T to structure a clinical judgment:” should this not be “the prevalence of impaired DMC”

p14. “Sullivan & Youngner (1994) highlight the demands in assessing appreciative ability; asking a patient to describe the clinical facts presented, grappling with the pro’s and cons to his or her own life may pose no problem, but in evaluating the patient’s answers to these questions an assessor may need considerable contextual information and interpretive ability.”

**Level of interest:** An article whose findings are important to those with closely related research interests

**Quality of written English:** Needs some language corrections before being published

**Statistical review:** No, the manuscript does not need to be seen by a statistician.

**Declaration of competing interests:**

I declare that I have no competing interests