

Mental Health Law Syllabus

Spring 2014

Hamline University School of Law

Course Information

Faculty: Adjunct Professor Barbara Lindberg

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Course: Mental Health Law

Semester: Spring 2014

Class Schedule: Tuesday, 4:50 to 7:00.

Textbook and Materials

The one and only required text is SLOBOGIN, REI, AND REISNER, LAW AND THE MENTAL HEALTH SYSTEM: CIVIL AND CRIMINAL ASPECTS, 5th ed. (2008-09), ISBN-13: 9780314183644.

Additional materials will be provided as needed.

Course Description and Learning Objectives:

This course will offer a picture of the past, present, and future legal doctrine relating to law and the mental health care system. The availability of services, regulation of mental health care providers, and the relationship between society and people who live with mental disabilities will be examined. In each of these major areas, case law and public policy issues will provide insight into the role of the legal system in implementing and impacting social objectives for this population.

At the conclusion of this semester, student will:

- Understand the unique nature and characteristics of mental disorders
- Recognize the role of state authority in legal actions that challenge liberties of those who live with mental illness, including civil commitment
- Be familiar with laws designed to prevent discrimination against those who live with mental illness, including the Americans with Disabilities Act, Mental Health Parity and Addiction Equity Act, and the Minnesota Comprehensive Adult (and Children's) Mental Health Acts.
- Be able to analyze the role of the insanity defense in the criminal justice system
- Examine the power of stigma, and develop a sensitization to the varying perspectives of the mental health professionals, legal professionals, and the court when working with mental health issues in the justice system.
- Have developed an awareness of how to effectively communicate with, and advocate for clients who exhibit symptoms of mental illness, regardless of the area of law being practiced

Course Expectations

You are required to attend class. The course materials will build on issues discussed during each class, so attendance is a priority.

I expect that you will have read the assignments listed below prior to the date and time listed

Grading Components

Your final grade will be based on an open-book and open-note final examination that will consist of essay questions.

Class schedule and assignments:

Week 1 (Jan. 21)

Casebook pp. 1-22: Perspective on Mental Disorder
pp. 48-59: The Mental Health Professions

Week 2 (Jan. 28)

Casebook pp. 59-79: Mental Health Care Finance

- *Mental Health Parity and Addiction Equity Act*
- *Minnesota Comprehensive Adult (and Children's) Mental Health Acts*
- *The problems with cost and coverage*
- *Insurance challenges due to blurred line between mental and physical disorder*
- *Phillips v. Lincoln National Life Insurance Company*

Week 3 (Feb. 4)

Casebook pp. 307-319: HIPAA and Protection of Privacy
pp. 324-325, 356-360: Protection of educational records under FERPA,
Disclosure requirements
pp. 326 – 345: Legal remedies

- *Commonwealth v. Wiseman*
- *Hughley v. McDermott*
- *Doe v. Roe*

Week 4 (Feb. 11)

Casebook pp. 422-439: Admissibility of testimony
pp. 450-457: Responsibility
○ *United States v. Lewellyn*
pp. 468-484: Propensity
○ *Barefoot v. Estelle*

Week 5. (Feb.18)

Casebook pp. 500-520; 529-539: Expert Evaluation and Testimony

- *Ake v. Oklahoma*
- *Estelle v. Smith*
- *United States v. Sims*
- *United States v. Edwards*

Week 6 (Feb 25)

Casebook pp. 540-585: Mental Disability and Criminal Law

- *The Heads Case*
- *United States v. Pollard*

Week 7 (March 4)

Casebook pp. 923-938: Competency Determinations (overview)

pp. 963-982

- *Washington v. Harper*

Week 8 (March 11) Spring Break**Week 9 (March 18)**

Casebook pp.585-611: Mens Rea and Diminished Capacity

pp. 632-646: Guilty but Mentally Ill Plea

- *Clark v. Arizona*
- *People v. Crews*

Week 10 (March 25)

Casebook pp. 669 – 699: Non-capital sentencing, retribution v. rehabilitation

- *Kansas v. Hendricks*

Week 11 (April 1)

Casebook pp. 701 – 747: Civil Commitment (some of these cases are short summaries)

- *Dodd v. Hughs*
- *Lessard v. Schmidt*
- *Matter of Gregorovich*
- *In Interest of Nyflot*
- *Whaley v. Jansen*
- *People v. Sansone*

Week 12 (April 8)

Casebook pp. 747-761; 767-796 Parens Patriae Commitments

- *O'Connor v. Donaldson*
- *State ex Rel. Hawks v. Lazaro*
- *Mayock v. Martine*
- *Boggs v. N.Y. City Health & Hosp. Corp.*
- *Lake v. Cameron*

Week 13 (April 15)

Casebook pp. 815-841: Civil Commitment procedures

- *Addington v. Texas*
- *Vitek v. Jones*

Week 14 (April 22)

Casebook pp. 1178-1188: Right to community services

pp. 1253-1262: Employment Opportunities

- *Olmstead v. L.C. ex Rel. Zimring*
- *Witter v. Delta Airlines, Inc., et al.*