



Course Introduction

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Official Course Description

This course explores landmark legal cases that have shaped the activities and practices of mental health professionals, the civil rights of persons with mental disabilities, and the uses of mental health knowledge within the legal arena. Students are exposed to the legal system, constitutional law, and case law. Focus is placed on those cases pertaining to expert witness testimony, violence risk assessment, criminal responsibility (insanity), capital punishment, sexual dangerousness, civil commitment, civil and criminal competencies, and confidentiality.

Chicago School Institutional Learning Goal Addressed

1. Professional Behavior: Graduates will be able to function in a professional and ethical manner
2. Professional Practice: Graduates will be able to conduct assessments, develop appropriate interventions, and implement interventions in their specialty area of professional psychology.

Program Competency Addressed

1. Ethics: Students will organize professional activities by ethical/professional codes, standards, and guidelines; statutes, rules, and regulations; and relevant case law
2. Intervention: The ability to utilize theoretical constructs and techniques in the implementation of intervention strategies to meet the needs of diverse populations.

Course Requirements

1. Class attendance and participation (10%)
2. Case brief presentation (16%)
3. Midterm Exam (25%)
4. Take-home Legal Research Assignment (14%)
5. Mock Supreme Court (5%)
6. Final exam (30%)

**There will be extra credit points from "surprise" quizzes. All students will be eligible for points if they are in class.

Learning Objectives. Objectives for the course are as follows:

1. Students will evaluate the influence of landmark mental health caselaw on the practice of mental health.
2. Students will analyze the legal rights afforded persons with mental disabilities by reviewing applicable caselaw and statutory law.
3. Students will evaluate the procedural safeguards concerning the commitment and treatment of persons with mental disabilities.

Required Text: Slobogin, C., Rai, A., & Reisner, R. (2009). Law and the mental health system: Civil and criminal aspects (5th ed.). St. Paul, MN: West Group.

Book Note: You can use the OLDER edition (4th edition) of the book and save money! If you get the older edition simply photocopy the additional pages from the newer edition (one copy will be on reserve in the library). ALSO, if you have the older edition, the page numbers are going to be different.

Course Schedule:

Please note that readings from the text frequently jump back and forth in terms of page numbers in order to create a better thematic rhythm for class discussions

Class Timeline

Week	Date	Cases and/or Readings (BOLD denotes a Supreme Court case)
1	8/31	<p>Law 101 book chapter (Feinman, 2006) (handout)</p> <p>State Court Structure web link click HERE</p> <p>Federal Rules of Evidence web link click HERE</p> <p>Supreme Court Cases and Oral Arguments web link click HERE (www.oyez.org)</p> <p>Expert Testimony: SRR pp. 422-457; 492-511</p> <p>Cases: Frye v. U.S. (1923) U.S. v. Lewellyn (1983), p. 450 Jenkins v. U.S. (1962), p. 493 Ake v. Oklahoma (1985), p. 500 Daubert v. Merrell Dow Pharmaceuticals (1993) Kumho Tire v. Carmichael (1999) p. 455</p>
2	9/7	No Class – Labor Day Holiday
3	9/14	<p>Testimony (continued); Confidentiality and Privilege: SRR pp. 176-190; 306-362</p> <p>Cases: Estelle v. Smith (1981), p. 511 Barefoot v. Estelle (1983), p. 468 U.S. v. Barnette (2000), p. 482 United States v. Edwards (1987), p.509</p> <p>Commonwealth v. Wiseman (1969), p. 326 Doe v. Roe (1977), p. 340 Tarasoff v. Regents of U. Of California (1976) p. 176 Shaw v. Glickman (1980), Handout (case removed from 5th Ed.)</p>
4	9/21	<p>Confidentiality and Privilege: SRR pp. 363-419</p> <p>Cases: Daymude v. State (1989), p. 351 Poet Sexton & Therapist Orne (1992) p. 344 – point 3 Poet Anne Sexton reading HER KIND Jaffe v. Redmond (1996), p. 363 U.S. v. Hayes (2000), p. 405 People v. Bierenbaum (2000), handouts</p>

5	9/28	<p>Cases: Shaw v. Glickman (1980), Handout (case removed from 5th Ed.) Daymude v. State (1989), p. 351 Poet Sexton & Therapist Orne (1992) p. 344 – point 3 Poet Anne Sexton reading HER KIND Jaffe v. Redmond (1996), p. 363 U.S. v. Hayes (2000), p. 405 People v. Bierenbaum (2000), handouts</p> <p>Competency: SRR pp. 1004-1098</p> <p>Cases: Dusky v. United States (1960), (1961) – Not in Text Pate v. Robinson (1966), p. 1018 State v. Maryott (1971) – Not in Text</p>
6	10/5	<p>Competency: SRR pp. 1004-1098 (Same pages as previous week)</p> <p>Cases: Jackson v. Indiana (1972), p. 1027 State v. Hayes (1978), p. 1049, handout Godinez v. Moran (1993), p. 1052 Indiana v. Edwards (2008), 1063 Sell v. United States (2003), p. 1034 Riggins v. Nevada (1992), p. 1033</p>
7	10/12	<p>Competency: SRR pp. 1004-1098 (Same pages as previous week)</p> <p>Cases: Ford v. Wainwright (1986), p. 1084 Penry v. Lynaugh (1989) – Not in Text Penry v. Johnson (2001) – Not in Text Atkins v. Virginia (2002), p. 653 Roper v. Simmons (2005) – Not in Text</p>
8	10/19	<p style="text-align: center;">EXAM -- EXAM -- EXAM -- EXAM</p>
9	10/26	<p>Responsibility: SRR pp. 540-642 (same pages from previous week) / Diminished Capacity and Extreme Emotional Disturbance</p> <p>Cases: McNaughten (1843), p. 546 Irresistible Impulse Test, p. 547 Durham v. United States (1954), p. 548 – Handout Who was Judge Bazelon? -- Handout ALI / United States v. Brawner (1972) – P. 549 John Hinckley, Jr. – Handout Insanity Defense Reform Act (IDRA) (1984)</p>
10	11/2	<p>Responsibility – Provocation and Sentencing: SRR pp. 643-699</p> <p>Cases: Jahnke v. State (1984), p. 585 Kirschner and Galperin (2001) Kirschner, Litwack, and Galperin (2004) The nature of provocation and manslaughter - Handout People v. Poddar (1974) – Not in Text</p>

		<p>People v. Casassa (1980) – Not in Text People v. Parisie (1972), p. 622</p>
11	11/9	<p>***Take-Home Research Assignment Due***</p> <p>Civil Commitment: SRR pp. 700 – 922</p> <p>Cases: Dodd v. Hughes (1965), p. 722 Lake v. Cameron (1967), p. 782 Wyatt v. Stickney (1972), p. 1133 Lessard v. Schmidt (1972), p. 726 , 797 O'Connor v. Donaldson (1975), p. 751, 1114 Addington v. Texas (1979), p. 815</p>
12	11/16	<p>Civil Commitment: SRR pp. 700 – 922 (same pages from previous week)</p> <p>Cases: Vitek v. Jones (1980), p. 832, 884 Foucha v. Louisiana (1992), p. 724, 877 Rogers v. Okin (1980) (no page), p. 980 Rennie v. Klein (1983) (no page), pp. 980-981 Youngberg v. Romeo (1982), p. 1116 Washington v. Harper (1990), p. 964</p>
13	11/23	<p>Civil Commitment: SRR pp. 700 – 922 (same pages from previous week)</p> <p>Cases: Riggins v. Nevada (1992), previously covered in competency Boggs v. NY City Health & Hospital Corp. (1987), p.770 Young v. Weston (1995) – Not in Text Kansas v. Hendricks (1997), pp. 675-699</p>
14	11/30	<p>****MOCK SUPREME COURT**** OYEZ OYEZ OYEZ ALL RISE FOR THE HONORABLE, THE MOCK SUPREME COURT</p>
15	12/7	<p>EXAM -- EXAM -- EXAM -- EXAM</p>

Please note: The case schedule will need to be somewhat flexible due to unforeseen time constraints. Nevertheless, I will do everything possible to maintain the cases on the docket for any given day.

Grading

Assignments for this course are as follows:

Grading	Percentage
Class attendance and participation	10%
Case law presentation	16%
Midterm Exam	25%
Take-home Legal Research Assignment	14%
Mock Supreme Court	5%
Final Exam	30%

Final course grades will be assigned as follows:

Letter Grade	Percentage Cutoff	Point Range
A	93-100	
A-	90-92	
B+	87-89	
B	83-86	
B-	80-82	
C	70-79	
F	69 and below	

Additional Policies

Additional policies for this class:

- Extra credit points for surprises quizzes are only available to students in class. Those who are not present are ineligible, regardless of the reason for absence
- Students may study together for exams, and may work together on the Mock Supreme Court
- Students may not work together on the take-home research assignment. This assignment is required to be completed **ON YOUR OWN**
- Arrive on time for exams. There will be a set amount of time given to exams, no more, no less.
- All students should review the cases on the docket for each class **PRIOR** to class. Students are expected to be able to discuss cases knowledgeably in class.
- Any assignment that is turned in late (e.g., the take-home research assignment) will be docked by 10% per day late.

Statement of Academic Honesty (from the Student Handbook)

The Chicago School expects its students to function within an environment of trust relative to other students, faculty, staff, and administration. Moreover, the school expects all students to conduct themselves ethically, with personal honesty, and with professionalism. Academic dishonesty violates one of the most basic ethical principles in an academic community, and will result in sanctions imposed under the school's disciplinary system. Incidents will be immediately referred to the Program Director or Vice President for Academic Affairs for investigation, intervention and/or imposition of sanctions. The Student Affairs Committee may be convened to review the student's situation. Possible interventions and sanctions may include, but are not limited to, developing a remediation plan, placing a student on academic warning, suspending or dismissing a student. Academic dishonesty includes, but is not limited to:

CHEATING: In any form, including but not limited to, giving or receiving aid on tests, giving or receiving test materials prior to official distribution, or collaborating on assignments or exams without instructor permission.

PLAGIARISM: The use or reproduction of another's work without appropriate attribution. The school expects all students to produce original work in their papers, coursework, dissertation, and other academic projects and to follow appropriate rules governing attribution.

FABRICATION: Inventing information or citations in an academic or clinical exercise.

Technology and Privacy (from the Student Handbook)

Data files and messages traversing the school's network are not private communications. A user's privacy is superseded by the school's requirement to maintain the network's integrity and the rights of all network users. For example, should the security of the network be in danger, user files and messages may be examined under the direction of the Vice President of Administration, or the Director of Information Technology. The school reserves its right, as owner of the network and the computers in question, to examine, log, capture, archive, and otherwise preserve or inspect any messages transmitted over the network and any data files stored on school-owned computers, should circumstances warrant such actions. All members of the community must recognize that electronic communications are by no means secure, and that during the course of ordinary management of computing and networking services, network administrators may inadvertently view user files or messages.

Policy on Disability Accommodation (from the Student Handbook)

The Chicago School complies with all laws and regulations regarding the access of disabled individuals to education and works to insure that no qualified student with a disability is denied the benefits of, or excluded from participation in, any school program or activity. Disabled students may request reasonable accommodations including but not limited to adaptations in the way specific course requirements are accomplished, the use of auxiliary equipment and support staff, and other modifications including testing procedures. This request must be accompanied by appropriate documentation that establishes that the student has a specific disability and that supports the accommodation(s) requested. The school reserves the right to select the specific aids and services it provides, as long as it deems they will be effective for the student and do not fundamentally alter the Program or academic standards. Such aids and services are determined on a case-by-case basis in consultation with the student who has identified the need for accommodation. Please see the Director of Student Services regarding requests for accommodation.