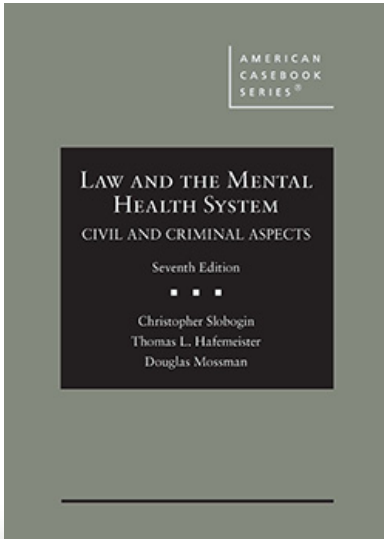


Mental Health and the Law

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Tuesday/Thursday 2:30pm to 3:50pm



TEXTBOOK

Law and the Mental Health System – Civil and Criminal Aspects
Seventh Edition, Christopher Slobogin, Thomas L. Hafemeister, Douglas Mossman
ISBN# 978-1-68467-707-8

TWEN

www.lawschool.westlaw.com

CELL PHONE/TEXT -978.580.4242

This is my personal cell phone use this number for calling or texting. Please use this for class related or business purposes only.

PURPOSE AND COURSE DESCRIPTION

This course deals with the intersection between mental health and the law. The course will explore the legal rules and legal procedures that apply when people are diagnosed with mental illness and introduce students to some of the controversies in mental health law such as civil commitments, deinstitutionalization, competency determinations, mental disorders and their treatment, the right to treatment and the right to refuse treatment, informed consent, mental disorder and criminalization, substance use disorders and dual diagnoses, medicalization and the meaning of mental illness, forced treatments, discrimination, confidentiality, and professional ethics.

This course will focus on issues in the civil law context, but may touch also in one or two sessions on how the criminal justice system deals with persons with mental health issues, particularly looking at alternative approaches within the criminal justice system that may promote the health and wellbeing of people with mental health issues.

This course will consist of a combination of assigned cases and materials, lectures, class discussions, and guest lectures by experts in the field.

GRADING

The midterm and final examinations combine for **100%** of your final grade. **I reserve the right at any time during the semester to modify and/**The midterm and final examinations combine for **100%** of your final grade. **I reserve the right at any time during the semester to modify and/or change the course grading. change the course grading.**

Lack of attendance and/or class participation has the potential to impact negatively on the semester grade.



Course Requirements and Class Participation

Class Attendance

Students must come to class prepared to discuss the assigned materials. You are expected to be in class and to participate. Individuals who have more than **three** unexcused absences during the semester may have their semester grade lowered by as much as one-third of a grade.

Attendance is taken at the beginning of class. You will be marked absent if you are not present when attendance is taken.

Notes And Tape Recorders In Class

I follow the syllabus and I test what I teach. Do all the assigned readings and attend class and you will be prepared for the exams. It is necessary that you develop an effective method of recording and retaining the materials as they are taught and discussed. Because classes are interactive it is not advisable to take copious notes. Research strongly indicates that students who attempt to use word processors to “transcribe” class discussions perform less well on exams than do those students who actively participate in class. Use of tape/digital recorders are allowed in this class and may be preferable for you.

The purpose of the class is to learn the law through discussion. By doing so, you will develop the analytical skills necessary for excellence as a competent attorney. This is unlikely to be achieved if your focus in class is merely being a scribe.

CLASSROOM DECORUM

All students are expected at all times to conduct themselves in a civil manner as follows:

Timeliness. Arrive on time. Late arrivals are disruptive. Frequent late arrivals will be excluded from the classroom.

Cell Phones and Messaging. There will be *no cell phone use in class*, with the exception of extraordinary circumstances. All cell phones must be turned off before the class begins.

If there is a family emergency requiring you to be reachable, approach me before class and inform me of the situation. In such an event you may keep your cell phone on if it has a “vibrate” only option.

In the event that your cell phone or other device disturbs the class you will be told to leave the classroom immediately and will be marked as absent for the class.

Laptop Computers. While many colleges and professional school are banning laptop computers form classroom, I believe that they can be a useful classroom tool. Arrive early enough to start your laptop prior to class such that start up noises will not be disruptive to other students.

If I determine that you are using the computer for other than legitimate classroom purposes you will be immediately told to leave and will be marked absent for the class.

Talking in Class. This is an interactive class, and it is normal for there to be a bit of a “buzz” while we are discussing a case, a principle or a hypothetical. You are expected to listen while others are talking and to respond when called upon. Civility is expected at all times by all students.

Eating/Drinking in Class. Eating in class is strongly disfavored. I understand that stressed-for-time students are often unable to take meals at normal hours, and therefore snacks and drinks will be tolerated as long as they are not disruptive. I will not tolerate full meals, full “submarine” sandwiches, or anything of the like. I also will not tolerate undue noise such as stubborn plastic wrappers. I will ban all foods and drinks in class if, in my opinion, they are becoming a distraction.

Civility Above All Else. Each of you will be treated at all times with courtesy and respect, and will treat others with equal civility at all times. In our class discussion, we will argue issues but never personalities.



CLASS ASSIGNMENTS TOPICS

***PLEASE NOTE THAT THIS IS A TENTATIVE COURSE SYLLABUS THAT COVERS THE FIRST FIVE WEEKS OF THE SPRING 2025 SEMESTER ONLY. I WILL CONTINUE TO UPDATE THE SYLLABUS WELL IN ADVANCE OF THE REMAINDER OF THE ASSIGNED COURSE MATERIALS SO THAT STUDENTS CAN PREPARE IN ADVANCE.**

***YOU ARE RESPONSIBLE FOR THE FOOTNOTES AT THE BOTTOM OF THE PAGE**

WEEK 1 (January 21st & 23rd)

Class 1 Introduction and Course Expectations

Class 2 **Chapter One:** Mental Disorders and Their Treatment, The Mental Health Professions and Financing Mental Health Care: Cost and Coverage Issues
Introduction and Perspectives on Mental Disorders – pages. 1-2

WEEK 2 (January 28th & 30th)

Class 1 **Chapter One:** Mental Disorders and Their Treatment and The Mental Health Professions and Financing Mental Health Care: Cost and Coverage Issues
Treatment of a Mental Disorder – pages. 28-56
Mental Health Professionals – pages 56 – 70
Financing Mental Health Care: Cost and Coverage Issues – pages 70 - 75

Class 2 **Chapter 2: Chapter Eight:** Civil Commitment
Introduction – pages 811 – 820
The Basis for State Intervention – pages 820 – 825
Police Power Commitment – pages 825-839

WEEK 3 (February 4th & 6th)

Class 1 **Chapter Eight:** Civil Commitment
Defining Danger to Others – pages 839 – 857
The Overt Act Requirement – pages 857 – 861

Class 2 **Chapter Eight:** Civil Commitment
Parens Patriae Commitments – pages. 861 – 896



WEEK 4 (February 11th & 13th)

Class 1 **Chapter Eight:** Civil Commitment
The Least Restrictive Alternative Doctrine – pages 896 – 912
Procedures – pgs. 912 – 920
Emergency Detention and Screening Mechanism – pages 920 – 930

Class 2 Adjudicatory Hearing Procedures – ppages 930 – 935
The Decision Maker – pages 935 – 940
The Adversary Process: Notice, Public Trial and Confrontation Rights – v 940 - 966

WEEK 5**(February 18th & 20th)**

Class 1 Chapter Eight: Civil Commitment
Release Procedures – pages, 966 – 985
Massachusetts Civil Commitment Proceedings – M.G.L. c. 123, §12 & 12(e)
Assignments to follow

Class 2 Massachusetts Civil Commitment Proceedings – M.G.L. c. 123, §12 & 12(e)
Assignments to follow Massachusetts Civil Commitment Proceedings – M.G.L. c. 123, §§ 10,11
Assignments to follow

