

MENTAL HEALTH AND THE LAW

Syllabus and Reading Assignments

Fall 2019

Professors Ed Aro and Doris Gundersen

Class	Date	Topic	Reading
1	8/19/2019	Introduction to the DSM and mental health diagnostic process, mental health treatment modalities and psychotropic medication; discussion of stigmas associated with mental illness and the effect of stigmas on the delivery and receipt of mental health services View TED Talk "Elyn Saks: A Tale of mental illness - from the inside"	Slobogin , et al., Law and the Mental Health System- 6th ed. (West 2014), pp. 4 – 55 D. L. Rosenhan, <u>On Being Sane In Insane Places</u> , Science, January 1973, 250-258 Rae Unzicker; “ <u>To Be A Mental Patient</u> ” (1984) http://www.antipsychiatry.org/unzicker.htm
2	8/26/2019	Overview of the intersection between the legal and mental disorders View documentary "Hurry Tomorrow"	Pete Earley, Crazy: A Father's Search Through America's Mental Health Madness, 1-72 (2006) Homer Crotty, <u>History of Insanity as a Defense to Crime in English Common Law</u> , 12 Cal. L. Rev. 105 (1924)
3	9/9/2019	Civil Commitment - criteria Research paper concept memo due	Slobogin, et al. 804 – 825 <u>Boggs v. Health & Hosps. Corp.</u> , 132 A.D.2d 340 (1987) <u>In re Gregorovich</u> , 411 N.E.2d 981 (Ill. App. 1980) <u>Mayock v. Martin</u> , 157 Conn. 56 (1968) <u>Colyar v. Third Judicial Circuit</u> , 469 F. Supp. 428 (D. Utah 1979)
4	9/16/2019	Civil commitment – procedure; guardianship and conservatorship Comments on concept memos due	<u>Addington v. Texas</u> , 441 U.S. 418 (1979) C.R.S. § 22-65-101 - §22-65-115 Colorado Senior Law Handbook, 2018 Ed. (Sean C. Bell, ed., CLE in Colo., Inc.) 325-343

5	9/23/2019	<p>Right to treatment</p> <p>Listen to excerpts of Studs Turkel radio interview of Kenneth Donaldson</p>	<p><u>Donaldson v. O'Connor, 493 F.2d 507 (5th Cir. 1974)</u></p> <p><u>Bob Woodward and Scott Armstrong, The Brethren (1979) 369-383</u></p> <p><u>O'Connor v. Donaldson, 422 U.S. 563 (1975)</u></p> <p><u>Youngberg v. Romeo, 457 U.S. 307 (1982)</u></p> <p><u>C.R.S. § 27-65-116 - §27-65-118</u></p> <p><u>Slobogin, et al., 1268-1285</u></p>
6	9/30/2019	<p>Informed consent, advanced directives, and right to refuse treatment</p>	<p><u>Cobbs v. Grant, S.F. No. 22887 (Cal. 1972)</u></p> <p><u>Goedecke v. State, Dept. of Institutions, 603 P. 2d 123 (Colo. 1979)</u></p> <p><u>People v. Medina, 705 P.2d 961 (Colo. 1985)</u></p> <p><u>Kaimowitz v. Michigan Dept. of Mental Health, No. 73-19434-AW (Mich. Cir. Ct., Wayne County, 1973)</u></p> <p>Rachel Aviv, <u>God Knows Where I Am</u>, The New Yorker, Vol. 87, No. 15, Pg. 57</p> <p>Lloyd Sederer, MD, <u>Dying With Your Rights On: Mental Illness, Civil Rights and Saving Lives</u>, (June 7, 2011 08:19 AM ET) https://www.huffpost.com/entry/mental-health-care_n_871274</p> <p>Colorado Advance Directive Guide - Kaiser Permanente (https://healthy.kaiserpermanente.org/static/health/pdfs/.../co_advance_directives.pdf)</p>

7	10/7/2019	<p>Mental health issues relating to children, older people, and people with developmental disabilities</p> <p>Take-home midterm exam distributed</p>	<p><u>Parham v. J.R.</u>, 442 U.S. 584 (1979)</p> <p><u>In re Roger S.</u>, No. G010745, (Cal. App. 1992)</p> <p><u>Board of Education v. Rowley</u>, 458 U.S. 176 (1982)</p> <p>Child Mind Institute, <u>2016 Children's Mental Health Report</u> (https://childmind.org/downloads/2016%20Childrens%20Mental%20Health%20Report.pdf)</p> <p>Slobogin, et al., 1006-1018</p> <p>World Health Organization, <u>Fact Sheet - Mental health of older adults</u> (December 12, 2017, https://www.who.int/news-room/fact-sheets/detail/mental-health-of-older-adults)</p> <p>Judith Graham, <u>Don't write us off: People with dementia press for more rights — and respect</u>, STAT News (March 10, 2017, https://www.statnews.com/2017/03/10/dementia-human-rights/)</p>
8	10/14/2019	<p>Employment discrimination based on mental illness</p> <p>Midterm exam due</p>	<p>Slobogin, et al. 1401-1455</p>
9	10/21/2019	<p>Criminal law – introduction, insanity defense</p>	<p>Slobogin, et al. 625-640</p> <p><u>Clark v. Arizona</u>, 548 U.S. 735 (2006)</p> <p>CRS §16-8-101, §16-8-101.3, §16-8-101.5, and §16-8-102</p>
10	10/28/2019	<p>Criminal law – competency to proceed; diminished capacity; guilty but mentally ill</p>	<p>Slobogin, et al. 1126-1141, 1151-1179, 673-701, and 725-735</p> <p><u>Montana v. Egelhoff</u>, 518 U.S. 37 (1996)</p>

11	11/4/2019	<p>Criminal law - sentencing; death penalty</p> <p>View documentary "The Last Day of Freedom"</p>	<p>Slobogin et al. 542-557 and 763-767</p> <p><u>Madison v. Alabama</u>, 17-7505 (SCOTUS 2/27/2019)</p> <p>Slobogin, et al. 641 - 646</p> <p><u>Roach v. Martin</u>, 757 F.2d 1463 (1985)</p> <p>Colman McCarthy, <u>A Last Talk With a Condemned Man</u>, Washington Post (January 13, 1986, https://www.washingtonpost.com/archive/politics/1986/01/13/a-last-talk-with-a-condemned-man/55a874ed-b75c-4593-a03a-471fbd7a907a/?noredirect=on&utm_term=.96b5f621d963)</p> <p>Special to the New York Times, <u>South Carolina Executed Killer - Age Stirs Protest</u>, New York Times (January 11, 1986, https://www.nytimes.com/1986/01/11/us/south-carolina-executes-killer-age-stirs-protest.html)</p>
12	11/11/2019	<p>Commitment of insanity acquitees and sexually violent predators</p> <p>Research papers due</p>	<p><u>Jones v. United States</u>, 463 U.S. 354 (1983)</p> <p><u>Foucha v. Louisiana</u>, 504 U.S. 71 (1992)</p> <p><u>Kansas v. Hendricks</u>, 521 U.S. 346 (1997)</p> <p><u>Karsjens, et al. v. Jesson, et. al.</u>, Case No. 11-3659 (DWF/JJK) (D. Minn. 6/15/2015).</p>
13	11/18/2019	<p>Incarceration of persons with mental illness; right of inmates to treatment; effect of solitary confinement on inmate mental health</p>	<p><u>Estelle v. Gamble</u>, 429 U.S. 97 (1976)</p> <p><u>Bowring v. Godwin</u>, 551 F.2d 44 (4th Cir. 1977)</p> <p>Mark Binelli, <u>Inside America's Toughest Federal Prison</u>, New York Times Magazine (March 26, 2015, https://www.nytimes.com/2015/03/29/magazine/inside-americas-toughest-federal-prison.html)</p> <p>Settlement agreement and orders approving settlement, <u>Cunningham v. Bureau of Prisons</u></p> <p><u>Vega v. Davis</u>, No. 16-1028 (10th Cir. 2016)</p>
14	11/25/2019	<p>Discussion of Crazy: A Father's Search Through America's Mental Health Madness</p> <p>Guest Speaker - Author Pete Earley</p> <p>Take-home final exam distributed</p>	<p>Earley, Crazy: A Father's Search Through America's Mental Health Madness, 73-365</p>
	12/9/2019	<p>Take-home final exam due</p>	