MENTAL HEALTH EXPERTISE IN CRIMINAL LAW PROCEEDINGS

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Availability: by appointment and immediately after class

Letter grades, based on:

- research paper or brief, final version 50%
- research paper or brief, draft version 25%
- class oral presentations 10%
- other class participation 15%

Attendance: The College expect you to attend class and requires us to take attendance. Also, 25% of your grade comes from class participation. You can’t participate if you don’t attend class.

Requests: During class, please do not spit, eat, sleep, or wear hats (unless you do so for religious reasons). Please come to class sober. During class, drink only non-alcoholic beverages, and use computers only for class work.

Paper Requirements:

- **Topic:** A brief, case note, or law review-style research paper on a topic involving *psychological/psychiatric evidence and the criminal law*. Prior approval of the topic is required.
- **Length:** 6500-8500 words (roughly 25 pages of text including notes/cites)
- **Format:** Word-processed, pages numbered, 12-point font; double-spaced, one-inch margins. Title page should state the word count. Footnotes/endnote/citations should be in the appropriate format for a law review article or a brief.
- **Due date:** Final version submitted electronically by **Tuesday, May 1, 2012, at 4:25 p.m.**

Readings for each session appear in the Class Schedule below. We’ll distribute some reading materials in class or by e-mail. Course text: *GARY MELTON ET AL., PSYCHOLOGICAL EVALUATIONS FOR THE COURTS, 3RD EDITION (2007)* (“PEC”).
# Class Schedule and Readings

<table>
<thead>
<tr>
<th>No.</th>
<th>Date</th>
<th>Topics</th>
<th>Readings</th>
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<tr>
<td>1</td>
<td>Jan. 18</td>
<td>Course introduction; “Psychiatry 101”; mental health expertise; legal vs. psych. approaches</td>
<td>PEC pp. 43-86; Daubert v. Merrell Dow (1993)</td>
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<td>2</td>
<td>Jan. 25</td>
<td>Competence to stand trial; pro se defendants; competence restoration</td>
<td>PEC pp. 125-64; Godinez v. Moran (1993); Edwards v. Indiana (2008); *Mossman &amp; Dunsie (2001)</td>
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<td>3</td>
<td>Feb. 1</td>
<td><em>Miranda</em> waivers and confessions</td>
<td>PEC § 7.03; Kassin et al. (2010); Rogers et al., 2010; Colorado v. Connolly (1986)</td>
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<td>4</td>
<td>Feb. 8</td>
<td>Insanity and mental state defenses</td>
<td>PEC pp. 201-68; Clark v. Arizona (2006)</td>
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<td>5</td>
<td>Feb. 15</td>
<td>Post-NGRI disposition; diminished capacity; drugs &amp; guilt</td>
<td>Montana v. Egelhoff (1996); McDermott et al. (2008)</td>
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<td>6</td>
<td>Feb. 22</td>
<td>Juvenile delinquency, transfer to adult court</td>
<td>PEC pp. 465-98; *Mossman (2012); Ficke et al. (2006); Talbot (2000)</td>
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<td>7</td>
<td>Feb. 29</td>
<td>Death penalty, mitigation, competence to be executed</td>
<td>Ford v. Wainwright (1986); Atkins v. Virginia (2002); Panetti v. Quarterman (2007)</td>
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<td>8</td>
<td>Mar. 7</td>
<td><strong>Student Progress Reports</strong> Tips on writing your paper Malingering</td>
<td>Bienenfeld (web); Reid (2003); PEC § 3.06</td>
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<td>10</td>
<td>Mar. 28</td>
<td>Assessment instruments Paper drafts due</td>
<td>PEC pp. 43-56; *Mossman (2010)</td>
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<td>11</td>
<td>Apr. 4</td>
<td>Sentencing; risk assessment</td>
<td>PEC pp. 269-321; Monahan (2006)</td>
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Course Readings

* denotes readings that faculty will distribute in class or by e-mail

Johnson v. Louisiana, 400 U.S. 356 (1972)
*Mossman D, Dunseith NW Jr: “A fool for a client”: print portrayals of 49 pro se criminal defendants. J Am Acad Psychiatry Law 2001;29:408-419 (students will receive this article by e-mail)

Singleton v. Norris, 319 F.3d 1018 (8th Cir. 2003)
State v. Perry, 610 So. 2d 746 (La. 1992)

Suggested Readings for Writing a Paper


Also, check out this website: http://www2.law.ucla.edu/volokh/writing/

In-Class Case Presentations

1. 5-10 minutes in length, done from notes (not your computer)
2. These elements:
   • Summary of “the story”
   • Major holding (the big points – what you’d explain to a physician)
   • Because of this case, what kinds of expertise or input would courts seek from mental health professionals?
   • What questions does the majority opinion leave unanswered for judges and attorneys?
   • What empirical claims (facts about the world) does the decision use or assume, and how good is the justification for such use?