University of Cincinnati College of Law/
Forensic Psychiatry Fellowship Legal Didactics
Mental Health Law I
Fall 2012

Fr 12:30-2:30 p.m.
UC College of Law, Room 306

Instructor: A.J. Stephani
Office Hours: By appointment—give me a call
Phone: 313-0488 (cell)
Email: AJStephani@gmail.com

Texts:

- **Luhrmann**, *Of Two Minds: The Growing Disorder in American Psychiatry* (Knopf) [required for all students]

- **Melton et al., Psychological Evaluations for the Courts: A Handbook for Mental Health Professionals* (3rd ed., Guilford Press) [required only for Forensic Psychiatry Fellows, optional for law students]

- “Landmark” cases (AAPL DVD)

- Supplemental cases (file provided)

- Selected statutes

I have included the readings for the fall class below. Every year is something of an ongoing work in progress, so don’t be surprised if we change up the readings a little or play around with the schedule. A few notes:

- The Luhrmann book is available used on Amazon and other used book sites for under $10. Read the first two chapters as an introduction of sorts to the class—you’ll read the rest of the book in preparation for the spring semester.

- The primary readings each week will be several “landmark” (underlined) or supplemental cases. For the Forensic Psychiatry Fellows, the “landmark” cases are collected on the AAPL DVD which you already have. For the law students, it should be straightforward to locate and read (and print out, if desired) the cases on your own. I have included edited versions of the supplemental cases in a Word document that I will send out after the first class. Everyone is responsible for finding and printing out (or at least saving) the selected statutes indicated for each class.

- The law students will initially find the amount of reading overwhelming compared to their other classes. Don’t worry too much about it — I won’t grill you on the details, so read them with a big picture view. Because of the survey nature of the course, we need to get through a lot of material across many different areas of law.

- The Melton text is a classic resource for all forensic mental health professionals. The assigned readings are necessary to provide background information about the area of law covered and to provide brief coverage of other important cases on the subject. Law students may find it helpful as well, but it’s expensive. You can get a used copy of the second edition on Amazon for under $10, and it’s well worth it.

- The “landmark” cases available on the AAPL DVD are NOT edited. Some of them are quite long, and you may find it slow going to get through the reading, especially at first. Try to focus on the most important holding(s) in the case, and don’t let the details about, say habeus corpus practice and the intricacies of AEDPA get you down.
• There will be a final exam, details of which will be provided later. Your grade will be based primarily on the final exam, with class participation and class performance, including your readiness to discuss the readings, taken into account where appropriate.

• I will meet with the Forensic Psychiatry Fellows several times outside class to go over the remainder of the landmark cases that we don’t cover.

August 24

► Introduction/Overview/Values and Sensibilities/Psychiatric and Legal “Knowledge” and Mental ____

Reading: Luhrmann, Introduction and Chapter 1

August 31

► Competency to Stand Trial/CST Restoration


September 7

► CST Restoration/CST Disposition


September 14

► Other Criminal Trial Competencies/ CST Disposition


September 21

► Insanity/Criminal Responsibility


September 28

► NGRI Disposition; Minors and Criminal Law


October 5
► Other Criminal Issues/Prisoners’ Rights


October 12 (No Class—Fall Break)

► Civil Commitment

Readings: Melton, 10.01-10.10, Lessard v. Schmidt, 349 F. Supp. 1078 (E.D. Wis. 1972), In re Mental Illness of Thomas, 108 Ohio App. 3d 697 (Ohio Ct. App. 1996), ORC § 5122.01(A)-(B), ORC § 5122.15

October 26

► Field Trip to Hamilton County Probate Court and Summit Behavioral Healthcare (AAPL Conference for Forensic Fellows)

November 2

► Civil Commitment


November 9

► Civil Commitment

Readings: Melton, 10.01-10.10, Colyar v. Third Judicial District Court for Salt Lake Co., 469 F. Supp. 424 (D. Utah 1979)

November 16

► Competency to Be Executed; Capital Punishment


November 23 (No Class—Thanksgiving)

► Sex Offenders