

MENTAL HEALTH LAW CLINIC SPRING 2018 SYLLABUS**UNIVERSITY OF BALTIMORE SCHOOL OF LAW
SPRING 2020**

Course: Mental Health Law Clinic
LAW 800E
Section 511

Instructors: Professor Donald Stone
Office AL 1116 – Phone 410.837.4651 – Email dstone@ubalt.edu
OFFICE HOURS – Monday 12:00pm-1:00pm, Tuesday 5:45pm-6:30pm and by appointment

Professor Linda Penn – Email lpenn@ubalt.edu

Days/Time: Tuesday 3:00pm-5:45pm for class, Tuesday 10:00am through evening for case preparation on select weeks, and Wednesday 9:00am-completion on hearing days

Location: Check the Law School class schedule for the room assignment

Course Description:

This clinic is offered in conjunction with the Law & Disabilities Seminar course. The course will focus primarily on mental health law, teaching students substantive mental health law, interviewing, counseling and negotiating skills, the trial skills of case theory and case development and advocacy skills, in an administrative hearing context. The course will culminate with each student representing patients in involuntary commitment hearings at Sheppard Pratt Psychiatric Hospital in Towson, Maryland. Pre- or Co-Requisites: First year day courses, Evidence, Professional Responsibility, and Law & Disabilities Seminar. [Admission by permission only]

Course Materials:

Mental Health Law Clinic Manual – Provided to each student

Student Learning Outcomes:

1. Understand the Maryland Civil Commitment Process
2. Communicate effectively with mentally ill client, adapting your style to the client's functioning ability while respecting their autonomy
3. Recommend various resolutions to the client through counseling of the client and negotiation with opposing side
4. Assess legal challenges to involuntary commitment and recommend options for client
5. Construct legal argument on case theory to secure release from psychiatric hospital
6. Evaluate and recommend ethical solutions to securing release from psychiatric hospital
7. Propose resolution of client's involuntary confinement to meet client's stated wishes
8. Zealously advocate for release from hospitalization while utilizing a variety of trial advocacy skills

Grades:

Factors to consider in awarding a grade include:

Improvement throughout the semester, quality of judgement, preparation & organization, creativity, research & writing skills, ethical decision making, professionalism, self-initiative, classroom attendance, classroom participation, ability to identify legal issues, participation in small group discussion, quality of written assignments, participation in mock interview and mock civil commitment hearings, case preparation for actual civil commitment hearings, client interaction, trial advocacy skills demonstrated, punctuality and attendance.

Course Expectations:

American Bar Association Accreditation Standards establish guidelines for the amount of work students should expect to complete for each credit earned. Students should expect approximately one hour of classroom instruction and two hours of out-of-class work per week for each credit earned in a class, or an equivalent amount of work for other academic activities, such as simulations, externships, clinical supervision, co-curricular activities, and other academic work leading to the award of credit hours. You are expected to complete all reading assignments and to consistently participate in class discussion in order to demonstrate that you have read and reflected on the issues raised in the assignment. In addition, you are to represent all clients assigned in a professional and ethical manner. This includes case preparation, zealous advocacy at the hearing and reflection post-hearing.

Attendance:

Class attendance is a primary obligation of each student whose right to continued enrollment in the course and to take the examination is conditioned upon a record of attendance satisfactory to the professor. A student who exceeds the maximum allowed absences (generally 20% of class sessions) as illustrated below may be compelled to withdraw from the course, or may be barred from sitting for the final exam. Students who are forced to withdraw for exceeding the allowed absences may receive a grade of FA (failure due to excessive absence). This policy is consistent with American Bar Association Standards for Law Schools. Representation of clients shall be the primary obligation of clinic students, missing or not being prepared during these times shall be unacceptable.

Regular Semester Hours		
Credit Hours	Meetings Per Week	
	1	2
2	2 absences	5 absences
3	2 absences	5 absences
4	--	5 absences

Course Web Site:

TWEN

Computers:

Students may use laptop computers for class related purposes.

Class Cancellation:

If the instructor must cancel a class, notices will be sent to students via email and posted on the classroom door. If there is inclement weather, students should visit the University of Baltimore web site or call the University's Snow Closing Line at (410) 837-4201. If the University is open, students should presume that classes are running on the normal schedule.

Academic Integrity:

Students are obligated to refrain from acts that they know or, under the circumstances, have reason to know will impair the academic integrity of the University and/or the School of Law. Violations of academic integrity include, but are not limited to: cheating; plagiarism; misuse of library materials; use of another's book or study materials without consent; unapproved multiple submissions; material misrepresentation of one's academic history or standing; misrepresentation of any academic matter; intentionally giving another student false or inaccurate information about class requirements; inappropriate discussion of exams; and misrepresenting or falsifying class attendance reports.

[Reference to School of Law Honor Code,

https://law.ubalt.edu/academics/policiesandprocedures/honor_code/index.cfm]

Title IX Sexual Harassment and Sexual Misconduct Policy:

The University of Baltimore's Sexual Harassment and Sexual Misconduct policies are compliant with Federal laws prohibiting discrimination. Title IX requires that faculty, student employees and staff members report to the University any known, learned or rumored incidents of sex discrimination, including sexual harassment, sexual misconduct, stalking on the basis of sex, dating/intimate partner violence or sexual exploitation and/or related experiences or incidents. Policies and procedures related to Title IX and UB's nondiscrimination policies can be found at: <http://www.ubalt.edu/titleix>.

Disability Policy:

If you are a student with a documented disability who requires an academic accommodation, please contact Paul Manrique, Assistant Dean of Students, via email at pmanrique@ubalt.edu.

STUDENT NUMBERS

Students are assigned based on number. See your number below;

Student 1 – Ellie An

Student 2 – Payton Aldridge

Student 3 – Hadassah Bauerle

Student 4 – Ashley Jenkins

Student 5 – Megan Phillips

Student 6 – Kayla Williams

Assignments

Week 1 (Tues, 1/14): **Class Meeting at UB**

**** Review the Mental Health Law Clinic Manual ****

1. Overview of Disability Law Clinic
2. History of mental health law
3. Court decisions
4. Legal underpinnings
5. Client confidentiality
6. Overview of Maryland Civil Commitment Process
7. Involuntary civil commitment hearings; statute and regulations
8. Criteria for retention
9. Discharge Planning; Department of Social Services Involvement
10. Sample Involuntary Commitment Document
11. Client Interview roles to be assigned and to be conducted between class 1 and 2.

****See pages 43 to 62 for Week 1 Reading & Assignment****

Week 1 (Wed 1/15):

At Sheppard Pratt

9:30-11:30am or 11:00-1:00pm Students 1, 2 and 3 observe a hearing, discuss observations with professor. **In addition, you will be required to visit the illustrated hallway on Level T at Sheppard Pratt and read the History of Mental Health at Sheppard Pratt and write a 1-2 page reflective piece on your experience. Include some discussion of current mental health issues in the news.**

Week 2 (Tues, 1/21):

Class Meeting at UB

Mental Illness and Client Interview

Part of Class Discussion Led by Guest Psychiatrist

****See pages 65 to 67 for Week 2 Out of Class Assignment Interview Simulation****

1. Mental Disorders: Diagnosis and treatment; Interacting with the mentally ill client; Reasons patient refuses psychotropic medication & Predicting dangerous behavior
2. Speaking to the treating psychiatrist
3. Client interview and counseling: mock interview and critique, lecture and discussion – **Client Interview Memo to be turned in during class**
4. Mock interview of client (Chris Griffin)
5. Negotiation
6. Family
7. Experts
8. Ethical issues
9. Juvenile rights
10. Incompetent client
11. Theory development
12. Least restrictive environment
13. Voluntary Admissions

- Week 2 (Wed 1/22):** **At Sheppard Pratt**
9:30-11:30am or 11:00-1:00pm Students 4, 5 and 6 observe a hearing, discuss Observations with professor. **In addition, you will be required to visit the illustrated hallway on Level T at Sheppard Pratt and read the History of Mental Health at Sheppard Pratt and write a 1-2 page reflective piece on your experience. Include some discussion of current mental health issues in the news.**
- Week 3 (Tues, 1/28)** **Class Meeting at Sheppard Pratt Hospital**
(Wed, 1/29):
1. Case preparation
 2. Pre-trial fact investigation
 3. Review medical records with Prof. Penn
 4. Tour of SPH
 5. Students 1, 2 and 3 to observe client interviews, records review and IVA hearings with OPD investigators and Professors Stone and Penn (1/28 and 1/30)
 6. **Prepare a set of questions, one direct of the patient and one cross-examination of the psychiatrist for a hearing you will observe and submit in advance of hearing on Wednesday.**
- Week 4 (Tues, 2/4)** **Class Meeting at Sheppard Pratt Hospital**
(Wed, 2/5):
1. Case preparation
 2. Pre-trial fact investigation
 3. Review medical records with Prof. Penn
 4. Tour of Sheppard Pratt Hospital
 5. Students 4, 5 and 6 to observe client interviews, records review and IVA hearings with OPD investigators and Professors Stone and Penn (2/4 and 2/5)
 6. **Prepare a set of questions, one direct of the patient and one cross-examination of the psychiatrist for a hearing you will observe and submit in advance of hearing on Wednesday.**
- Week 5 (Tues, 2/11):** **Class Meeting at UB**
(Note: 2 classes will be held this week, the second class date and time TBA)
- ** See page 69 for Week 5, Class 1 and 2 assignments****
****See pages 71 to 92 for Week 6 Griffin Case File****
- Class 1 (3-5:45pm)**
1. Procedural safeguards, technical violations to be raised at hearing, Mock procedural violation hearing (Chris Griffin)
 2. Making and meeting objections; leading, relevance, narrative questions
 3. Cross-examination of psychiatrist in Chris Griffin Case
- 2nd Class (Thurs. 2/113)** **Class 2 (3-5:45pm)**
Tentative
1. Mock civil commitment hearing (Chris Griffin Case File); guest Administrative Law Judge and Psychiatrist
 2. Trial advocacy skills; direct and cross-examination, expert witnesses,

and closing arguments

- 3. Makeup date to observe client interview, record review and IVA hearings with OPD investigators and Professors Stone and Penn (2/11 and 2/12)

Week 6 (Tues 2/18):
and (Wed, 2/19):

Sheppard Pratt Hospital
Sheppard Pratt Hospital

Students 1 and 2 – Involuntary civil commitment client interview, preparation & hearing. Case debriefing and student critique, Wednesday following the hearing or Thursday.

Week 7 (Tues 2/25):
and (Wed 2/26):

Sheppard Pratt Hospital
Sheppard Pratt Hospital

Students 3 and 4 – Involuntary civil commitment client interview, preparation & hearing. Case debriefing and student critique, Wednesday following the hearing or Thursday

Week 8 (Tues, 3/3):
and (Wed, 3/4):

Sheppard Pratt Hospital
Sheppard Pratt Hospital

Students 5 and 6 – Involuntary civil commitment client interview, preparation & hearing, Student 2 provide investigation assistance (IA). As the IA, you are expected to assist in case preparation, client interviews on postponements, provide assistance to the student assigned to do a hearing that week and any other assigned responsibilities. Case debriefing and student critique, Wednesday following the hearing or Thursday

Week 9 (Tues, 3/10):
and (Wed, 3/11):

Sheppard Pratt Hospital
Sheppard Pratt Hospital

Students 1 and 2 – Involuntary civil commitment client interview, preparation & hearing, Student 4 provide investigation assistance. As the IA, you are expected to assist in case preparation, client interviews on postponements, provide assistance to the student assigned to do a hearing that week and any other assigned responsibilities. Case debriefing and student critique, Wednesday following the hearing or Thursday

*******SPRING BREAK MARCH 16-22*******

Week 10 (Tues 3/24):
and (Wed, 3/25):

Sheppard Pratt Hospital
Sheppard Pratt Hospital

Students 3 and 4 – Involuntary civil commitment client interview, preparation & hearing, Student 6 provide investigation assistance. As the IA, you are expected to assist in case preparation, client interviews on postponements, provide assistance to the student assigned to do a hearing that week and any other assigned responsibilities. Case debriefing and student critique, Wednesday following the hearing or Thursday.

Two available and interested students may conduct involuntary civil commitment interview, preparation & hearing during spring break in place of week 12 or 13

Week 11 (Tues 3/31):
and (Wed, 4/1):

Sheppard Pratt Hospital
Sheppard Pratt Hospital

Students 5 and 6 – Involuntary civil commitment client interview, preparation & hearing, Student 3 provide investigation assistance. As the IA, you are expected to assist in case preparation, client interviews on postponements, provide assistance to the student assigned to do a hearing that week and any other assigned responsibilities. Case debriefing and student critique, Wednesday following the hearing or Thursday

Week 12 (Tues 4/7):
and (Wed, 4/8):

Sheppard Pratt Hospital
Sheppard Pratt Hospital

Students 1, 2 and 3 – Involuntary civil commitment client interview, preparation & hearing. Student 5 providing investigation assistance. As the IA, you are expected to assist in case preparation, client interviews on postponements, provide assistance to the student assigned to do a hearing that week and any other assigned responsibilities. Case debriefing and student critique, Wednesday following the hearing or Thursday.

Week 13 (Tues 4/14)
and (Wed, 4/15)

Sheppard Pratt Hospital
Sheppard Pratt Hospital

Students 4, 5 and 6 - Involuntary civil commitment client interview, preparation & hearing. Student 1 providing investigation assistance. Case debriefing and student critique, Wednesday following the hearing or Thursday.

Week 14 (Tues 4/21)

at UB

Cutting edge mental health issues and discussion – Outpatient commitment; voluntary admission; insurance; forced medication; juvenile admissions; geriatric admissions; predicting dangerousness; refusal to take medication; least restrictive alternatives; hearing issues; ethics; critique and recommendation of MHLC for future, celebration.