Mental Health Law Seminar
Fall 2020
Professor Fredrick E. Vars
773-331-6605 (cell), fvars@law.ua.edu

Course and Objectives

This course explores the law surrounding mental health. Both civil and criminal aspects are covered, including but not limited to civil commitment, the right to refuse treatment, antidiscrimination law, firearm restrictions, fitness to stand trial, and the insanity defense. Students will select a topic and execute a research paper. At the conclusion of the course, students should be able to: (1) demonstrate knowledge of basic legal rules relating to mental illness; (2) develop an expertise on one topic in this area; and (3) analyze critically the policies and rules relating to mental illness.

Administrative Items

Classes: Class will be held on Zoom Tuesdays from 3:30-5:20 pm.

Office Hours: Zoom, 10:30 to 11:30 am Monday and Thursday, as well as by appointment.

Class Performance: Regular, punctual class attendance and participation are course requirements along with a paper presentation and draft and final research papers. Class participation will be an important element in determining your final grade. Indeed, participation has in past years often been decisive---students have very rarely received A or A- grades without frequent, meaningful participation. Included in participation is emailing to me by noon on the day of class two comments or questions for discussion related to that week's reading.

Class attendance and participation are required. Leave your camera on if at all possible. This will maximize the opportunity for interaction and make it possible for me, and your classmates, to gauge from facial expressions if we are being clear. Be sure to have the equipment you need and to be in an environment to allow meaningful participation. If you will not be able to have your camera on on a particular day, please email me by noon Tuesday for permission.

I will comply with the law school's policy on attendance (with one additional requirement explained below). If you miss more than 3 classes for any reason, you will have to explain all your absences to the dean of students and may receive no credit or a failing grade for the course. You should obtain documentation to justify an absence, if possible. Because participation is critical to this seminar, any non-emergency absence after the first must also be pre-approved by me.

Research Project: You must complete a research paper 18-22 pages in length by Tuesday, November 24 (12-point font text (double-spaced); 10-point font footnotes (single-spaced); 1-inch margins). You will need to bring a proposed paper idea(s) to a 20-minute Zoom

meeting with me to be scheduled for the week of September 7. I expect the idea to reflect some research beyond the course materials. A draft of your paper will be due on Thursday, October 15. Individual feedback sessions on Zoom will be scheduled for the week of October 19. The draft and final papers must be emailed to me (fvars@law.ua.edu) by 11:59 pm on the due date. I will adjust grades downward if the draft or final paper is turned in late, absent an emergency or a pre-approved extension. The final grade will be calculated as follows: 15% first draft; 40% final paper; and 40% participation; and 5% paper presentation.

Text and Other Materials: The required readings are in a course packet and will also be posted on Blackboard. Particularly in finding research topics, you may also find helpful the leading casebook, Christopher Slobogin et al., Law and the Mental Health System: Civil and Criminal Aspects, and a leading treatise, Michael L. Perlin, Mental Disability Law: Civil and Criminal. Both sources are on reserve in the law school library.

Recording and Other Electronic Devices: The use of recording and other electronic devices (including laptops, phones, etc.) is prohibited without my prior permission.

Accommodations: Students with disabilities or special needs are encouraged to contact Dean Grace Lee so that any individual needs for support services can be evaluated and accommodated in a timely manner. Please let me know if I can be of assistance as well.

Code of Academic Conduct: All students in attendance at the University of Alabama are expected to be honorable and to observe standards of conduct appropriate to a community of scholars. The University expects from its students a higher standard of conduct than the minimum required to avoid discipline. Academic misconduct includes all acts of dishonesty in any academically related matter and any knowing or intentional help or attempt to help, or conspiracy to help, another student. The Academic Misconduct Disciplinary Policy will be followed in the event of academic misconduct.

Classroom Decorum Statement: The Code of Student Conduct requires that students behave in a manner that is conducive to a teaching/learning environment. Students who engage in behavior that is disruptive or obstructive to the teaching/learning environment will be subject to disciplinary sanctions outlined by the Code of Student Conduct. Disruptive/obstructive behavior is not limited to but may include the following: physical abuse, verbal abuse, threats, stalking, intimidation harassment, hazing, possession of controlled substances, possession of alcoholic beverages, as well as less serious behavior such as texting, failing to silence cell phones, and using computers for non-class-related purposes that may distract other students.

Tentative Reading List

ASSIGNMENT ONE---What is mental illness? (pp.1-20)

Ala. Code §§ 22-52-1.1, 22-56-2
Selected readings
Wikipedia on Thomas Szasz
Pair of articles: Is racism mental illness?
KANSAS v. HENDRICKS (selection)
PHILLIPS v. LINCOLN NATIONAL LIFE INSURANCE COMPANY

ASSIGNMENT TWO---Civil commitment (pp. 21-65)

Ala Code §§ 22-52-10.2, 22-52-10.4
O'CONNOR v. DONALDSON
IN THE MATTER OF BILLIE BOGGS
DODD v. HUGHES
ADDINGTON v. TEXAS
Ala. Code § 22-52-37
Heather Stuart, "Violence and mental illness: an overview"
MATTER OF K.L.
Ala Code §§ 22-52-10.1, -10.2, -10.5, -10.6

ASSIGNMENT THREE---Right to treatment (pp. 66-115)

WYATT v. STICKNEY
WYATT ex rel RAWLINS v. SAWYER
YOUNGBERG v. ROMEO
WILSON v. FORMIGONI
Graph
BRAGGS v. DUNN

ASSIGNMENT FOUR---Informed consent, right to refuse treatment (pp.116-161)

WASHINGTON v. HARPER
MYERS v. ALASKA PSYCHIATRIC INSTITUTE
NOLEN v. PETERSON
HARGRAVE v. VERMONT

ASSIGNMENT FIVE---Guns (pp. 162-196)

U.S. Const. Amend. 2
18 U.S.C. § 922(g)
DISTRICT OF COLUMBIA v. HELLER (passage)
TYLER v. HILLSDALE
REDINGTON v. STATE
CALIFORNIA GVRO STATUTE
GUN SUICIDE OP-ED AND STATUTE

ASSIGNMENT SIX---Fitness to stand trial (pp.197-251)

PATE v. ROBINSON
RIGGINS v. NEVADA
SELL v. UNITED STATES
article
INDIANA v. EDWARDS
UNITED STATES v. READ

ASSIGNMENT SEVEN---Other criminal issues (pp. 252-308)

COLORADO v. CONNELLY
MCWILLIAMS v. DUNN
FORD v. WAINWRIGHT
MADISON v. ALABAMA (excerpt)
ATKINS v. VIRGINIA

ASSIGNMENT EIGHT---Insanity defense & discrimination (pp. 309-362)

Ala. Code § 13A-3-1
KAHLER v. KANSAS
article
JONES v. UNITED STATES
SAGE v. CITY OF WINOOSKI
BRESAZ v. COUNTY OF SANTA CLARA
ABA RESOLUTION 102

ASSIGNMENTS TEN, ELEVEN, & TWELVE

Four or five student papers each day for three presentation days

GUEST SPEAKER (depending on schedules)
Rhonda Brownstein, ADAP (impacts of COVID-19 on persons with mental illness)