

University of Cincinnati College of Law/  
Forensic Psychiatry Fellowship Legal Didactics  
Mental Health Law I  
Fall 2010

**Fr 12:15-2:15 p.m.**  
**UC College of Law, Room 302 (subject to change)**

**Instructor:** A.J. Stephani  
**Office Hours:** By appointment—give me a call  
**Phone:** 313-0488 (cell)  
**Email:** AJStephani@gmail.com  
**Required textbook:** **Psychological Evaluations for the Courts: A Handbook for Mental Health Professionals (Melton) (Guilford Press) [hereinafter *Text*], supplemental cases**

I have included the readings for the fall class below. This year will be something of a 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 Forensic Psychiatry Fellows will be required to brief a number of landmark cases that will NOT be covered in class in great detail. Hopefully, we will coordinate with Brian Masterson regarding the schedule for these briefs.
- The primary readings each week will be the “landmark” or supplemental cases listed for each class. The “landmark” cases are collected on a DVD which you may purchase from AAPL, or you may locate and read (and print out, if desired) the cases on your own. Readings from the text are necessary to provide background information about the area of law covered and to provide brief coverage of other important cases on the subject. Supplemental cases will be included in a separate document that I will distribute.
- 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 habeas 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 on your class performance, including your readiness to discuss the readings, the in-class exercises, and the final exam.

August 27

► **Introduction/Overview**

September 3

► **Competency to Stand Trial**

**Text:** Melton, 6.01-6.05

**Landmark Cases:** Dusky v. United States, 362 U.S. 402, 80 5. Ct. 788 (1960), Riggins v. Nevada, 504 U.S. 127, 112 S. Ct. 1810 (1992), Sell v. United States, 539 U.S. 166, 123 S. Ct. 2174 (2003)

September 10

## ► Competency to Stand Trial (cont.)/Other Criminal Trial Competencies

**Text:** Melton, 7.01-7.06

**Landmark Cases:** Jackson v. Indiana, 406 U.S. 715, 92 S. Ct. 1845 (1972), Godinez v. Moran, 509 U.S. 389, 113 S. Ct. 2680 (1993), Indiana v. Edwards, 128 S. Ct. 2379 (2008)

September 17

## ► Insanity/Criminal Responsibility

**Text:** Melton, 8.01-8.03

**Landmark Cases:** M’Naghten’s Case, 8 Eng. Rep. 718, SEng Rep. 722, (1843). Durham v. United States, 214 F.2d 862 (1954), Washington v. United States, 390 F.2d 444 (1967), Montana v. Egelhoff, 518 U.S. 37, 116 S. Ct. 2013 (1996), Clark v. Arizona, 126 S. Ct. 2709 (2006)

September 24

## ► NGRI Disposition

**Text:** Melton, 9.04, 10.10

**Landmark Cases:** Jones v. United States, 463 U.S. 354, 103 S. Ct. 3043 (1983), Foucha v. Louisiana, 504 U.S. 71, 112 S. Ct. 1780 (1992)

October 1

## ► Other Criminal Issues/Prisoners’ Rights

**Text:** Melton, 4.01-4.03

**Landmark Cases:** Ake v. Oklahoma, 470 U.S. 68, 105 S. Ct. 1087 (1985), Estelle v. Gamble, 429 U.S. 97, 97 S. Ct. 285 (1976), Vitek v. Jones, 445 U.S. 480, 100 S. Ct. 1254 (1980), Colorado v. Connelly, 479 U.S. 157, 107 S. Ct. 515 (1986), North Carolina v. Alford, 400 U.S. 25, 91 S. Ct. 160 (1970)

October 8

## ► Competency to Be Executed

**Text:** Melton, 9.05

**Landmark Cases:** Ford v. Wainwright, 477 U.S. 399, 106 S. Ct. 2595 (1986), Estelle v. Smith, 451 U.S. 454, 101 S. Ct. 1866 (1981), Barefoot v. Estelle, 463 U.S. 880, 103 S. Ct. 3383 (1983), Panetti v. Quarterman, 551 U.S. 930, 127 S. Ct. 2842 (2007), Atkins v. Virginia, 536 U.S. 304, 122 S. Ct. 2242 (2002), Roper v. Simmons, 543 U.S. 551, 125 S. Ct. 1183 (2005)

October 22

## ► Sex Offenders

**Text:** Melton, 9.04

**Landmark Cases:** In re Young, 857 P.2d. 989 (Wa. 1993), Hendricks v. Kansas, 521 U.S. 346, 117 S. Ct. 2072 (1997), Kansas v. Crane, 534 U.S. 407, 122 S. Ct. 867 (2002)

October 29

► **Field Trip**

November 5

► **Civil Commitment**

**Text:** Melton, 10.01-10.10

**Landmark Cases:** Lessard v. Schmidt, 349 F. Supp. 1078 (E.D. Wis. 1972)

November 12

► **Civil Commitment**

**Text:** Melton, 10.01-10.10

**Landmark Cases:** O'Connor v. Donaldson, 422 U.S. 563, 95 S. Ct. 2486 (1975), Addington v. Texas, 441 U.S. 418, 99 S. Ct. 1804 (1979)

November 19

► **Civil Commitment**

**Text:** Melton, 10.01-10.10

**Landmark Cases:** Zinermon v. Burch, 494 U.S. 113, 110 S. Ct. 975 (1990)

**Supplemental Readings:** In re Mental Illness of Thomas, 108 Ohio App. 3d 697 (Ohio Ct. App. 1996), Colyar v. Third Judicial District Court for Salt Lake Co., 469 F. Supp. 424 (D. Utah 1979)

December 3

► **In-Class Exercise/Makeup Class**