The role of psychologists and other mental health professionals in civil litigation is both diverse and important. This course covers a number of the areas in which psychologists consult on matters related to civil practice law forensic matters outside of the criminal arena. This course brings psychology graduate students and law students together in a broad overview of issues related to mental health law and civil practice. The semester will be divided relatively evenly between reviewing the case law and legal standards and issues related to clinical practice and the clinical issues that bear upon these legal issues. Specific legal issues discussed include the concept of torts and malpractice, causation, and standards of proof. We will focus on several of the areas of civil law in which psychologists play a significant role, including personal injury, sexual harassment, and disability law, as well as a number of issues that arise in elderly or medically ill individuals such as informed consent and decision-making competence, physician-assisted suicide, testamentary capacity, and psychological autopsies. Issues such as psychological testing, report preparation, and expert testimony are discussed in the context of these issues and the legal standards that apply.

Grading will be based on three factors (weighted equally):

- Term paper (Due 5/4)
- Mock Trial (2/24 and 3/30)
- Class Participation

Textbook:

Recommended:

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<th>Week</th>
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<td>Course overview/introduction</td>
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<td>1/20</td>
<td>Introduction to Forensic Assessment</td>
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<td>1/27</td>
<td>Tort Law and Personal Injury</td>
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<td>Personal Injury and Sexual Harassment</td>
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<td>Forensic Evaluation in Personal Injury</td>
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<td>2/17</td>
<td>No Class (Monday Schedule)</td>
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<td>Mock Trial # 1</td>
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<td>Disability Law and the ADA</td>
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<td>Disability Law cont.</td>
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<td>3/16</td>
<td>No Class (Spring Break)</td>
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<td>3/23</td>
<td>Forensic Evaluation of Psychiatric Disability</td>
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<td>3/30</td>
<td>Mock Trial # 2</td>
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<td>Informed Consent and Decision-making competence</td>
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<td>Physician-Assisted Suicide</td>
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<td>Testamentary Capacity</td>
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<td>4/27</td>
<td>Psychological Autopsies</td>
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<td>5/4</td>
<td>Forensic Evaluation of Competence / <strong>Papers due</strong></td>
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Reading List

1. **Introduction to Forensic Assessment**


2. **Tort Law and Personal Injury**
   **Case Law:**
   Dillon v. Legg, 441 P.2d 912 (1968)
   Thing v. La Chusa, 48 Cal. 3d 644; 771 P.2d 814 (1989)

   **Clinical:**


3. **Personal Injury and Sexual Harassment**
   **Case Law:**

   **Clinical:**


4. **Disability Law**
   **Case Law:**
   Forisi v. Bowen, 794 F.2d 931 (4th Cir., 1986)
   School Board of Nassau County, FLA v. Arline, 107 S.Ct. 1123 (1987)
   Easter v. Bown 867 F.2d 1128 (8th Cir., 1989)

   Americans With Disabilities Act (excerpts)
Clinical:


5. **Informed Consent, competence and advance directives**

Case Law:


Kamozitz v. Michigan Department of Mental Health, 1 Mental and Disability Law Reporter, 147

Clinical:


6. **Physician-Assisted Suicide**

Case Law:
Cruzan v. Director, Missouri Department of Health, 110 S. Ct. 2841 (1990)


Clinical:


7. **Testamentary Capacity**

Case Law:


Swilhart v. Dozier, 127 Ohio App. 3d 552 (Ohio, 1998)
Clinical:


8. Psychological Autopsies

Case Law:

State of South Dakota v. Guthrie 2001 SD 61, 627 N.W. 2d 401 (2001 SD)

Clinical:

