

From Courtroom to Clinic

Why do present-day mental health professionals practice the way we do? Over the past 50 years, a number of landmark court rulings have changed such basic principles as what material is confidential, how civil commitment and involuntary treatment are conducted, and when a therapist has a duty to protect the public from a dangerous patient. Unlike most legal texts, this volume explores these complex principles through the human stories of the litigants involved.

Peter Ash, MD, is a forensic child and adolescent psychiatrist and a professor of psychiatry at Emory University, where he directs the Psychiatry and Law Service. He is also a past president of the American Academy of Psychiatry and the Law and of the Georgia Psychiatric Physicians Association.

From Courtroom to Clinic

Legal Cases That Changed Mental Health Treatment

Edited by

Peter Ash, MD

Emory University

Group for the Advancement of Psychiatry
Committee on Psychiatry and the Law



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To our families and colleagues.

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Contributors

Jacob M. Appel, MD, JD
Assistant Professor of Psychiatry, Mount Sinai School of Medicine,
New York, NY

Peter Ash, MD
Professor, Department of Psychiatry and Behavioral Sciences; Director,
Psychiatry and Law Service, Emory University, Atlanta, GA

Alec Buchanan, PhD, MD, FRCPsych
Associate Professor, Department of Psychiatry, Yale School of Medicine,
New Haven, CT

Susan Hatters Friedman, MD
Associate Professor, Departments of Psychiatry and Pediatrics, Case
Western Reserve University School of Medicine, Cleveland, OH;
Associate Professor of Psychological Medicine, University of Auckland,
New Zealand

Deborah Giorgi-Guarnieri, MD
Lead Adult Psychiatrist, Colonial Psychiatric Association; President and
Director of Clinical Research, DGG Medical, Inc.; Partner, Forensic
Entertainment Productions, Williamsburg, VA

Richard Martinez, MD, MH
Robert D. Miller Professor of Forensic Psychiatry, University of Colorado
Denver Medical School, Denver, CO

Alan W. Newman, MD
Chair, Department of Psychiatry, California Pacific Medical Center, San
Francisco, CA

Debra A. Pinals, M.D.
Clinical Professor of Psychiatry; Director, Program in Psychiatry, Law,
and Ethics, Department of Psychiatry, University of Michigan, Ann
Arbor, MI

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x Contributors

Phillip J. Resnick, MD

Professor of Psychiatry, Case Western Reserve University; Director,
Division of Forensic Psychiatry, University Hospitals of Cleveland,
Cleveland, OH

Megan Testa, MD

Assistant Professor, Case Western Reserve University, Cleveland, OH

Preface

When a new court opinion is reported in the news, the focus is on the principle the case establishes. But the court ruling comes in the middle of a story, a story that begins with the individual experiences of the litigants that gave rise to the case, and a story that continues after the holding as the new principle affects others in comparable situations. This book tries to illuminate these richer stories of how eleven landmark court cases in mental health law have affected mental health treatment.

Clinicians trained today may take as givens such principles as confidentiality, informed consent, and the right to refuse treatment, without realizing how these principles developed. Forensic psychiatrists and psychologists – those mental health professionals who testify on mental health issues that come before the courts – and attorneys who work on cases involving mental health issues study the opinions in these cases to learn the principles they establish. But that study is often limited to the principles embodied in the court holdings.

This book arose out of the interest of a group of forensic psychiatrists to learn the stories behind the cases. That group is the Committee on Psychiatry and the Law of the Group for the Advancement of Psychiatry (GAP). Where possible in researching the chapters, the authors spoke with those who were involved in the case: the attorneys, the litigants, and the families who were directly involved.

GAP was founded in 1947 as a think tank for psychiatry. Part of its mission is to “offer an objective, critical perspective on current issues facing psychiatry” and to “shape psychiatric thinking, clinical practice, and mental health programs.”^{1,2} GAP has approximately 300 members and is organized into working committees tasked with considering particular areas of psychiatry.

The Committee on Psychiatry and the Law is a group of GAP members with a special interest in forensic psychiatry. Each chapter of

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this book was initially written by a member of the committee, and was then reviewed and discussed by the committee. Finally, each chapter was critically reviewed by the members of the GAP Publication Board. So although each chapter has a listed primary author, each has had extensive input by more than a dozen GAP members.

REFERENCES

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2. Deutsch, A: *The Story of GAP*. New York: *Group for the Advancement of Psychiatry*, 1959, also available at http://gap-dev.s3.amazonaws.com/documents/assets/000/000/292/original/story_of_gap_by_albert_deutsch.pdf?1429593382 Accessed Oct. 4, 2017.

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