Course Description

This seminar explores the relationship between society and individuals with mental disorders. The course begins with a discussion of mental disorders and the delivery of mental health services in an age of managed care. We then will discuss the government’s obligations (if any) to provide institutional care or community mental health services. This foundation will allow for a better understanding of our next topics: the insanity defense, involuntary inpatient civil commitment, voluntary commitment, and the commitment of children. We then will explore notions of competency, autonomy, and guardianship. The course will end with a discussion of individuals’ rights under the Americans with Disabilities Act. The course also includes drafting and presenting a research paper on a mental health law-related topic.

Required Text

The textbook will be Slobogin et al., Law and the Mental Health System: Civil and Criminal Aspects (6th ed. 2014). I will also post additional material on the course website from time to time. Please note that draft papers assigned by members of the class for presentations are required reading.

You must register for the class on TWEN by the end of the drop/add period for the semester.

Student Learning Outcomes

The objectives for this course include:

- Knowledge and understanding of substantive mental health law; and
- Legal analysis and reasoning, legal research, and written and oral communication.

Assessment of Student Learning

I will assess your attainment of competency in these learning outcomes by:
• Assessing the quality of your research paper (after reviewing and providing feedback on your topic, outline, and rough draft);

• Assessing the effectiveness of your presentation of your research paper; and

• Noting the quality of your class participation (i.e., discussing assigned reading, exploring the intricacies and difficulties of substantive law, drawing connections between various areas of the course).

Workload and Assignments

ABA Standard 310 requires that students devote 120 minutes to out-of-class preparation for every “classroom hour” of in-class instruction. Mental Health Law has 2 “classroom hours” of in-class instruction each week, requiring at least 4 hours of preparation outside of class.

Accordingly, I will assign around 30-45 pages of reading from the case book each week. In most weeks, I will also assign news articles and/or statutory provisions, which I expect you to read carefully. In addition, until you present your paper at the end of the semester, I expect you to spend at least 2 hours a week researching, outlining, drafting, or revising your research paper, or preparing for your class presentation and defense of the same. Assigned reading for the last four weeks of the course will include drafts of students’ research papers (around 80 pages of reading/week).

A draft syllabus including dates for paper topics, outlines, and drafts appears at the end of this document. While dates for topics, outlines, and paper drafts are final, reading assignments are tentative and subject to change.

Actual assignments will be posted on TWEN by Friday at 3pm (in the “Actual Syllabus” document) and will cover the following week.

On-Call Groups

One of the great joys of a seminar is that we can talk in a less formal, more comfortable setting, and the conversation can delve deeper—and linger on topics longer—than it can in a typical class. I expect each person to be prepared for and participate in each class.

However, I also want give students an opportunity to help develop and lead the discussion. To this end, on the sign-up sheet on TWEN, each student will sign up for one “on-call day.” By 5pm on the Monday prior to a group’s on-call day, each member of the group must email me a list of 3-5 proposed discussion questions drawn from or motivated by the reading. The discussion in class will include some of these questions, with others potentially added. I will expect members of on-call groups to be particularly active (and prepared! and engaged!) during the class periods in which they are on call. This participation will form part of your class participation grade. It is worth emphasizing again, however, that I expect all seminar members to participate regularly throughout the semester.
Classes

Classes will be held on Wednesdays from 3:30 – 5:10 p.m. in Room 350. **Final papers are due no later than Monday, November 20, at 10 a.m.**

Office Hours

My office hours are on Tuesdays from 2:30—4:00 p.m. I recommend that you make an appointment to reserve time during office hours in order to guarantee the time that you need. (I’m teaching 100 1Ls this semester as well.) However, this is not necessary, and you should feel free to stop by my office at any time during office hours. If you are unable to meet with me during my regularly scheduled office hours, please contact me by e-mail to arrange another mutually convenient time.

Contact Information

My office is in Room 305, and my telephone number is (352) 273-0794. My e-mail address is JohnstonL@law.ufl.edu. I strongly encourage you to contact me regularly during the semester and to ask any questions that you may have about the course.

Class Preparation, Participation, and Attendance

A. Class Preparation and Participation

Preparation for class is mandatory. Before each class you must complete the assigned reading and be prepared to discuss the material and provide thoughtful answers to questions that I pose during class.

I expect you to participate meaningfully, professionally, and effectively in class. **Class participation will constitute 30% of the final grade.** Mere attendance in class, without acceptable participation, is insufficient to satisfy the participation requirement. Failure to attend class will negatively impact the participation grade.

The class participation component of your grade will consider your attendance, preparation, oral participation in class discussions, discussion questions submitted for on-call days, paper presentations, and comments on classmates’ papers and presentations.

My assessment of the strength of your participation in the course includes, but is not limited to, such factors as the quality of classroom comments, the amount of interest demonstrated in the subject, degree of preparation for class and willingness to respond to questions, demonstration of active engagement of the material via application to contemporaneous events, quality of comments provided to classmates during presentations, class attendance, and observance of course policies. I will note any disruptive, distracting, or unprofessional behavior in the classroom including texting, emailing, playing games, or surfing the Internet during class. If you use your computer for anything but notes, you may lose your privilege to use a laptop in the classroom.
Please note that while I encourage the free exchange of ideas and opinions in class, expressions of disagreement must be made in a professional manner that is respectful of your classmates.

B. Class Attendance

Attendance is mandatory, and you are expected to be on time. It is your responsibility to locate and initial the sign-in sheet for each class session. By signing your name or initials you affirm that you are physically present in class during that class period. It will be considered a violation of the course rules and the Honor Code to falsely indicate that you were present in class, or to assist a classmate in such misrepresentation.

If you have three (3) or more absences, you should voluntarily drop the course, because you will otherwise fail (yikes!).

Research Papers

Each student must prepare and submit a research paper. The length requirement for the final paper will vary depending on whether a student is submitting the paper to satisfy the Advanced Writing Certification requirement. Those students wishing to satisfy the advanced writing requirement must submit a 20-25 page paper (including footnotes). All others must submit a 10-15 page paper. The paper must be in Bluebook format. Additional information about the paper and presentation will be provided separately. Outlines, drafts, and final papers must be submitted on the dates due. I will not grant extensions except in the most extreme and unusual of circumstances (such as the death of a close relative).

In the research paper, you must develop and sustain an argument. For example, you should not just summarize cases or articles; you should identify the salient points of controversy in the area and argue for the most appropriate resolution of them. In assessing the papers, I will consider the strength of your argument, the clarity of your organization, the completeness of your research, and the quality of your writing. In addition, I will consider timeliness and citation form. Citations must conform to The Bluebook: A Uniform System of Citation. An A paper will develop a complex, detailed, and imaginative argument based on thorough research and strong analysis. It will be well written, timely, and virtually free of citation errors.

All students must submit their topics and outlines to me for approval by Monday, September 11, at 10 a.m. Those students using the paper to satisfy the writing

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1 Only students who are registered in the course are permitted to attend class. Guests are not permitted without my consent.
2 If you are registered in the course, but your name does not appear on the attendance sheet, you must notify me immediately. You will otherwise not be considered to have met the attendance and participation requirements of the course.
3 University recognized religious holidays are exempt. Please provide me with advance notification of such absences.
requirement must also submit a draft of the paper for my review by **Monday, October 9, at 10 a.m.** All other students are strongly encouraged to submit drafts of their papers to me by that date, but these submissions are optional. Final papers are due by **Monday, November 20, at 10 a.m.** Failure to comply with the various deadlines in this course will likely affect your final grade.

**Presentations**

Each student will be required to present an oral exposition of his or her paper’s argument (maximum 15 minutes). Presentations are expected to be clear, informative, and interesting. A draft of your paper must be submitted to me for posting on TWEN at least one week prior to your presentation. Each presentation will be followed by 10-20 minutes of comments and questions from the class.

A sign-up sheet for presentation dates will be available on TWEN, and slots are available on a first come first serve basis.

**Grading**

The final grade will be based on the final research paper (70%) and course participation and paper presentation (30%).

I adhere to the College’s posted grading policy (https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/academic-policies). Grades carry the following point equivalents:

<table>
<thead>
<tr>
<th>Letter Grade</th>
<th>Point Equivalent</th>
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<tr>
<td>A (Excellent)</td>
<td>4.0</td>
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<tr>
<td>A-</td>
<td>3.67</td>
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<tr>
<td>B+</td>
<td>3.33</td>
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<tr>
<td>B</td>
<td>3.0</td>
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<tr>
<td>B-</td>
<td>2.67</td>
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<tr>
<td>C+</td>
<td>2.33</td>
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<tr>
<td>C (Satisfactory)</td>
<td>2.0</td>
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<tr>
<td>C-</td>
<td>1.67</td>
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<tr>
<td>D+</td>
<td>1.33</td>
</tr>
<tr>
<td>D (Poor)</td>
<td>1.0</td>
</tr>
<tr>
<td>D-</td>
<td>0.67</td>
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<tr>
<td>E (Failure)</td>
<td>0.0</td>
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Plagiarism is grounds for failing the course. I will also report any students who plagiarize to the Honor Committee and may recommend suspension or expulsion from the Levin College of Law. For information on what plagiarism is, and how to avoid it, see the “Plagiarism” handout on the TWEN site.
After course grades have been posted, you may review your papers beginning after the first week of the following semester. All reviews will be conducted in my office, and you may arrange an appointment by e-mail.

**Accommodations for Students with Disabilities**

Students with disabilities requesting accommodations should first register with the Disability Resource Center (352-392-8565, www.dso.ufl.edu/drc/) by providing appropriate documentation. Once registered, students will receive an accommodation letter which must be presented to Dean Rachel Inman when requesting accommodation. Students with disabilities should follow this procedure as early as possible in the semester.

**The Honor Pledge**

UF students are bound by The Honor Pledge, which states: “We, the members of the University of Florida community, pledge to hold ourselves and our peers to the highest standards of honesty and integrity. On all work submitted for credit by students at the university, the following pledge is either required or implied: ‘On my honor, I have neither given nor received unauthorized aid in doing this assignment.’”

The Honor Code (https://www.dso.ufl.edu/sccr/process/student-conduct-honor-code/) specifies a number of behaviors that are in violation of this code and the possible sanctions. Furthermore, you are obligated to report any condition that facilitates academic misconduct to appropriate personnel (i.e., Dean Rachel Inman). If you have any questions or concerns, please ask me or Dean Inman.

**Taping**

No classes may be taped or otherwise recorded without my express permission.

**Online Course Evaluation**

Students are expected to provide feedback on the quality of instruction in this course by completing online evaluations at https://evaluations.ufl.edu. Evaluations are typically open during the last two or three weeks of the semester, but students will be given specific times when they are open. Summary results of these assessments are available to students at https://evaluations.ufl.edu/results/.

**Tentative Assignments**

Below are tentative reading assignments for the course through October 18, 2016. The remainder of the course will consist of student presentations, and the required reading (draft papers) will be posted on TWEN. Please note that the assigned readings are subject to change. I will post actual assignments on TWEN on Thursdays that will cover the next two weeks of class. (See “Actual Syllabus.”)
<table>
<thead>
<tr>
<th>Week</th>
<th>Topics</th>
<th>Assignments</th>
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| Week 1   | **INTRODUCTION: MENTAL DISORDER & FINANCING OF TREATMENT** | Read following pages in Slobogin:\(^4\)  
4 – top of 14 (skip “psychodynamic model” at 11-12)  
15 (start at note 3) – 27  
55 – top of 56  
65 – top of 68  
69 – top of 74  
Optional articles on TWEN:  
• Article: Common brain changes found in children with autism, ADHD and OCD  
• Tampa Bay Times: The WHO says being transgender is a mental illness — but that could soon change  
• Article: Is Workaholism a Mental Illness? |

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<th>Week 2</th>
<th><strong>MENTAL HEALTH TREATMENT:</strong>&lt;br&gt;<strong>RIGHT TO INSTITUTIONAL CARE AND COMMUNITY MENTAL HEALTH SERVICES</strong></th>
<th>Read following pages in Slobogin:&lt;br&gt;1233-40&lt;br&gt;1244-46&lt;br&gt;1252-62&lt;br&gt;1264 (only Harvard Law Review quote)&lt;br&gt;1265-66 (only note 3)&lt;br&gt;1312-17 (to end of n.2)&lt;br&gt;1318 (Olmstead) – 1331&lt;br&gt;TWEN (articles all short):&lt;br&gt;• NAMI mental health resources in Gainesville&lt;br&gt;• Article: South Dakota accused of bias in confinement of sick and disabled&lt;br&gt;• Article: Justice Department Reaches Extension Agreement to Improve Georgia’s Developmental Disability and Mental Health System&lt;br&gt;• Article: After federal scrutiny Oregon plans to help mentally ill</th>
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<tr>
<td>Week 3</td>
<td><strong>THE INSANITY DEFENSE</strong></td>
<td>Slobogin: Read 625-56. Skim 656-70.&lt;br&gt;Fla. Stat §775. 027&lt;br&gt;TWEN: three recent news articles on the insanity defense:&lt;br&gt;• NPR: After Hinckley States Tightened Use of Insanity Plea&lt;br&gt;• NPR: With No Insanity Defense Seriously Ill People Wind Up in Prison&lt;br&gt;• NPR: Does a Psychopath Who Kills Get to Use the Insanity Defense?</td>
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<tr>
<td>8/23</td>
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<tr>
<td>8/30</td>
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Fla. Stat. §394.467(1), 394.455 (18) (Baker Act) 
Annual Report of 2015/2016 Baker Act Data: 
For extra resources, see Baker Act folder on TWEN |
| Week 5  | CIVIL COMMITMENT: PARENTS PATRIAE | Slobogin: Read 854-88. Skim 888-900 (least restrictive alternative doctrine) 
Fla. Stat. §394.467(1) (Baker Act) 
TWEN: Article on Florida outpatient commitment law |
| Week 6  | VOLUNTARY ADMISSION & COMMITMENT OF CHILDREN | Slobogin: 967-78 (top), 1018-35 
Fla. Stat. § 394.467(6)(b), (7); § 394.4625; § 394.4784, 4785, 4625 
TWEN (in “children materials” folder): 
- Miami Herald: “Number of Miami-Dade students ‘Baker Acted’ on the rise” 
- “Throw-Away Kids” article 1 
- Optional: additional Throw-Away Kids article from Sun-Sentinel |
| Week 7  | COMPETENCY, AUTONOMY, & GUARDIANSHIP | Slobogin: 1037-81 
For extra resources, see competency materials on TWEN |

Draft Paper
<table>
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<tr>
<th>Week 8</th>
<th><strong>AMERICANS WITH DISABILITIES ACT</strong></th>
<th><strong>1249-78; 42 USC §§ 12101, 12111, 12112, 12113</strong></th>
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<tr>
<td>10/4</td>
<td></td>
<td><strong>PAGE NUMBERS WILL LIKELY CHANGE</strong></td>
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<tr>
<td>Week 9</td>
<td><strong>FIRST DRAFTS OF RESEARCH PAPER DUE BY MONDAY, OCT. 9 AT 10 A.M.</strong></td>
<td>No class – meet with Professor about first draft</td>
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<tr>
<td>10/11</td>
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<tr>
<td>Week 10</td>
<td><strong>LITIGATION RE: INDIVIDUALS WITH DISABILITIES</strong></td>
<td><strong>Visitors: Kristen Lentz &amp; Peter Sleasman, Disability Rights Florida</strong></td>
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<tr>
<td>10/18</td>
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<td><strong>TWEN: Amended Complaint, Settlement Agreement</strong></td>
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<td>New Yorker: “Madness” (5/2/16) – about Dade Correctional Institution in Florida, <a href="http://www.newyorker.com/magazine/2016/05/02/the-torturing-of-mentally-ill-prisoners">http://www.newyorker.com/magazine/2016/05/02/the-torturing-of-mentally-ill-prisoners</a></td>
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<tr>
<td>Weeks 11-14</td>
<td><strong>PAPER PRESENTATIONS</strong></td>
<td>Paper drafts are required reading each week</td>
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<tr>
<td>10/25-11/15</td>
<td><strong>FINAL RESEARCH PAPERS DUE MONDAY, NOV. 20, BY 10 A.M.</strong></td>
<td>Revise drafts and prepare for presentations</td>
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