

**PSYCHIATRY and LAW**  
Case Western Reserve University School of Law  
Fall 2023 Semester  
Course No. LAWS 5213-300  
Wednesday 5 PM – 7:30 PM (two credits)  
Gund Hall

**Instructors:**

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**Course Description:**

This course focuses on the interaction between mental health and the legal system. Topics include: basic psychiatry for attorneys, overview of psychiatric symptoms and disorders, insanity defense, competence as a concept, competence to stand trial, other criminal competencies, insanity acquittee release, diminished capacity/guilty but mentally ill defenses, battered women syndrome defense, duress defense, informed consent, right to treatment, right to refuse treatment, duty to protect, drug courts, therapeutic jurisprudence, testamentary capacity/undue influence, defendant and prisoner rights, juvenile justice, civil commitment, infanticide, family murder and mental illness, child abuse evaluations, suicide and violence risk assessment, stalking, psychiatric disability and emotional damages, brief history of psychiatry, psychiatric malpractice, and psychiatry and the death penalty. This course is taught by two forensic psychiatrists and is open for law, medical, and bioethics students, and practicing mental health professionals.

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## Syllabus

### Week 1 – August 30, 2023 (Dr. Friedman)

#### Course Introduction

#### Brief History of Psychiatry

#### Basic Psychiatry for Attorneys

#### Overview of Psychiatric Symptoms and Disorders

1. Kaplan HI, Sadock BJ. Examination and diagnosis of the psychiatric patient. In: *Synopsis of Psychiatry*. 11th ed. Baltimore, MD: Williams & Wilkins; 2015: 192-211.
2. Sample Outline and Mental Status Examinations.
3. Kaplan HI, Sadock BJ. Classification in psychiatry. In: *Synopsis of Psychiatry*. 11<sup>th</sup> ed. Baltimore, MD: Williams & Wilkins; 2015: 290-299.
4. American Psychiatric Association. *Diagnostic and Statistical Manual of Mental Disorders*. 5th ed. American Psychiatric Association; 2013.

### Week 2 – September 6, 2023 (Dr. Friedman, Ashley VanDercar, M.D., J.D.)

#### Basic Psychiatry for Attorneys

#### Overview of Psychiatric Symptoms and Disorders

#### Civil Commitment

1. Glancy GD, Ash P, Bath E, et al. AAPL Practice guideline for the forensic assessment. *Journal of the American Academy of Psychiatry and the Law*. 2015;43(2):S3-53. [http://jaapl.org/content/jaapl/43/2\\_Supplement/S3.full.pdf](http://jaapl.org/content/jaapl/43/2_Supplement/S3.full.pdf)
2. Friedman SH. Postpartum psychosis. In: Jamieson A, Moenssens A, eds. *Encyclopedia of Forensic Sciences*. 3rd ed. Hoboken, N.J.: John Wiley & Sons; 2015.
3. Kaye N, Friedman SH, Reed T, Easteal P. Premenstrual syndrome. In: Jamieson A, Moenssens A, eds. *Encyclopedia of Forensic Sciences*. 3rd ed. Hoboken, N.J.: John Wiley & Sons; 2015.
4. Cerny CA, Friedman SH, Smith D. Television's 'Crazy Ladies': Female psychopathy in recent popular culture. *Acad Psychiatry*. 2014;38(2):233-241.
5. Hall RCW, Friedman SH. Psychopathology in a galaxy far, far away: The use of Star Wars' dark side in teaching. *Acad Psychiatry*. 2015;39(6):726-732.
6. Friedman SH, Hall RWC. Teaching psychopathology in a galaxy far, far away: The light side of the force. *Acad Psychiatry*. 2015;39(6):719-725.
7. Sorrentino RM, Friedman SH, Booth B, Wagoner R. Sex on the silver screen: Teaching about paraphilias using film. *Acad Psychiatry*. 2018;42(2):237-243.
8. Simpson JR and Carannante V: Hospitalization: voluntary and involuntary. In *Principles and Practice of Forensic Psychiatry, 3<sup>rd</sup> Edition*, pp. 125-130, Rosner R and Scott CL (editors). CRC Press, Boca Raton, 2016.
9. *Addington v. Texas*, 441 U.S. 418 (1979).
10. Ohio Rev. Code § 5122.01.

### **Week 3 – September 13, 2023 (Dr. Noffsinger)**

#### **Competence as a Concept**

#### **Competence to Stand Trial**

#### **Other Criminal Competencies**

1. Noffsinger SG and Resnick PJ. Criminal competencies. In: Rosner R, Scott CL, eds. *Principles and Practice of Forensic Psychiatry*. 3rd ed. Boca Raton, FL: CRC Press; 2016:247-255.
2. West S, Noffsinger S. Is this patient competent to stand trial? *Curr Psychiatry*. 2006;5(6):36-42.
3. *Dusky v. United States*, 362 U.S. 402 (1960).
4. *Jackson v. Indiana*, 406 U.S. 715 (1972).
5. *Cooper v. Oklahoma*, 517 U.S. 348 (1996).
6. *Indiana v. Edwards*, 554 U.S. 164 (2008).
7. Noffsinger SG. Restoration to competency practice guidelines. *Int J Offender Ther Comp Criminol*. 2001;45(3):356-362.

### **Week 4 – September 20, 2023 (Dr. Noffsinger)**

#### **Insanity Defense**

1. Noffsinger SG, Resnick PJ. Insanity defense evaluations. *Dir Psychiatry*. 1999;19:325-336.
2. West S, Noffsinger S. Is this patient not guilty by reason of insanity? *Curr Psychiatry*. 2006;5(8):54-62.
3. Sorrentino RM, Friedman SH. Getting off: Sex offenses and NGRI. *AAPL Newsl*. 2014;39(3):21-22.
4. Friedman SH, Hall RCW, Kenedi C, Knoll J. Your drugs made me do it: Not guilty by reason of medication. *AAPL Newsl*. 2014;39(3):24-29.

### **Week 5 – September 27, 2023 (Dr. Noffsinger)**

#### **Insanity Acquittee Release**

#### **Diminished Capacity/Guilty but Mentally Ill Defenses**

#### **Battered Woman Syndrome Defense**

#### **Duress Defense**

1. McDermott BE, Scott CL, et al. The conditional release of insanity acquittees: three decades of decision-making. *J Am Acad Psychiatry Law*. 2008;36(3):329-36. <http://jaapl.org/content/36/3/329.short>
2. Lee L. Post-adjudication evaluations and disposition of insanity acquittees. In: Rosner R, Scott CL, eds. *Principles and Practice of Forensic Psychiatry*. 3rd ed. Boca Raton, FL: CRC Press; 2016: 277-284.
3. *Jones v. United States*, 463 U.S. 354 (1983).
4. *Foucha v. Louisiana*, 504 U.S. 71 (1992).
5. Kimmel SE, Friedman SH. Limitations on expert testimony on battered women's syndrome: Ohio v. Goff. *J Am Acad Psychiatry Law*. 2011;39(4):585-587. <http://jaapl.org/content/39/4/585>

## **Week 6 – October 4, 2023 (Dr. Noffsinger)**

### **Informed Consent**

### **Right to Treatment**

### **Right to Refuse Treatment**

### **Testamentary Capacity/Undue Influence**

1. Knoll JL. Forced medication and the right to refuse treatment. Handout 1-9.
2. Noffsinger SG, Zuchowski SJ, Resnick PJ. Steele v. Hamilton County Community Mental Health Board. *J of American Academy of Psychiatry and the Law*. 2001;29(1):100-103. <http://jaapl.org/content/29/1/100>
3. Summary of *Steele v. Hamilton County Community Mental Health Board*, 90 Ohio St. 3d 176 (Ohio 2000).
4. Summary of *Sell v. United States*, 539 U.S. 166 (2003).
5. Noffsinger SG. Evaluating competency to make a will: Psychological autopsy and assessment of testamentary capacity. *Psych Times*. 2008;25:42-3.

## **Week 7 – October 11, 2023 (Dr. Friedman)**

### **Suicide and Violence Risk Assessment**

### **Therapeutic Jurisprudence**

1. Scott CL, Resnick PJ. Clinical assessment of aggression and violence. In: Rosner R, Scott CL, eds. *Principles and Practice of Forensic Psychiatry*. 3rd ed. Boca Raton, FL: CRC Press; 2016: 623-631.
2. Simon RI. Suicide risk assessment: what is the standard of care? *J Am Acad Psychiatry Law*. 2002;30(3):340-344. <http://jaapl.org/content/30/3/340.long>.
3. Freedman R, Ross R, Michels R, et al. Psychiatrists, mental illness and violence. *Am J Psychiatry*. 2007;164(9):1315-1317.
4. Hall RCW, Friedman SH. Guns, schools and mental illness: Potential concerns for physicians and mental health professionals. *Mayo Clin Proc*, 2013;88(11):1272-1283.
5. Friedman SH. Realistic consideration of violence in women is critical. *J Am Acad Psychiatry Law*, 2015;43(3):273-276. <http://jaapl.org/content/43/3/273>.
6. Winick BJ. Therapeutic jurisprudence and problem solving courts. *Fordham Urban Law J*. 2003;30(3):1055-1103.
7. Wexler D. Therapeutic jurisprudence: An overview. *T.M. Cooley L Rev*. 2000;17:125-134.

## **Week 8 – October 18, 2023 – Honorable David T. Matia**

### **Drug Courts**

1. Bureau of Justice Assistance. *Defining Drug Courts: The Key Components*. 2004.
2. Cuyahoga County Common Pleas Court Local Rules, 30.2, Assignment of Criminal Cases to Drug Court Dockets.

## **Week 9 – October 25, 2023 (Dr. Noffsinger)**

### **Defendant and Prisoner Rights**

#### **Duty to Protect**

1. *Estelle v. Gamble*, 429 U.S. 97 (1976).
2. *Colorado v. Connelly*, 479 U.S. 157 (1986).
3. Felthous AR, Kachigan C. The duty to protect. In: Rosner R, Scott CL, eds. *Principles and Practice of Forensic Psychiatry*. 3rd ed. Boca Raton, FL: CRC Press; 2016: 175-184.
4. *Tarasoff v. Regents of University of California*, 17 Cal. 3d 425 (Cal. 1976).

## **Week 10 – November 1, 2023 (Dr. Friedman)**

### **Infanticide**

#### **Child Abuse Evaluations – Josh Friedman, M.D., Ph.D.**

1. Friedman SH, Resnick PJ. Neonaticide: Phenomenology and considerations for prevention. *Int J Law Psychiatry*. 2009;32(1):43-47.
2. Friedman SH, Cavney J, Resnick PJ. Child murder by parents and evolutionary psychology: A Framework for approaching forensic assessment. *Psychiatr Clin North Am*. 2012;35(4):781-795.
3. Friedman SH, Resnick PJ. Child murder by mothers: Patterns and prevention. *World Psychiatry*. 2007;6(3):137-141.

## **Week 11 – November 8, 2023 (Dr. Friedman)**

### **Family Murder and Mental Illness**

#### **Stalking**

1. Friedman SH. Conclusions. In: Friedman SH, GAP Committee on Psychiatry and Law, eds. *Family Murder: Pathologies of Love and Hate*. Washington DC: American Psychiatric Association Publishing; 2018: 161-164.
2. Friedman SH, Appel JM. Murder in the family: Intimate partner homicide by the elderly. *Psychiatric Times*. 2018; in press.
3. Ostermeyer B, Friedman SH, Sorrentino R, Booth B. Stalking and violence. *Psychiatr Clin North Am*. 2016;39(4):663-673.
4. West S, Friedman SH. These boots were made for stalking: Characteristics of female stalkers. *Psychiatry (Edgemont)*. 2008;5(8):37-42.

**Week 12 – November 15, 2023 (Dr. Noffsinger)**

**Psychiatric Disability & Emotional Damages**

**Psychiatric Malpractice**

1. Gold LH, Metzner JL, Buck JB. Psychiatric disability evaluations, workers' compensation, fitness-for-duty evaluations, and personal injury litigation. In: Rosner R, Scott CL, eds. *Principles and Practice of Forensic Psychiatry*. 3rd ed. Boca Raton, FL: CRC Press; 2016: 307-317.
2. Wettstein R. Specific issues in psychiatric malpractice In: Rosner R, Scott CL, eds. *Principles and Practice of Forensic Psychiatry*. 3rd ed. Boca Raton, FL: CRC Press; 2016: 295-305.

**Week 13 – November 22, 2023 (Dr. Noffsinger)**

**Psychiatry and the Death Penalty**

**Final Examination Review**

1. Perlin ML, Lynch AJ. The death penalty. In: Rosner R, Scott CL, eds. *Principles and Practice of Forensic Psychiatry*. 3rd ed. Boca Raton, FL: CRC Press; 2016: 91-98.
2. *Ford v. Wainwright*, 477 U.S. 399 (1986).
3. *Atkins v. Virginia*, 536 U.S. 304 (2002).
4. *Panetti v. Quarterman*, 551 U.S. 930 (2007).

**Reading Period**

**December 2 – December 6, 2023**

**Final Examination Period**

**December 7 – December 20, 2023**

### **Optional out-of-class experiences for students will include:**

Criminal and Civil Forensic Psychiatry evaluations - Dr. Noffsinger periodically evaluates subjects through his private practice. Evaluations take place at University Hospitals of Cleveland. These evaluations are usually scheduled with no more than two weeks' notice, and will be announced throughout the semester as they are scheduled.

### **Course Learning Outcomes:**

At the end of the course students should be able to:

1. Understand and remember the basics of psychiatry, including the mental status examination and diagnostic criteria for major mental disorders.
2. Apply the DSM-5 diagnostic criteria for major mental disorders to make an accurate psychiatric diagnosis.
3. Describe the similarities and differences between a forensic psychiatrist and a clinical psychiatrist.
4. State criminal and civil statutory and case law standards as they relate to the practice of forensic psychiatry.\*\*
5. Analyze forensic psychiatry cases and apply legal standards to various forensic psychiatry issues.\*\*

### **Teaching Methods:**

1. Assigned reading material, to be read prior to class. Students should expect to spend four to six hours reading out-of-class, each week, to prepare for class.
2. Classroom instruction – lecture and discussion.
3. PowerPoint presentations.
4. Video examples.
5. Sample forensic psychiatry vignettes.
6. Instructional films.

### **Instructional Mode:**

In-person classroom lecture and discussion.

### **Assessment Methods:**

1. Final examination (80%) – 90-minute comprehensive multiple-choice and problem-solving examination administered during final examination period.
2. Classroom participation (20%).
3. Attendance.

### **Attendance Policy:**

Attendance is expected. 100% attendance is encouraged. Regular class attendance is required by ABA Standard 308 and Law School AR5(A).

More than two absences will result in a reduced grade. For example, a student earning an A, but who misses more than two classes, would have their grade reduced to A-.

**Grading:**

For all JD students, grading will follow the Law School's grading curve.

**Reading Assignments:**

Assignments are posted on Canvas. Please complete all reading assignments prior to class and be prepared to discuss in class.

**Instructor Availability:**

Both Dr. Noffsinger and Dr. Friedman are available to students on an as-needed basis, via in-person office meetings, discussion after class, email or telephone. Please call or email to schedule an office meeting.

**Contact Information:**

- Dr. Noffsinger:
  - 216-286-6669 (office);
  - 330-554-9561 (cell); or
  - Email: sgn3@case.edu
- Dr. Friedman:
  - 216-286-7426 (office)
  - Email: sjh8@case.edu

**Religious Holidays:**

Any student who is unable to attend classes or participate in any examination, study, or work requirement on a particular day because of his or her religious beliefs is excused from any such activity. The student will be given the opportunity to make up the examination or work that is missed, provided that the make-up work does not create any unreasonable burden upon the University. When possible, students should give notice to instructors early in the semester about missing class because of a religious observance. (Office of Student Affairs)



## **ACADEMIC INTEGRITY STATEMENT**

By enrolling in this course, each student assumes the responsibilities set forth in the [Code of Conduct](#) as an active participant in the Law School's community of scholars in which all academic work and behavior are held to the highest standards. Cheating, fabrication, plagiarism, unauthorized collaboration, and helping others commit these acts are examples of academic misconduct, which can result in disciplinary action. This includes but is not limited to failure on the assignment/course, disciplinary probation, suspension, or expulsion. Suspected cases of academic misconduct will be reported to the Associate Dean for Academic Affairs. Note that academic misconduct can also have a serious and negative impact on one's eventual application for law licensure.

## **ACCOMMODATIONS FOR STUDENTS WITH DISABILITIES**

Case Western Reserve University is committed to providing all students with opportunities to take full advantage of the University's educational programs. The law School recognizes that students with documented disabilities may need assistance or accommodations in order to achieve this objective.

Policies and procedures used to determine a student's eligibility for disability services are outlined [here](#). Law students with disabilities are encouraged to talk with [Dean Leilani Marshall](#) in Student Services about assistance and accommodations available for classes, examinations, and study aids.

## **DIVERSITY AND INCLUSION**

**CWRU Law Faculty Statement on Diversity:** The faculty of Case Western Reserve University School of Law is committed to creating and sustaining an environment for students, faculty and staff that is both diverse and inclusive, inside and outside the classroom. We embrace a broad definition of diversity and value diversity of all kinds.

We strive to create a culture of inclusion that encourages relationships and interactions among people of different backgrounds; enhances human dignity; actively diminishes prejudice and discrimination; and improves the quality of life for everyone in our community. And we believe that attaining diversity and achieving an excellent faculty; staff and student body are both critical, mutually reinforcing goals.

## **ADDRESSING SEXUAL MISCONDUCT**

Title IX makes it clear that violence and harassment based on sex and gender (which includes sexual orientation and gender identity/ expression) is a civil rights offense subject to the same kinds of accountability and the same kinds of support applied to offenses against other protected categories such as race, national origin, color, religion, age, status as a person with a disability, veteran's status or genetic information.

If you or someone you know has been harassed or assaulted, you are encouraged to report it to the Title IX liaison for the School of Law, Dean Leilani Marshall; and to the University's Office of Equity at **216.368.3066** or [equity@case.edu](mailto:equity@case.edu). For same day callbacks or appointments or after hours urgent matters: 312.504.1786 (text or call the Title IX Coordinator) or [rachel.lutner@case.edu](mailto:rachel.lutner@case.edu). The Office of Equity is located on the first floor (which is not the ground floor) in the Nursing Research Building (NRB), which is near the BioMedical Research Building (BRB) and Rainbow Babies & Children's Hospital.

## UNIVERSITY SAFETY STATEMENT

Case Western Reserve University values the safety of all campus community members. For more information regarding safety and to view available training resources, including helpful videos, visit <https://case.edu/publicsafety/>.

The Case Western Reserve Division of Public Safety is located at 1689 E. 115th St and is open 24 hours a day, 7 days a week. View our contact information below.

Campus Services	Phone Number
Division of Public Safety Emergency	216.368.3333
Division of Public Safety Non-Emergency	216.368.3300
Division of Public Safety Tip Line	216.368.3331
Safe Ride	216.368.3000
Walking Escorts	216.368.3300

## MENTAL HEALTH RESOURCES

Law school is a context where mental health struggles can be exacerbated. If you ever find yourself experiencing challenges in or outside the classroom, please do not hesitate to ask for help.

- Contact [University Health and Counseling Services](#) to learn how to establish care on campus.
- The Counseling Services after hours on-call number is 216-368-5872.
- The 24/7 Nurse Advice Line is 216-368-2450
- [TimelyCare](#) app gives virtual access to 24/7 medical and mental health support for CWRU students.
- [Reach Out](#) app provides guidance for CWRU Students who may need help supporting a friend in need, suicide prevention, or coping with mental health challenges.

The [Ohio Lawyers Assistance Program](#) provides help to law students with problems related to substance use disorders, drug addiction, and mental health problems such as stress, anxiety, and depression. The Ohio Lawyers Assistance Program is a safe place to turn for confidential assistance. Call 1-800-348-4343 to get help.

For other resources, contact Dean of Student Services Leilani Marshall (Phone: 216.368.6615; email: [leilani.marshall@case.edu](mailto:leilani.marshall@case.edu)).