

MENTAL HEALTH LAW – § 400A

Fall 2025

Thursdays 6:30 – 9:30 PM

Professor Briahna J.M. Chuvac

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OFFICE HOURS

TBD - Please email me directly at chuvacb@ladlinc.org or text me to schedule an office hour appointment.

Required Texts:

Law and the Mental Health System: Civil and Criminal Aspects Christopher Slobogin, Thomas L. Hafemeister, and Douglas Mossman (West Academic Publishing Seventh Edition 2020).

Recommended Texts:

Fajans & Falk, *Scholarly Writing for Law Students-Seminar Papers, Law Review Competition Papers*, (Fourth or Fifth Edition, West Publishing)

The Center Cannot Hold: My Journey Through Madness by Elyn R. Saks (\$34 Amazon)

Crazy in America: The Hidden Tragedy of Our Criminalized Mentally Ill by Mary Beth Pfeiffer (\$20 Amazon)

COURSE DESCRIPTION

This course explores issues surrounding mental health law, specifically the impact mental health challenges present in criminal, immigration, and dependency proceedings. This course examines foundational mental health law and legal practice concepts and the impact on legal rights of those within the respective judicial systems and where people with mental health conditions may be deprived of freedom and choice, including involuntary commitment, incarceration, and immigration detention, and loss of children.

The course examines established and emergent accommodations to protect those rights, ethical questions that arise in this context, including informed consent, the allocation of authority between the lawyer and the client, the definition of competence, and the role of an advocate.

The course explores holistic basic client-centered practice skills, with emphasis on how to work in a collaborative and recovery-oriented way with people with mental health conditions.

COURSE OBJECTIVES

1. To obtain a comprehensive and interdisciplinary understanding of the mental health challenges involved in criminal and civil proceedings and correlating procedure, ethical, and theory practice.
2. Develop legal research, analysis, and writing skills by utilizing critical thinking to assess the substantive areas of law.
3. Foster open dialog and discussion about the role mental health law has played and/or continues to play in legal proceedings and the impact mental health challenges poses on the legal system.
4. Advocate, in both oral and written formats, the legal, economic, and societal impact of rule or policy and use case law, statutes, and policy to critically examine one's position.
5. Identify ethical issues in law practice contexts and make appropriate decisions to resolve such issues.

ADVISEMENT

Mental health challenges are a significant public health issue that affects millions of people of various ages, economic status, race, religion, ethnicity, sexual orientation, or educational background. Individuals who face mental health challenges may have lifelong consequences, including emotional trauma, loss of children and or freedom, further health problems, and even death.

Our classroom is and provides an open space for the critical and civil exchange of ideas. Some readings and other content in this course will include topics that some students may find offensive and/or traumatizing. I'll aim to forewarn students about potentially disturbing content and I ask all students to help create an atmosphere of mutual respect and sensitivity.

Content may be disturbing, so I encourage you to prepare yourself emotionally beforehand. If you believe that you will find the discussion to be traumatizing, you may choose not to participate in the discussion or to leave the classroom. You will still, however, be responsible for material that you miss, so if you leave the room for a significant time, please arrange to get notes from another student or see me individually.

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The content and discussion in this course **may** necessarily engage with violence and triggering topics every week. Much of it will be emotionally and intellectually challenging to engage with. I will flag especially graphic or intense content that discusses or represents violence, sexual content or racism and will do my best to make this classroom a space where we can engage bravely, empathetically, and thoughtfully with difficult content every week.

CLASS ATTENDANCE AND PARTICIPATION

Students are expected to be present and ready to participate at each class and to stay for the entire class. A late arrival or early departure may be treated as an absence. You must be prepared to meaningfully participate in each class (Especially when in the classroom). This class is most productive (and fun) if you have read the required material and thought about it before class, and are willing to discuss it together. **All viewpoints are welcome.** I will be providing guest speakers throughout the course, which will afford a unique opportunity to engage with practitioners in the field. I may also from time to time assign additional reading in the form of short current event or scholarly articles. We will be fortunate to have a relatively small number of students, which will allow this seminar to incorporate a great deal of participation and flexibility in attaining our objectives. **The class participation & professionalism component of your final grade will be based on your preparation for class, class attendance, punctuality, class participation, in-class presentation, and overall professionalism.** It is estimated that, on average, the assigned reading and other classroom preparation should require six or more hours outside of class per week. Some week's classroom preparation will require more preparation than others depending on the assigned reading or assignment due.

A student who misses more than two class sessions will be withdrawn from the class pursuant to WSU's academic policy and the provisions set forth in the Student Handbook. This is without approval from the administration for the student to remain in the class on a student by student basis.

Please turn off or silence your cell phones during class and feel free to use your computer in the classroom in accordance with WSU computer use policy.

You may not record this class without my prior approval. Students in violation of these policies may be referred to the Associate Dean for Academic Affairs.

GENERAL GUIDELINES AND GRADE DISTRIBUTION

This class satisfies the Western State College of Law (WSCL) upper-level writing requirement (ULWR), which is based on guidelines established by the American Bar Association. Your final grade will be based on an outline (10%), class participation & professionalism (20%), and a 15-20 page research paper of publishable quality (70%).

You will work on the research paper throughout the semester. In a WSCL ULRW course, you must earn a 2.0 or higher on the research paper to obtain ULRW credit.

The research paper must be the individual work of the student, you may not utilize generative artificial intelligence, (i.e., ChatGPT, etc.) to write your paper. Doing so would result in a (0) for the course.

The Associate Dean of Academic Affairs may designate an upper-level course as satisfying the (ULWR) pursuant to these guidelines. To earn ULWR credit, each of the following requirements must be met:

- i. A substantial written product that demonstrates legal research, analysis, and contains ample citation to legal authority. Categories *may* include: a scholarly article, a legal memorandum, or trial or appellate brief. In some cases, a compilation of shorter submissions from a single semester-long course might satisfy the ULWR. If a compilation is submitted, then the underlying research completed must be fully documented for review and approval by the instructor. Journals, diaries, and other writings that do not reflect such research and analysis do not meet this requirement.
- ii. At least one outline or draft of the written product that receives individualized feedback in writing from the instructor.
- iii. At least one student-instructor conference for the purpose of individualized assessment of the student's written product.
- iv. At least one of the following: a research log; a self-critique or peer-critique experience; feedback on further drafts at the option of the instructor. Our class will be conducting a peer review.
- v. The final written product must be evaluated by the instructor and the student must earn a grade of at least 2.0 or its equivalent on the written product.
- vi. The instructor certifies in writing to the Associate Dean of Academic Affairs that the student has complied with requirements i through v.

CLASS PRESENTATION

Every student must give a presentation related to the topic of their research paper to the class; details will be provided on the first day of class, and a sign-up sheet will be posted via a google doc link at the beginning of the semester.

FORMAT REQUIREMENTS AND POLICY FOR LATE ASSIGNMENTS

Written assignments must conform to the following requirements:

- (1) Assignments must be typewritten in black ink, double-spaced, on white, 8 ½ x 11 inch paper.
- (2) Text must be in "Times New Roman," 12-point font.
- (3) Footnotes must be in "Times New Roman," 10-point font.

- (4) You must include your name in the top right hand corner:

Name
Date
Mental Health Law

- (5) You must use one-inch margins for the top, bottom, left, and right margins. (Note that, if using Microsoft Word, you must set the margins to one-inch each, as the right and left margins are preset at 1.25 inches.)
- (6) Each page should be numbered, in the center, at the bottom of the page, using Times New Roman font. (Note that even if the text of your document is in Times New Roman, you must affirmatively change the font of your pagination.)
- (7) Pages must NOT be right-justified.
- (8) Papers must be submitted as an attachment via email in Microsoft Word format. Students are able to get a free Microsoft account using their school email address at <https://www.microsoft.com/en-us/education/products/office>
- (9) Your final paper must also be uploaded to www.Turnitin.com

LATE PAPERS – GRADED ASSIGNMENTS

Unless otherwise instructed, all assignments are to be submitted at the start of class. As a professional, you are responsible for submitting all assignments on time. A late assignment is one handed in any time after it is due, even if it is late by one minute. Penalties for lateness are as follows: (1) submitted within 24 hours after deadline: 10% grade reduction; (2) after the first 24 hours, an additional 20% grade reduction for each additional 24-hour time period in which the assignment is past due. For example, if the assignment is due on Wednesday by 6:30 p.m., then your grade on the assignment would be reduced by 10% if submitted at any time between Wednesday at 6:31 p.m. and Thursday at 6:30 p.m. The same assignment would be reduced by 30% if submitted at any time between Thursday at 6:31 p.m. and Friday at 6:30 p.m. The same assignment would be reduced by 50% if submitted at any time between Friday at 6:31 p.m. and Saturday at 6:30 p.m.

Do not plagiarize. Do not use generative AI in a manner that violates the Honor Code and constitutes plagiarism. Any violation of the Honor Code will result in the student receiving a “0” in the course as well as possible referral to the Honor Code Committee.

DISABILITY SERVICES STATEMENT:

Western State College of Law provides accommodations to qualified students with disabilities. The Disabilities Services Office assists qualified students with disabilities in

acquiring reasonable and appropriate accommodations and in supporting equal access to services, programs, and activities at Western State College of Law.

To seek reasonable accommodations, a student must contact Senior Assistant Dean Donna Espinoza, Student Services Director and Disabilities Services Coordinator, whose office is in the Students Services Suite 119. Dean Espinoza's phone number and email address are: (714) 459-1117; despinoza@wsulaw.edu. When seeking accommodations, a student should notify Dean Espinoza of her or his specific limitations and, if known, her or his specific requested accommodations. Students who seek accommodations will be asked to supply medical documentation of the need for accommodation. Classroom accommodations are not retroactive, but are effective only upon the student sharing approved accommodations with the instructor or professor. Therefore, students are encouraged to request accommodations as early as feasible with Dean Espinoza to allow for time to gather necessary documentation. If you have a concern or complaint in this regard, please notify Dean Espinoza; Complaints will be handled in accordance with the College of Law's "Policy against Discrimination and Harassment."

Western State College of Law – Programmatic Learning Outcomes

Western State College of Law's curriculum is designed so that every student achieves a level of competency prior to graduation in each of the eight Programmatic Learning Outcomes listed below:

(1) Doctrinal Knowledge

Students will demonstrate knowledge of substantive and procedural law in the core curriculum subjects, including Contracts, Criminal Law, Criminal Procedure, Torts, Real Property, Business Association, Evidence, Civil Procedures, Constitutional Law, Estates, Community Property, Remedies, and Professional Responsibility.

(2) Practice Skills

Students will demonstrate the development of other law practice skills. Each student's chosen outcomes within this category will be varied based on the student's particular interests, coursework and work experiences. They may include, but are not limited to, the following topics: oral presentation and advocacy; interviewing; counseling; client service and business development; negotiations, mediation, arbitration, or other alternate dispute resolution methods; advanced legal research and writing (excluding purely academic papers and the first four units earned in introductory first-year legal research and writing class); applied legal writing such as drafting contracts, pleadings, other legal instruments; law practice management or the use of technology in law practice; cultural competency; collaboration or project management; financial analysis, such as accounting, budgeting project management, and valuation; cost benefit analysis

in administrative agencies; use of technology, data analyses, or predictive coding; business strategy and behavior; pre-trial preparation, fact investigation, such as discovery, e-discovery, motion practice, assessing evidence, or utilizing experts; trial practice; professional civility and applied ethics; a law clinic that includes a classroom component; or a legal externship that includes a classroom component.

(3) Legal Analysis

Students will demonstrate the ability to identify the factual and legal issues implicated by a fact pattern and to appropriately use cases (including identifying the salient features of an appropriate precedent case, identifying legally significant similarities or differences between the precedent case and a fact pattern and explaining why those are legally significant) and rules (including the ability to connect legally significant facts in a fact pattern to the rule) to predict how a court would decide the issue. Students will also demonstrate the ability to identify and evaluate the public policies of a precedent case or rule, and be able to evaluate how public policy can impact the application of a rule to the legal issue.

(4) Legal Research

Students will demonstrate the ability to locate relevant legal authority using a variety of book and electronic resources, and to properly cite to such legal authority.

(5) Communication

Students will demonstrate the ability to communicate both orally and in writing in a manner appropriate to a particular task to effectively convey the author or speaker's ideas. This includes audience sensitivity in written and oral communication (the ability to adopt a tone, style and level of detail appropriate to the needs, knowledge and expertise of the audience); and written communication basic proficiency (the ability to use the conventions of grammar, spelling, punctuation, diction and usage appropriate to the task and sufficient to convey effectively the author's ideas).

(6) Advocacy of Legal Argument

Students will demonstrate the ability, in both oral and written formats, to evaluate the legal, economic and social strengths and weaknesses of a case and use case and statutory authority as well as public policy to persuade others. Making policy-based arguments includes the ability to identify and evaluate the public policies of a precedent case or rule and their implications, and be able to assert such appropriate arguments to support a particular application or distinction of a precedent case to a legal controversy or a particular resolution of the application of a rule to the legal controversy.

(Syllabus continued on next page)

(7) Client Sensitivity and Cultural Competency

Students will demonstrate an awareness of clients' needs and goals, including a sensitivity to clients' background and circumstances (including, but not limited to, socio-economic, gender, race, ethnicity, educational, disability and/or religious background(s)), the ability to make decisions that reflect an appropriate focus on those needs and goals, and awareness that cultural issues may affect the relevance of facts and application of the law.

(8) Legal Ethics

Students will demonstrate the ability to identify ethical issues in law practice contexts and make appropriate decisions to resolve such issues.

CLASS READING & ASSIGNMENTS

WEEK:	TOPICS:	READING/ASSIGNMENT:
<u>WEEK 1:</u> August 14	Introduction to Course; Mental Health Disorders and Treatment ULWR: Picking a Topic; Writing a Thesis Statement; Creating an Outline and Draft	<u>Reading:</u> Chapter 1
<u>WEEK 2:</u> August 21	Mental Health Disorders and Treatment ULWR: Footnotes and the Ethical Use of Borrowed Materials (lecture) The Writing Process: Revising and Polishing (lecture)	<u>Reading:</u> Chapter 1 continued
<u>WEEK 3:</u> August 28	Deprivations of Liberty Mental Disorder and Criminal Law	<u>Reading:</u> Chapter 6

	ULWR: Outline Draft Due	
<u>WEEK 4:</u> September 4	Deprivations of Liberty Mental Disorder and Criminal Law Introduction to the Mental Health Impact in Immigration Law	<u>Reading:</u> Chapter 6 continued
<u>WEEK 5:</u> September 11	Deprivations of Liberty Mental Disorder and Criminal Law Introduction to the Mental Health Impact in Dependency Law	<u>Reading:</u> Chapter 7
<u>WEEK 6:</u> September 18	Deprivations of Liberty Mental Disorder and Criminal Law and Immigration Law Speaker: TBA ULWR: Rough Draft (nearly complete) Due	<u>Reading:</u> Chapter 7 Continued
<u>WEEK 7:</u> September 25	Office Conferences in Lieu of Class – ULWR: Bring draft to conference to discuss your prepared questions	

Topics and Reading Assignments for the second half of the semester will be forthcoming.

DUE: The Final ULWR paper is due on Monday, December 4, 2024 by 5 p.m. PST. Email Professor Chuvac by the due date and time in Word format and uploaded to TurnItIn.

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Expectations for Students in Zoom Sessions:

- Find a dedicated quiet space to attend Zoom sessions, to minimize the chances that you will be disrupted during the session.
- Arrive to class early and dressed as you would to attend an in-person class.
- Your camera must be turned on for the duration of the class. If desired, you can use the background settings in Zoom to create an artificial background that blocks the view of your space while still allowing you to be seen on camera.
- Come prepared, as you would for an in-person class. Participation in Zoom classes is as important as it is during an in-person class session.
- Do not multitask – stay focused on the class discussion – do not wander in and out of the Zoom session.
- If you have to miss a Zoom session, or arrive late or leave early, notify the professor in advance, as you would for an in-person class.
- If you have connectivity issues, whether it be long-term or short-term, that impact your ability to participate (e.g., if you are limited to dial-in without video), notify your professor so other accommodations can be explored.
- Do not post screenshots or recordings of any Zoom classes on social media. Such actions would constitute a violation of the Student Honor Code. If you need access to a recording of the Zoom session, please contact your professor.
- Sign into Zoom with the name under which you are registered for class. If you prefer to be called by a different name or nickname, please notify your professor in advance so you are not marked absent.
- Unless your professor instructs you otherwise, mute your microphone when you are not speaking. Unmute to speak or to ask or answer questions.
- Zoom classes are not YouTube or Netflix. You should be actively engaged in answering questions, taking notes, writing down questions you wish to ask later during class or during office hours, etc. This will not only help you stay

engaged and participating in class, it will also help your learning in the online format.

- **If you are using your computer to take notes and/or using an e-casebook, remember that you may not be able to easily switch between those apps and the Zoom session. This could undermine your ability to pay attention to the class discussion. Figure out how you will resolve that technological issue before your first class session and consider possible modifications to your normal note taking style (e.g., handwritten notes) or using a two-screen set-up.**
- **Zoom has a number of tools available to you as a student: yes/no symbols, raise hand and thumb icons, share screen (with permission of the professor), chat windows, etc. Please familiarize yourself with those tools before class so that you can use them as requested by the professor. Your professor will inform you about the ways in which you should use these tools in that particular class.**
- **Professors may use a number of interactive functions in Zoom to engage with students, e.g., polling questions, breakout rooms, as well as asking you to share your screen, type in the chat window. Like being called on in a live classroom, you are expected to participate fully in these activities and functions, i.e., answer polling questions, speak with your classmates in breakout groups, share your screen as requested, etc.**