

Legal Clinic – Mental Illness

Information Packet

A clinic which allows students to gain practical experience in the judicial, legislative, academic and advocacy aspects of the law concerning the treatment of individuals with severe mental illness.

The clinic operates in the Fall and Spring semesters. Space is limited.

Supervising Professors:

Whitney Minter

Jeffery Overand

Course & Credit Available:

Law 277: 3 credits. The course may be offered for a letter grade or for “CR” credit. The instructors will make this determination before the start of each semester. The clinic awards 2 in-class and 1 out-of-class credit.



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Overview

The Legal Clinic – Mental Illness presents students with the opportunity to not only learn the pertinent law in Virginia with regard to evidence, trial presentation, mental illness and civil commitment proceedings, but to represent clients in actual litigation in civil commitment hearings. The Clinic’s clients are the petitioners seeking to commit patient who are at least 18 years of age or older.

The classroom portion of the Clinic focuses on the relevant statutes affecting the mentally ill, while preparing students for court hearings. Topics include, but are not limited to, mental illness law, guardianships/conservatorships, emergency medical treatment and criminal statutes regarding insanity and competence cases.

The experiential portion of the Clinic allows students to participate in civil commitment hearings. These hearings allow students to litigate against actual practicing attorneys in front of real judges (special justices) appointed by the Fairfax County General District Court under the direction of a supervising attorney. If the student has a Third-Year Practice Certificate*, the representation will provide students an excellent opportunity to learn and practice their knowledge of the Rules of Evidence, their direct examination and cross-examination skills, and their ability to make opening and closing arguments. Students without a Third Year Practice Certificate* may also participate in the Clinic by assisting in preparing for the commitment hearings and serving as a legal counselor to the client during the process. Hearings are held Monday through Friday at Fairfax Inova Hospital, Dominion Hospital, NVMHI, and Mt. Vernon Inova Hospital.

Educational Objectives of the Legal Clinic – Mental Illness

The Legal Clinic – Mental Illness is designed to meet the objectives of the American Bar Association’s Section of Legal Education and Admissions to the Bar for professional skills training, live-client or

other real life experiences, and study outside of the classroom. The teaching of “professional skills” involves teaching and evaluating law student performance on real cases or problems, with the goal of mastering basic lawyering skills, professional responsibility, substantive and procedural law and the theory of legal practice.

Student Requirements & Responsibilities

1. There is no application process for the Clinic and all students who have completed their first-year of law school are welcome to register for the Clinic in the fall or spring semester. Space is limited, so interested students are encouraged to register early.
2. No compensation may be received for work performed in the Clinic.
3. Students must attend the classroom component of the Clinic in which they will learn law governing and pertinent to mental illness and civil commitment hearings. Along with attending this course and participating in hearings, students must (1) take a final exam at the end of the semester and (2) write a short research paper on a topic of practical value to the Clinic.
4. Students must choose a day to attend a hearing each week of the semester. Instructors reserve the right to assign days to ensure adequate coverage. Hearings are held Monday through Friday at the Fairfax Inova Hospital, Dominion Hospital, NVMHI and Mt. Vernon Inova Hospital.
5. Students will go to the location that has the largest number of hearings scheduled. The Court has set the order of locations as Dominion, NVMHI, Inova Fairfax, and Mt. Vernon Inova Hospital.
6. Students are expected to provide their own transportation to the hearings.
7. Hearings begin promptly at 7:00 am each morning and students are expected to arrive promptly at 6:30 am to begin preparations for the hearing. Hearings typically average 2 to 4 per day but can be as many as 8 and as little as 0 on any given day. Students should plan to dedicate the 6:30 am – 9:00 am time-frame for hearings, recognizing that this time-frame may be longer or shorter depending on the hearings scheduled for a particular day.
8. Students are not required to have their Third-Year Practice Certificate; however, only students with this certificate can appear in court.

*To obtain a Third Year Practice Certificate a student must have completed the equivalent of four semesters and Criminal Law, Evidence, Professional Responsibility, and either Criminal Procedure or Civil Procedure. (For more details, see Rules of Virginia Supreme Court Pt.6, §IV, Para. 15.) Third Year Practice Certificate applications can be obtained at www.law.gmu.edu/records. Whether a student is able to practice under a Third-Year Practice Certificate is a decision to be made by the supervising attorney.