

The MENTAL HEALTH LEGAL ADVISORS COMMITTEE presents:

CUTTING EDGE REPRESENTATION OF PERSONS WITH MENTAL ILLNESS

Friday, May 29, 2009
MCLE, Boston

8:00 REGISTRATION AND BREAKFAST

8:30 WELCOME

8:45 **KEYNOTE: PSYCHIATRIC DRUGS: THE GOOD, THE BAD, AND THE UGLY**

Dr. Salzman will give an update on antidepressants and suicide risk, provide new information regarding antipsychotics and their possible increase in risk of death for the young and the elderly, and discuss whether or not and when to believe drug company information.

Carl Salzman, M.D., Professor of Psychiatry, Harvard Medical School; Beth Israel Deaconess

10:30 **DECONSTRUCTING EXPERT MENTAL HEALTH EVALUATIONS: A STEP-BY-STEP GUIDE**

Dr. Mart will assist attorneys in making sense of expert mental health professionals' reports by becoming knowledgeable consumers of psychological/psychiatric assessments. Specific topics include: interpreting test scores, basic statistical concepts made easy, signs of confirmatory bias, psychological testing and *Daubert*, and effective cross examination of mental health experts. Sample reports for learning will be provided.

Eric G. Mart, Ph.D., ABPP (Forensic), Clinical Director, Highland Psychological Services

12:00 **MENTAL HEALTH CONSUMERS IN THE SYSTEM AND BEYOND**

Ms. Adams and Mr. Trachtman will speak about their personal experiences with mental health recovery and their encounters with the legal system as individuals in crisis as well as highlight barriers to adequate legal protection for mental health consumers. The presenters will identify solutions for problems, discuss innovative initiatives such as Warmlines and the use of peer specialists, and provide in depth information on Recovery Learning Communities (RLCs) which connect people to peer support, recovery-oriented information, vocational assistance, and referrals to outside services. There will be time for questions from the audience.

Abigail Adams, Advocacy Coordinator, Western Massachusetts Recovery Learning Community

Howard Trachtman, Co-Executive Director, Metro Boston Recovery Learning Community.
Executive Director, Boston Resource Center

1:00 LUNCH (ON YOUR OWN)

2:00 **WHAT'S NEW: LEGISLATIVE AND CASE LAW UPDATES**

This session will explore anticipated questions in changes to guardianship procedures under the new Massachusetts Uniform Probate Code, effective 7/1/09. Attorney Fleischner will discuss how the statute will likely interface with the new caregiver statute, Chapter 201F, and with protective proceedings under the DPPC and elder abuse statutes. Finally, this session will cover implications for mental health litigation in *Kenniston v. DYS* and *Indiana v. Edwards* in addition to developments in *Rosie D.* services and cutbacks in DMH services.

Robert D. Fleischner, J.D., Assistant Director, Center for Public Representation

3:30 **EVIDENTIARY ISSUES IN COMMITMENT AND GUARDIANSHIP HEARINGS**

This session will tackle some of the most common and difficult matters of objecting to and excluding evidence that arise in commitment and guardianship hearings including multiple hearsay in medical records and GAL reports, *Lamb* warnings and privilege issues, the use of principles from *DYS v. A Juvenile*, and the admissibility of dangerousness opinions and past behavior.

Honorable Jonathan Brant, First Justice, Marlborough District Court

Thomas F. Schiavoni, J.D., McGee & Schiavoni

Robert H. Weber, J.D., Weber & Baum