

FELLOWSHIP IN FORENSIC PSYCHIATRY

Case Western Reserve University

University Hospitals of Cleveland

- Sponsor: Case Western Reserve University (C.W.R.U.)  
and University Hospitals of Cleveland  
Division of Forensic Psychiatry
- Goal: To train psychiatrists in law and psychiatry  
who will devote their careers to practice,  
research and teaching in Forensic Psychiatry.
- Pre-requisite: Candidates for the Forensic Psychiatry  
Fellowships must have completed at least four  
years of training in general or child  
psychiatry, and demonstrate a substantial  
interest in a career in Forensic Psychiatry.
- Program: One year of didactic study and supervised  
clinical experience working in the area of law  
and psychiatry. A concentration in child  
forensic psychiatry is available.
- Accreditation: The fellowship is accredited by the Accreditation  
Council for Graduate Medical Education (ACGME).  
The Fellowship experience will prepare Fellows  
and make them eligible to take the examination  
for Added Qualification in Forensic Psychiatry  
by the American Board of Psychiatry and Neurology.
- Stipend: \$60,000 per annum (2006-2007). Fellows may earn  
additional income outside the expected 40-hour  
work week.
- Fellowship  
Administration: Dr. Phillip J. Resnick, Director, Division of  
Forensic Psychiatry, University Hospitals,  
Cleveland, Ohio 44106. Dr. Stephen Noffsinger is  
Associate Director of the Fellowship.

## DETAILED PROGRAM DESCRIPTION

The objectives of the Fellowship will be accomplished through a 12-month program of didactic work, supervised clinical rotations, mock trial participation, research and teaching. By the end of the training, the Forensic Fellows should have attained certain knowledge, skills and attitudes:

## A. Knowledge should include:

- 1) Landmark cases (95) in mental health law;
- 2) Legal foundations for statutes on involuntary hospitalization and national trends in commitment;
- 3) Statutes and case law regarding confidentiality, privilege and privacy;
- 4) Legal rights of the mentally ill and mentally retarded;
- 5) Legal criteria for competency to stand trial, testamentary capacity, testimonial capacity, and competency to enter into a contract, marry, and consent to medical treatment.
- 6) Legal and psychiatric issues in guardianship;
- 7) Historical background and current tests for insanity (criminal responsibility) and diminished capacity;
- 8) Requirements of informed consent;
- 9) Legal basis for the right to receive and refuse psychiatric treatment;
- 10) Understanding of how lawyers think about cases;
- 11) Procedures in the criminal justice system, and the Probate, Domestic Relations, and Juvenile Divisions of the Court of Common Pleas;
- 12) Tort law, with special emphasis on psychiatric malpractice, psychic injury, and post-traumatic stress disorder;
- 13) The legal and psychiatric issues in child custody disputes and abrogation of parents' rights in neglect and adoption cases;
- 14) The impact of incarceration upon "normal", mentally ill, and mentally retarded persons.
- 15) The legislative process for the passage of laws regulating the practice of psychiatry.

## B. Skills should include:

- 1) Ability to use a law library;
- 2) Ability to evaluate mentally ill and mentally retarded offenders;
- 3) Ability to assess dangerousness in patients, in both civil and criminal contexts;
- 4) Ability to assess anti-social behavior in adolescents;
- 5) Ability to communicate clearly with attorneys, judges,

- probation officers, and juries;
- 6) Ability to write high quality forensic reports;
  - 7) Ability to testify effectively in court;
  - 8) Ability to detect malingered mental illness.
  - 9) Ability to teach psychiatry residents and students about law and psychiatry;
  - 10) Ability to critically review articles about law and psychiatry;
  - 11) Ability to participate in research in the area of law and psychiatry;
  - 12) Ability to treat mentally ill, mentally retarded, and sexual offenders in hospitals, correctional institutions, and outpatient settings;
  - 13) Ability to evaluate victims of violence, including rape;
  - 14) Ability to critically review forensic reports;
  - 15) Ability to testify before legislative committees on issues of law and psychiatry.

C. Attitudes should include:

- 1) Complete professional integrity;
- 2) Respect for the legal process;
- 3) Appreciation of the need to balance patients' rights against those of society;
- 4) Acceptance of the psychiatrist's limited role in judicial decision-making.

Description of Training:

A specific training program will be individually tailored to complement the past experiences and interests of each Fellow. For example, Fellows with training in child psychiatry may wish to elect longer Juvenile Court rotations. The four major components of the program are:

- I. Course work
- II. Supervised clinical rotations
- III. Mock trial participation
- IV. Research and teaching

I. COURSE WORK

Two courses are required at the C.W.R.U. School of Law. The Fellows will take Criminal Law and Psychiatry in the fall. They will take Civil Law and Psychiatry in the spring. The Law School courses will provide the Fellows with substantive knowledge about the law and underlying social policy. Fellows will better understand how lawyers think about cases by being exposed to their educational process. They will also learn to identify legal issues and evaluate legal reasoning.

In addition, a three hour didactic course each Monday morning covers selected topics in law and psychiatry and 95 landmark legal cases. New mental health law cases of national significance will also be discussed at these sessions.

## II. SUPERVISED CLINICAL ROTATIONS

The supervised clinical rotations have been selected for their educational value. Each will be described in detail after this initial listing.

- A) University Hospitals of Cleveland
  - 1. Forensic Psychiatric Clinic and private cases
  - 2. Psychiatric Consultation Liaison Service
- B) Northcoast Behavioral Healthcare
- C) Court Psychiatric Clinic
- D) Neighborhood Counseling Service Mentally Disordered Offenders (MDO) Project
- E) Juvenile Court Diagnostic Clinic

### A) University Hospitals of Cleveland

The Department of Psychiatry at the C.W.R.U. School of Medicine and University Hospitals of Cleveland is part of a large, comprehensive, urban medical center. It is located in University Circle, an attractive cultural center of Cleveland.

The Department of Psychiatry is housed in Hanna Pavilion, the psychiatric division of University Hospitals. There is a large outpatient department and an 82-bed inpatient program for adolescents and adults. The Consultation-Liaison psychiatry training program benefits from the Department of Psychiatry's close working relationships with other departments.

The audio-visual facilities within C.W.R.U. School of Medicine are worthy of special mention. These facilities have enabled the Division of Forensic Psychiatry to develop a library of over 160 videotapes demonstrating issues in law and psychiatry.

The Forensic Psychiatric Clinic, located in the Hanna Pavilion Outpatient Department is currently functioning on a small scale. The objectives of the Forensic Psychiatric Clinic are to provide psychiatric-legal evaluation and training in law and psychiatry.

Referral sources include private attorneys, judges, Legal Aid Society,

Ohio Police and Fire Disability Fund, and the C.W.R.U. Legal Clinic. The Forensic Psychiatric Clinic staff is directed by Dr. Resnick. Mr. Franklin Hickman (attorney) serves as a consultant.

The psychiatric-legal evaluations address civil, criminal, and custody issues. Cases are selected according to their educational value. All forensic psychiatric reports are carefully reviewed with Dr. Resnick before being finalized. Psychiatric supervisors may also accompany the fellow to Court.

Fellows will do their own private cases or sit in on private civil cases with Dr. Resnick each Wednesday. These include PTSD, assessment of psychic damages, disability, Worker's Compensation, psychological autopsies, and malpractice cases. Fellows will be assigned their own private cases based on their experience and skill level during the fellowship. Fellows will do an evaluation of a disability case each month from the Ohio Police and Firemen's Disability Fund.

The Forensic Psychiatric Clinic utilizes specialized assessment techniques. Dr. Resnick has used Sodium Amytal in assisting persons with amnesia to recall critical information. Dr. David Agle has worked for a number of law enforcement agencies by using hypnosis to help recall specific events. The hypnosis and Sodium Amytal sessions are frequently videotaped. Fellows may have an opportunity to observe these techniques.

Depending upon the interests of the Fellows, group therapy may be offered to sexual offenders. Dr. Stephen Levine, Director of the Center for Sexual Health, will supervise individual and group therapy for sexual offenders. This program is a regional center known for its excellence in treating paraphilias.

The Psychiatric Consultation Liaison (C-L) Service of University Hospitals of Cleveland provides psychiatric consultation for all medical and surgical staff patients at University Hospitals. Some of the Consultation requests involve issues of competency to make medical decision, informed consent, testamentary capacity, and legal-ethical dilemmas involving critically ill patients -- e.g., whether life support systems should be stopped. The Forensic Fellows may see such cases under the supervision of Dr. Stuart Youngner. The Forensic Fellows more often consult on cases to assess dangerousness on the psychiatry service.

B) Justice Center Court Psychiatric Clinic

The Justice Center of Cleveland and Cuyahoga County, a \$135,000,000 complex of buildings, is located in downtown Cleveland. These modern, spacious, air-conditioned, inter-connected buildings contain the headquarters of the Cleveland Police Department, the County Corrections Center, and the Courts Tower, which houses 35 Common Pleas

and 16 Cleveland Municipal Courtrooms. The Court Psychiatric Clinic is located in the Courts Tower.

The Court Psychiatric Clinic provides the criminal division of the Cuyahoga County Court of Common Pleas with psychiatric evaluations. Each year, about 1900 persons accused of felonies are evaluated.

Pre-trial evaluations are done for competency to stand trial and sanity at the time of the act. Pre-sentence evaluations are done to assess psychiatric factors relevant to mitigation of penalty, imposition of the death penalty, and to assist the Court in the disposition of drug dependent persons, mentally ill and mentally retarded offenders. Court testimony is required in a significant number of cases.

The professional staff includes two full time psychologists, seven part-time psychologists, three full-time social workers, and five part-time psychiatrists from the faculty of C.W.R.U. School of Medicine. The psychiatrists are selected on the basis of both their clinical skills and teaching abilities. Four of the psychiatrists have completed a Fellowship in forensic psychiatry. Dr. Resnick, Director of the Clinic, is there one and one-half days each week.

The Court Psychiatric Clinic has an active teaching program. Regular and elective rotations are provided for psychiatry residents, medical students, law students, psychology trainees, and social work students. Full privacy is assured by having defendants transported from the Corrections Center to the Psychiatric Clinic offices.

Fellows in forensic psychiatry will be assigned one or two evaluations each week. During the first few weeks, a supervisor will be present at the evaluation and assist the Fellow in forensic report writing skills. As the Fellows become more confident and proficient, they will do independent work. There are abundant opportunities in this setting for the supervision of medical students, psychiatry residents and law students.

The Court Psychiatric Clinic is equipped with a small videotape studio. This equipment enables us to make videotapes of offenders. A limited library of forensic videotapes is kept in the Court Psychiatric Clinic for teaching purposes.

A one and one-half hour staff meeting is held about each two months. Discussions of difficult cases are alternated with guest speakers from within the criminal justice system. Fellows attend these meetings and participate in making presentations.

#### C. Northcoast Behavioral Healthcare

1. Northcoast Behavioral Healthcare, Northfield campus, is a 240 bed state hospital serving chronic patients in Northeast Ohio. The patient population includes about 130 forensic patients who are incompetent to stand trial or have been acquitted by reason of insanity. Fellows will spend ten hours each week total in the Cleveland (four months) and Northfield (eight months) campuses evaluating patients for competency and right to refuse medication. Insanity acquittees will be evaluated regarding their privilege status, treatment plans, and suitability for conditional release as part of a Forensic Review Team. The Fellows will learn skills in managing chronically violent patients and will study the assessment of dangerousness by participating in decisions to release persons found not guilty by reason of insanity. Supervision will be provided by Dr. Stephen Noffsinger, the fellowship trained director of forensic services. The faculty includes three board certified forensic psychiatrists.
  
2. Northcoast Behavioral Healthcare, Cleveland campus is the 120-bed acute psychiatric state hospital serving the greater Cleveland area. The Court Evaluation Unit is a 40-bed moderate security unit for forensic patients. Services include: evaluation of competency to stand trial; restoration to competency; treatment for persons found not guilty by reason of insanity; and supervision of convicted individuals whose probation is contingent upon their admission to a psychiatric hospital. Fellows prepare court reports on competence to stand trial and may be required to give court testimony. Fellows may participate in the program on restoration to competency which utilizes classroom and mock trial experiences.

D. Diagnostic Clinic of Juvenile Court

The Diagnostic Clinic of Juvenile Division of Cuyahoga County Common Pleas Court evaluates juveniles referred by Juvenile Court Judges. The mission of Juvenile Court is to apply its legal authority to the extent necessary to provide for the child the proper care and control that will foster his development and will afford society the requisite protection. Over 10,000 children's cases are filed each year. Since these evaluations are more informal than those in the criminal division, court testimony is less often required.

Fellows in Forensic Psychiatry will see the Juvenile Court employ a *parens patriae*, rather than a punitive approach. The heavy caseload usually necessitates fairly rapid evaluations. The Forensic Fellow, however, will be permitted to work more slowly, under supervision, in preparing thorough case studies. The Fellows will sit in with Dr. Thomas Evans to observe evaluations. Once they are able to perform independent evaluations, they will begin meeting Dr. Evans one hour per week to discuss dynamic issues and recommendations to the

Court. In Juvenile Court, Fellows will study issues concerning child abuse, the child welfare system and its placements, and the binding over process in which a juvenile may be tried as an adult. They may also see custody disputes and termination of parental rights cases.

#### E. The Mentally Disordered Offenders (MDO) Project

The primary aim of the MDO project is to assist mentally ill felons in successfully completing probation thereby preventing incarceration. Many of them have histories of violent behavior, multiple psychiatric hospitalizations, and chronic noncompliance with psychiatric medications. Offenders are provided close probationary supervision, intensive case management service, and high quality psychiatric care. Common pleas judges assign probationers to the MDO project and specify psychiatric treatment as a condition of probation.

Forensic fellows are assigned to the MDO project at Recovery Resources one half day per week. The Fellows are part of a multidisciplinary treatment team consisting of probation officers, case managers, clinical psychologists and nursing staff. Supervision is provided by Dr. Aileen Hernandez, a fellowship trained forensic psychiatrist. In the MDO project, Fellows will learn about issues of dangerousness, substance abuse, and some common problems of chronically mentally ill adults (homelessness, lack of social support, and unemployment).

### III. MOCK TRIAL PARTICIPATION

Participation in mock trials is one of the fellowship's special features. Videotapes of their testimony will enable the Fellows to receive immediate evaluation and feedback. Attorneys from the Public Defender's Office and Mr. Franklin Hickman participate. Fellows will also be expected to defend their forensic psychiatric reports on the witness stand.

Videotaping of actual court testimony is permissible in Ohio. The judges at the Justice Center have been most cooperative in permitting us to make these tapes.

### IV. RESEARCH AND TEACHING

Each Fellow will be expected to do a research project or scholarly study suitable for publication. Two Fellows have chosen to work with Mr. Franklin Hickman on an analysis of the legal issues involved in a patient's right to refuse psychotropic medication. Other Fellows have studied necrophilia, command hallucinations, post-concussive syndrome, filicide, cyberstalking, and child murder by parents.

The Journal Club will meet over lunch once a month to critically review new journal articles regarding law and psychiatry issues. Research methodology will be scrutinized. The supervisor of each

Fellow's research will depend on the subject area. Assistance in research design is available from our staff psychologists.

Teaching opportunities for Fellows have been mentioned throughout the program description. As their own skills increase, Fellows will participate in the teaching and supervising of trainees at more advanced levels. Fellows regularly give forensic lectures to third year medical students on suicide and violence risk assessment. Feedback is provided to improve lecture skills, preparation of Powerpoint slides, and handouts.

#### V. SCHEDULE OF TIME DISTRIBUTION:

Although each Fellow's program may be individualized, the following general guidelines will be followed: Didactic Courses -- 4-5 hours per week; Forensic Psychiatric Clinic and University Hospitals Consultation-Liaison Service -- 1-2 hours per week; participation in evaluating private civil cases -- 4-8 hours per week; Northcoast Behavioral Healthcare System -- 10 hours per week; Justice Center Court Psychiatric Clinic -- 4 hours per week; Mentally Disordered Offenders Project -- 4 hours per week; Juvenile Court Diagnostic Clinic -- 4 hours each week for a three month rotation. The research project is expected to consume up to 4 hours each week. This time will vary considerably, depending on other assignments.

Fellow supervision by Dr. Resnick is 3-1/2 hours per week. Additional supervision is provided in the rotations at Northcoast Hospital, the Court Psychiatric Clinic, Juvenile Court, and the MDO program.

The Fellows may attend the monthly meetings of the Ohio Association of Forensic Psychiatric Center Directors in Columbus, Ohio. This organization has been active in generating and modifying Ohio legislation regarding mentally ill offenders. The Fellows may also participate in legislative hearings on such laws.

Expenses will be paid for Fellows to attend the annual meeting of the American Academy of Psychiatry and the Law (AAPL), the Forensic Psychiatry Review Course, and the midwest AAPL meeting. Fellows are entitled to a total of two weeks personal vacation and up to ten days administrative leave to attend educational meetings. Fellows also receive a \$300 forensic book allowance.

#### VI. EVALUATION:

Major external reviews include the Fellow's performance on the Added Qualifications in Forensic Psychiatry exam given by the American Board of Psychiatry and Neurology and final examinations in their didactic seminar and law courses. Failure to perform adequately on law examinations will be remedied with special counseling and tutoring. Attorneys and judges will assist in evaluating the Fellow's court

testimony.

Internal methods of evaluation will be both subjective and objective. Progress will be evaluated according to the specific knowledge, skills and attitudes delineated in the objectives of the Fellowship Training Program. The Fellows will write self-evaluations and evaluations of the program each three months. Supervisors will provide quarterly evaluations and discuss each Fellow's progress. The six areas of competence identified by the ACGME will be mastered.

Peer review will consist of having Fellows evaluate the other Fellows' reports and testimony. Finally, chronological videotapes will be tools in the evaluation of the Fellows' progress in giving court testimony.

This fellowship in forensic psychiatry is a member of the Association of Directors of Forensic Psychiatry Fellowships (ADFPPF), a council of the American Academy of Psychiatry and Law. As such, we agree to follow the ADFPPF code of conduct regarding application and acceptance procedures for fellowship candidates.

Association of Directors of Fellowships in Forensic Psychiatry  
(ADFPPF) Code of Conduct

Programs have been asked not to demand that forensic psychiatry candidates accept an offer of a position before October 31. Candidates may visit other programs and consider other offers until October 31, after which programs may request that candidates make a decision about offers that have been extended to them. This does not preclude a program from offering a position at any time, nor does it preclude candidates from accepting an offer at any time.

If an applicant knows he or she is interested in one particular program, he or she is entitled and encouraged to notify the program director of their interest and willingness to accept an offer from that program. By doing so, the program director may then be better informed so that an offer may be extended, and the applicant may secure a position.

Applicants are encouraged to notify each fellowship program to which they have applied, within three days of accepting a position, that they have accepted an offer elsewhere.

VIII. Cleveland, Ohio

Many factors make Cleveland an ideal place to study law and psychiatry. Few other cities in the U.S. have such a wealth of available culture and entertainment. Furthermore, what Cleveland has

to offer is remarkably accessible to Fellows; distances are manageable, and prices are lower than in most metropolitan areas. Any quality-of-life rating should give Cleveland and its suburbs high marks.

The immediate neighborhood of Case Western Reserve University is particularly attractive. We share University Circle with the world-famous Cleveland Orchestra and the first-rate Cleveland Museum of Art, plus dozens of lesser but still remarkable eminences. The Rock and Roll Hall of Fame and Museum opened in Cleveland in 1995. The campus area and the nearby suburbs of Cleveland Heights and Shaker Heights - both just minutes away - offer beautiful homes and trees, affordable apartments, excellent schools and services, plus shops, restaurants, movies, and other amenities.