

# Significant Developments in Mental Health Law-2023

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Morning Keynote

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# Outline of Presentation

- Supreme Court cases decided last term
- Supreme Court cases pending oral argument
- US Court of Appeals cases
- US District Court cases
- State Supreme Court/Court of Appeals cases
- DOJ activity: Investigations, Statements of Interest, Settlement Agreements

# Supreme Court case decided in 2023

- **Perez v. Sturgis Public Schools**, 143 S. Ct. 859 (March 21, 2023)—9-0, Gorsuch, J.
- **Health and Hospital Corp. of Marion, Ind. v. Talevski**, 143 S. Ct. 1444 (June 8, 2023)—7-2, Jackson, J.; Dissent, Thomas & Alito

# Supreme Court Cases Pending Oral Argument

- **Acheson Hotels, LLC v. Laufer**, No. 22-429 (to be argued October 4, 2023)
  - **Issue:** Whether an Americans with Disabilities Act “tester” has Article III standing to challenge a place of public accommodation’s failure to provide disability accessibility information on its website, even if she lacks any intention of visiting that place of public accommodation.

# US Court of Appeals Cases

- [J.W. v. Paley](#), [2023 U.S. App. LEXIS 22672](#), 2023 WL 5526787 (5th Cir., 8/28/23)
- [A. A. v. Phillips](#), 2023 U.S. App. LEXIS 1518, (5th Cir., 1/20/23)
- [A.L. v. Walt Disney Parks & Resorts US, Inc.](#) , 50 F. 4<sup>th</sup> 1097 (11th Cir., 10/4/22)
- [Harrison v. Young](#) , 48 F. 4<sup>th</sup> 331 (5th Cir., 8/31/22)

# U.S. District Court Cases

- Monegas v. City & Cty. of San Francisco Dep't of Public Health, 2023 U.S. Dist. LEXIS 155590 (N.D. CA., 9/1/23)
- [Hoyos v. Ne. Ill. Reg'l Commuter R.R. Corp.](#) , 2023 U.S. Dist. LEXIS 143622 (N.D. IL. 8/16/23)
- [Kozak v. CSX Transp., Inc.](#), 2023 U.S. Dist. LEXISW 13329 (W.D. NY, 8/1/23)
- US v. Florida, 2023 US Dist. LEXIS 121655 (S.D. FL., 7/14/23)

# U.S. District Court Cases, con't.

- Moore v. PNC Bank, 2023 U.S. Dist. LEXIS 107125 (N. D. IL. 6/21/23)  
Lane
- Rick v. Harpstead, 2023 U.S. Dist. LEXIS 90436 (D MN. 5/23/23)
- Lane v. Magellan Health, 2023 Dist. LEXIS 81389 (W.D. Wisc. 5/8/23)
- [Anderson v. Diamondback Inv. Grp., LLC](#), 2023 U.S. Dist. LEXIS 42239  
(M.D. N.C., 3/14/23)
- Dinger v. Bryn Mawr Tr. Co., 2022 U.S. Dist. Lexis 185236 (E.D. Pa.  
10/11/22)

# State Supreme Court and Court of Appeals Cases

- In the Matter of the Civil Commitment of G.H. v. Roudebush, No. 23A-MH-490 (Ind. Ct of Apps., 8-4-23)
- In the Matter of the Detention of A.C., No. 100668-3 (Wash. Sup. Ct., 7-27-23)
- In the Matter of the Detention of D.H., No. 100716-7 (Wash. Sup. Ct. 7-27-23)
- Ricky Lee McDeid v. Johnson, Nos. A21-0042, A21-0043 (MN. Sup. Ct. 2-1-23)



# DOJ Actions

- **Settlement Agreement between US and MA Trial Court (3-24-22)**
- **Statement of Interest, Residents and Families United to Save Our Adult Homes v. Zucker (Sup Ct State of NY—Kings County), May 31, 2022**
- **Letter of Findings, US Investigation of Maine’s Behavioral Health System for Children**
- **Settlement Agreement Between the US and the State of Rhode Island Executive Office of Health and Human Services—May 18, 2022**

# DOJ Actions

## Statements of Interest

<https://www.justice.gov/crt/disability-rights-cases>

- Doe v. Zucker—US filed earlier statement of interest (1-10-22); Court denied petitioner's and respondent's motions for summary judgment, NDNY, 6/30/23
- DP v. School Board of Palm Beach County—SD FL., 6/26/23
- Lou v. Lopinto, ED LA, 5/17/23
- Timothy B. et al. v. Kinsley—MDNC, 4/21/23
- Estate of LeRoux v. Montgomery County, MD—D MD 10/7/22

# DOJ Actions, con't.

## Investigations

<https://www.justice.gov/crt/special-litigation-section-cases-and-matters>

- Investigation of South Carolina's Use of Adult Care Homes to Serve Adults with Severe Mental Illness, 7/6/23
- Investigation of Louisville Metro Police Department and Louisville Metro Government, 3/8/23
- Alaska's Behavioral Health System for Children, 12/15/22
- Oklahoma Mental Health Service System and OKC Police Dep't's Response to Mental Health Crises—11/17/22
- Nevada's Use of Institutions to Serve Children with Behavioral Health Disabilities, 10/4/22

# Settlements

Elis for Rachael v. Yale (D CT, 8/25/23)

# Conclusion

Thank you

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