

3-12-2012

## Golden Gate University School of Law Professor Mort Cohen Wins Unprecedented Decision, Ensuring Rights of California's Mentally Ill

Lisa Lomba

Golden Gate University School of Law, llomba@ggu.edu

Follow this and additional works at: <http://digitalcommons.law.ggu.edu/pressreleases>



Part of the [Law Commons](#)

---

### Recommended Citation

Lomba, Lisa, "Golden Gate University School of Law Professor Mort Cohen Wins Unprecedented Decision, Ensuring Rights of California's Mentally Ill" (2012). *Press Releases*. Paper 62.

<http://digitalcommons.law.ggu.edu/pressreleases/62>

This Press Release is brought to you for free and open access by the About GGU School of Law at GGU Law Digital Commons. It has been accepted for inclusion in Press Releases by an authorized administrator of GGU Law Digital Commons. For more information, please contact [jfischer@ggu.edu](mailto:jfischer@ggu.edu).

**FOR IMMEDIATE RELEASE**

March 13, 2012

**Media Contacts****Lisa Lomba****Director of Communications and Media Relations****Golden Gate University School of Law****Tel: 415.442.6636****[llomba@ggu.edu](mailto:llomba@ggu.edu)****Golden Gate University School of Law Professor Mort Cohen  
Wins Unprecedented Decision, Ensuring Rights of California's Mentally Ill**

*San Francisco, CA:* In a three-judge unanimous, unprecedented decision made Friday, March 9 affecting the rights of the mentally ill across the state, the California Court of Appeal held that Marin County had denied institutionalized, mentally ill people both constitutional and statutory rights. Golden Gate University School of Law Professor Mort Cohen represented two individuals and the California Association of Mental Health Patients Rights Advocates in *K.G. Et al v. Meredith as Marin County Public Guardian*. The California Court of Appeal, First District stated that patients could not be treated with mind-altering drugs without their informed consent. It further stated that the County of Marin denied such people due process by failing to give them adequate notice, counsel, and a hearing before finding them disabled and rendering them incapable of exercising rights of decisional autonomy, (their right to make their own medical decisions).

Specifically, when an individual is put on 72-hour hold for mental illness in the state of California, he/she may refuse treatment with drugs. The patient may be held up to 14 days and still refuse treatment, with a hearing. After this, patients may be held in "temporary conservatorship" for up to six months. As temporary conservatees, patients (in all but three counties in the state) do not receive the same rights and protections as either the short-term patients (who have rights of refusal) or those held for a year or more (who have a hearing and are represented by a lawyer to determine their capacity to make sound decisions regarding their treatment).

Working diligently on behalf of their clients and the state's greater population of mentally ill individuals, Professor Cohen and GGU Law alumna Colleen Sonneborn, who serves as a public defender in Marin, finally succeeded in a case that has been in and out of the California courts for years with different plaintiffs. As a result of this decision, temporary conservatees now enjoy the same decision-making rights as patients held for both shorter and longer periods.

According to Professor Cohen, "Counties have used this process for years to avoid honoring patients' rights for the mentally ill. This decision should help put a stop to that."

The County of Marin may appeal to California Supreme Court. However, as the decision stands now, those who care for the mentally ill must comply with the landmark decision, ensuring patients' rights. And there is much work to be done by public defenders and patients' rights advocates to ensure compliance by stakeholders. There are 58 counties in state of California, and only three—San Francisco, San Diego and Solano—currently comply with the new requirements the case brings forth.

###