

Diversity group remains closeted, denying justice to millions



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Professionalism includes diversity training and justice. For our nation to truly have “justice for all,” diversity awareness and training must include another category. Nothing compares to the misunderstanding and discrimination facing this group. Persecution is so likely, that most in this huge class of citizens, do not even tell their closest friends about their area of diversity. It is a common, treatable medical diagnosis, affecting one in five Americans, from children to seniors. These masses share common, treatable brain illnesses, and are referred to as the “mentally ill.”

So why aren't these mentally ill citizens, and the discrimination they live with, included in diversity workshops sponsored by our nation's professionalism, ethics, and equal opportunity organizations? They should be, and, most likely, will be, as national jurisprudence comes to include “mental illness awareness.”

The wheels of justice turn slowly. In February of 2001 the Florida Supreme Court launched what may be a quiet, polite, courtroom-based civil rights movement for those 27 million Americans who have mental illnesses. The Court added “mental illness awareness” to the mandatory category of CLE courses - equal to ethics, professionalism, and substance abuse. This followed the unanimous support of the 1999 Board of Governors, in responding to a petition brought by over fifty Florida Bar members, pursuant to Rule 1-12.1 Amendment to Rules (1997).

Presently, mentally ill Americans are not organized as an advocacy or lobbying force. Instead, our society's ignorance and resulting discrimination keep these people shamefully hiding their diagnoses, feeling defenseless and oppressed. Years of one-sided news coverage has contributed to the unfairness and prejudice. The media has for decades reported only the vilest acts by the most seriously deluded, as being representative of the mentally ill.

All the while, millions of mentally ill people have been leading normal lives, either stabilized on medications, or having only mild, rare cycles or periods of symptoms. Headlines never mentioned the mental illness diagnosis of the many successful, productive individuals. Labeling a person mentally “ill” for life, after a single brief episode of illness, reflects the injustice. That people recover is never disclosed. Consequently, the public has never learned that they have been surrounded daily by, working with, and socializing with people with common mental illnesses.

Our society has advanced greatly in its medical understanding of neuroscience and biochemistry over the last decade. The recovery rates can be as high as 80%, when early diagnosis and proper medical treatment are provided. However, our society does not teach people to recognize the illnesses quickly. The symptoms become more severe with time, the longer they are not treated. Many of the mentally ill who are not medically treated, eventually turn to substance abuse to find relief for unpleasant symptoms. These symptoms often last for weeks at a time, without medical intervention. As many as 50% of the mentally ill abuse substances. Many end up in jails or prisons. An educated bench and bar will consider the medical nature of behaviors, and order proper treatment, structuring sentences to promote recovery and health.

Mental illness is a health problem with great legal, economic, and safety factors. Tragic and dangerous mental illnesses are the preventable causes which lead thousands of people to suicide or murder-suicides. Depression [and bipolar] recognition and treatment will prevent suicides - the third leading cause of death in our teenagers, aged 14-19.

Lawyers and judges have new tools to help restore health, safety, wealth, and fairness to our nation through providing justice for the mentally ill. The U.S. Surgeon General's mental health report of 1999, the children's mental health report of 2001, and numerous other online information sites provide: descriptions of the illnesses; evidence based-models for treatment and recovery; and explanations of many societal problems related to non-treatment of mental illnesses.

Not having been provided with training about the cycles, the genetics, and the stress triggers of mental illnesses, lawyers and judges have been winging it. Their presumptions have frequently followed inaccurate societal views. Often clients or witnesses with a diagnosis of a mental disorder had their credibility doubted simply because of their diagnosis. The uneducated may have thought that this was merited because, after all, the person was "crazy." Few are aware of the many famous and accomplished people who live or lived with a diagnosis of mental illness. Biased coverage continues this one-sided, inaccurate view of a huge class of Americans.

Prejudice and attitudes based upon misinformation and misunderstanding have plagued the masses who have brain disorders for years. Jurors have found defendants guilty without hearing anything about how the defendant's behaviors mirrored a diagnosable brain illness, which was clearly inherited from a parent. It has been presumed that all behaviors were willful and intentional. This is not the case with brain illnesses. Just as a person does not choose to have diabetes, allergies, or asthma, a person does not choose to have a manic episode or suicidal depression, and the associated symptoms.

More injustice has occurred in the family courts, when the legal community has no training about brain illnesses. Presumptions of unfitness to parent [or even to visit one's child], presumptions of medication noncompliance, and of conclusions of bad parenting [as opposed to a child's behavior being an inherited brain illness with behavioral problems] are often based on prejudice. Children have been wrongfully cut off from a mentally ill parent. This causes great stress on a child that may likely have inherited the parent's same stress-triggered brain illness. Such a traumatizing event, as losing one's parent, may be sufficient stress to trigger the onset of mental

illness in the child. Both injustice and harm to a child's health can be the consequence of an uneducated legal community.

In employment law, some lawyers have even advised clients to restructure corporate roles. Mentally ill employees were placed in corporations of fewer than 15, so Americans with Disabilities Act rights were denied. Without a trained bench and bar, how are these persecuted employees, and those facing other injustices, ever able to assert their legal and Constitutional rights to "justice for all"?

There have been no strong coalitions of mentally ill Americans demanding justice. Who would dare face a lifetime of prejudice by revealing their diagnosis? The problems, like all diversity problems, span all areas of legal practice. There are great opportunities for prevention of substance abuse, crime, incarcerations, domestic violence, divorces, and suicides. The economic savings in juvenile and criminal justice alone will go a long way toward offsetting the cost of education and medical treatment. Recovery can bring stable marriages, with employed parents paying taxes and supporting healthy children and a healthy economy.

Justice demands that the legal community rapidly learn about this topic. It is the professional thing to do. Suicide kills lawyers too. After several suicides, the North Carolina Bar Association's 1990 survey found that 12 percent of their lawyers admitted to contemplating suicide at least once a month for the last several months. Mental illnesses are real and treatable. Ignorance and misinformation is the problem. By welcoming this area to the field of diversity and professionalism, greater education will do much to improve the health, wealth, safety, and justice for all Americans.

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