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Changing legal perceptions of mental disorders in defendants

The Law Commissioner for England and Wales will join a number of experts at Northumbria University, Newcastle next week to debate the ways in which the criminal justice system recognises mental disorders in defendants.

Professor David Ormerod QC is one of a number of world-leading legal, academic and medical experts who will consider how the courts recognise and categorise insanity and liability in criminal justice cases.

The conference, jointly organised by Northumbria University's Centre for

Evidence and Criminal Justice Studies and the Law Department of the University of Sunderland, has been convened to highlight a growing issue in the ways in which the legal and psychiatric communities categorise mental health problems in defendants.

Experts from the USA, Australia, New Zealand and Germany will join national and local representatives from the medical, legal and academic sectors to share best practice from other legal jurisdictions.

The Law Commission is currently considering the present law on fitness to plead and the Commission recently released a discussion paper assessing the rules that govern the insanity defence, also referred to as insane automatism, which date from 1843.

These rules have been widely criticised for a number of reasons, including the use of 'insane' as a descriptor of mental illness, without any regards to those who have learning difficulties or disabilities.

Nicola Wake, Senior Lecturer in Law at Northumbria University and co-organiser of the conference, explained: "A significant problem in this area is the conflict between legal and psychiatric conceptions of mental illness and the level of responsibility required in order for an individual to be deemed criminally responsible for his or her conduct.

"The conference will provide legal and medical practitioners with the opportunity to consider issues relating to a defendant's fitness to plead in addition to the defences of insanity and diminished responsibility.

"Lawyers are hesitant to raise the issue of pleading insanity with their clients in case it breaks down their relationship, and defendants are wary of pleading insanity as a defence because of the stigma of this label and confusion of what this will entail for their case. However, there is a real difference of terminology from a psychiatric perspective, which can create a problem for practitioners."

Professor Ormerod QC added: "In publishing the Discussion Paper on Insanity and Automatism this year we were seeking to promote public debate on this important aspect of the law and options for reform. I am delighted that Northumbria and Sunderland universities have organised a conference attracting such an eminent array of speakers from academia and practice to engage in just such a debate."

Ben Livings, Senior Lecturer in Law at the University of Sunderland, “It is important that medico-legal experts work together to develop a holistic approach. We hope that this conference will help the Law Commission and the legal sector to create a better understanding of, and framework around, mental disorder within the criminal justice system.”

Professor Alan Reed, Associate Dean for Research and Innovation at Northumbria University said: “We are delighted to host this significant international conference at the Faculty of Business and Law, Northumbria University utilising our outstanding venue facilities. It represents the essence of our strategic development and impact in terms of world-leading and internationally excellent research collaborations, inter-disciplinarity, internationalisation and demarcates the global reach of our Centre of Research Excellence in Evidence and Criminal Justice Studies.”

The Mental Disorder and Criminal Justice Conference will be held in Northumbria University’s School of Law, City Campus East, on Saturday 12 October.

For more information on law programmes at Northumbria University, visit www.northumbria.ac.uk/law.

For more information on law programmes at the University of Sunderland, visit: www.sunderland.ac.uk/faculties/bl/departments/law/

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