Everything You Wanted to Know About Bar Admissions and Psychiatric Problems But Were Too Paranoid to Ask

by Thomas A. Pobjecky

Is There a Problem?

To the question of how much and what kind of psychiatric illness is "out there" we need no longer blindly grope. It is surely not the picture of a "bottomless pit" of an infinitude of psychopathology; nor is it a picture of trivial impairments, self-indulgences, or flaccidity of will. The regularities of definable and quite different disorders, each occurring with distinct and different frequencies should dissipate such myths. Overall, "psychiatric disorder" appears to have a prevalence about that of hypertension. Thus, significant numbers of people are at risk for mild to severe impairments, but not an entire population.[1]

The above observations are found in the lead article releasing the preliminary findings of the most comprehensive survey to date to assess the prevalence of psychiatric disorders in the adult American population.[2] The survey, commenced in 1979 by the National Institute of Mental Health (NIMH), involved interviews of thousands of individuals in several different sites around the country.[3]

Findings from the NIMH survey revealed that during a given six month period, 15 percent to 22 percent of the sample suffered from a psychiatric disorder.[4] Projected to the country as a whole, "one in five adults, or about twenty-nine million people, suffers from mental problems."[5] As to the lifetime prevalence of the fifteen psychiatric diagnoses assessed, 29 to 38 percent of the sample had experienced at least one of the disorders.[6]

In that bar applicants are generally younger adults, it is noteworthy that out of the four age groups, the 25 to 44-year-old group had the highest lifetime incidence of mental problems.[7] The next highest rate was found among the youngest age group of adults 18 to 24 years old.[8] The good news for bar examiners is that individuals with a college education have fewer psychiatric disorders than non-college graduates.[9]

Based upn the results of the NIMH survey, it seems logical to conclude that a significant number of bar applicants and attorneys are afflicted with psychiatric

problems. What logic dictates, case law confirms.

Several jurisdictions have reported cases wherein bar examiners and the courts were faced with bar applicants who exhibited mental fitness problems. In the case of *In re Martin-Trigona,*[10] the local committee on character and fitness had refused to certify the applicant based on several factors including the applicant's refusal to submit to a psychiatric examination. The committee's request was prompted by information found in the applicant's Selective Service file. Such information indicated that the applicant suffered from a "moderately-severe character defect manifested by well-documented ideation with a paranoid flavor and a grandiose character."[11]

The Supreme Court of Illinois declined to rule specifically on the issue of Martin-Trigona's mental stability. Instead, the court found that the applicant's actions sufficiently warranted denial of his bar application. In reaching its holding, the court reasoned:

> [T]he record overwhelmingly establishes that he lacks the qualities of responsibility, candor, fairness, self-restraint, objectivity and respect for the judicial system which are necessary adjuncts to the orderly administration of justice.[12]

In another case, *Application of Ronwin,*[13] the record before the Supreme Court of Arizona indicated that the applicant suffered from a "paranoid personality." The applicant's disorder was "characterized by hypersensitivity, rigidity, unwarranted suspicion, excessive self-importance and a tendency to blame others and ascribe evil motives to them."[14] In finding that the applicant was not mentally able to practice law, the court observed:

> We believe that it is imperative that the term "mentally . . . able to engage in active and continuous practice of law" be construed to exclude persons whose long-standing personality traits indicate an obvious inability to get along with authority figures under situations of minor stress and conflict, whether or not these personality deficiencies rise to the level of medically recognized and categorized mental disorders.[15]

Seven years later, Ronwin reappeared before the Arizona Supreme Court seeking admission to the bar.[16] In the record before the court, there were the reports of a psychiatrist and a clinical psychologist which the court had appointed to examine the applicant. The psychiatrist and psychologist both reported that the applicant suffered from a "compulsive personality disorder." Both professionals provided the court with conditional recommendations as to the applicant's ability to practice law.[17]

After reviewing the experts' opinions as to Ronwin's mental makeup, the court couched the issue before it in the following manner: "[W]e must examine the record to determine if it establishes that Ronwin's personality disorder impairs his conduct to such a degree that he is not mentally able to engage in the practice of law."[18] The court proceeded to review the applicant's conduct during the intervening years since his last appearance before the court.

In those seven years, the court noted that the applicant had exhibited the following behavior: "[T]he filing of unwarranted, vexatious, and harassing actions . . . [the] use of intemperate, provocatory language and epithets . . . [the] lack of control, restraint and civility; and his custom of vilifying those who oppose him . . . "[19] Based on the record before it, the Supreme Court of Arizona concluded:

> After review of these problems, we hold that applicant is not mentally able to engage in the practice of law and should not be admitted to the bar. Therefore, the application for admission is denied. Applicant will be permitted to reapply when and if he can establish that he is able to control his conduct in such a manner that the bar and bench will have some assurance that his behavior will conform to that which is expected of lawyers in our system of justice.[20]

In Florida, there have been several reported disciplinary cases in which the mental fitness of the attorney was an issue. For example, in the case of *The Florida Bar* v. *Parsons,*[21] the attorney failed to represent a client diligently and also issued some nineteen worthless checks. The attorney suffered from "cyclical manic depressive psychosis" and was suspended for one year and until such time as he could es-

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tablish "his professional and psychologi rehabilitation."[22]

In the case of *The Florida Bar v. Pierc* the attorney was placed on the inactive l due to incapacity unrelated to miscondu because "he was mentally incapable of u derstanding his obligations to h clients."[24] Finally, in the case of *The Flor Bar v. Perri*,[25] the attorney was suspend rather than disbarred because the co found, in part, that the attorney "suffer from emotional disorders that requi professional treatment."[26]

Three conclusions appear appropri from the information set forth above. Fir members of the legal professional are r immune from being afflicted with psyc atric disorders. Second, a significant nu ber of bar applicants have psychiat disorders. If a bar examining authority not seeing any applicants with these pr lems, then it is suggested that such a thority is not looking very hard. The th and obvious conclusion is that a menta unfit bar applicant will go on to becom mentally unfit attorney unless prevent by the bar admitting authority.

Identification of the Problem

How do examiners identify those bar a plicants with psychiatric problems? T best place to start is the bar applicat which is the most effective investigat tool available to examiners. The bar ap cation is effective in discovering preli nary information about an individua past which may reflect adversely upon applicant's character and fitness to pract law. The questions contained in the application should be drafted with care a periodically reviewed for updating a improvement.

The Florida Bar application elicits inf mation on psychiatric problems with following questions:

28. __Yes __No Have you ev been declared legally incompet or have you or your property be placed under any guardiansh

conservator or committee? If yes, please give full details as to court, date and circumstances.

29 a. __Yes __No Have you ever received diagnosis of amnesia, emotional disturbance or nervous or mental disorder, whether temporary or otherwise? If yes, state the name, street number or PO box, city, state and zip of each psychologist, psychiatrist, or other medical practitioner who made such diagnosis.

b. __Yes __No Have you ever received REGULAR treatment for any such amnesia, emotional disturbance, nervous or mental disorder? If yes, state the name, street number or PO box, city, state and zip of each psychologist, psychiatrist, or other medical practitioner who treated you and the date you began treatment. (Regular treatment shall mean consultation with any such person more than four times within any 12-month period.)

You must enclose copies of letters which direct each such practitioner and hosptial and other facility to furnish to the Board any information the Board may request with respect to any such diagnosis or treatment.

c. __Yes __No Have you ever been hospitalized or institutionalized or entered any other treatment facility for treatment of any condition or disorder listed in Items 29(a) and (b), above? If yes, state the name, street number or PO box, city, state and zip of each hospital or other treatment facility, the dates of treatment, and the name of each of the attending practitioners.

The constitutionality of such inquiries by the Florida Board of Bar Examiners (FBOBE) survived an attack based upon a bar applicant's claim of right of privacy. In upholding the questions, the Supreme Court of Florida reasoned:

> It is imperative for the protection of the public that applicants to the Bar be thoroughly screened by the Board. Necessarily, the Board must ask questions in this screening process which are of a personal nature and which would not otherwise be asked of persons not applying for a position of public trust and responsibility. Because of a lawyer's constant interaction with the public, a wide range of factors must be considered which would not customarily be considered in the licensing of tradesmen and businessmen.[27]

The FBOBE addresses the fears of bar applicants by including the following written statement with its bar application:

> Questions regarding psychiatric treatment are not intended to invade unnecessarily the privacy of an applicant or to probe into desirable treatment or counseling for most nervous or depression related disorders. Rather, the Board is concerned with forms of serious mental disorder which may impact adversely on an applicant's fitness to practice law. *However, only through full disclosure of all known treatment can a fair and adequate evaluation be made.* Your confidential cooperation in this sensitive area is appreciated. (Emphasis original).

This statement is particularly effective in that Florida has strict court rules of confidentiality governing disclosure of information furnished by bar applicants.[28]

Unfortunately, not all applicants are truthful on their bar applications. There are numerous cases from jurisdictions around the country dealing with an applicant's lack of candor during the bar admissions process including falsification of the bar application.[29]

Because of the bar application's importance to the background investigation into an applicant's character and fitness, falsification of the application should never be treated lightly. As observed by the Supreme Court of New Jersey:

> We believe that [applicant's] pattern of nondisclosure evidences a serious lack of fitness to practice law. [Applicant's] actions go to the integrity of the admission system. If a candidate conceals the truth or misleads the Committee

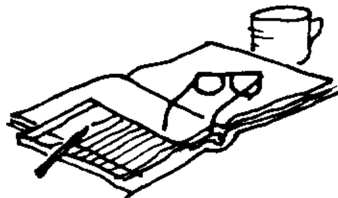
concerning events in his past that adversely affect his character, the process for reviewing candidates will collapse and no purpose will be served. The purpose of withholding certifications is not to punish the candidate but to protect the public and preserve the integrity of the Courts.[30]

In that some applicants are untruthful in executing their bar applications, a bar examining body should not rely solely upon the bar application to uncover character and fitness problems including applicants with mental disorders.[31] If the examining body does, then it is surely overlooking a sizeable number of applicants in need of closer scrutiny.

The FBOBE supplements its bar application with an extensive program of contacting primary and secondary sources. An average of thirty-five to forty written inquiries are mailed out on each application. References, former employers and secondary sources listed by the first two sources are among the individuals contacted. Follow up contacts are routinely done for sources who do not respond or who express a reluctance to respond fully.

The written inquiry form used by the FBOBE asks the source if he or she has knowledge of the applicant in certain areas including whether the applicant is "afflicted with or received treatment for emotional disturbance, mental or nervous disorder." If information received suggests the need for more details, then a telephone interview may be conducted by a staff analyst or a special investigator may be retained to conduct a personal interview.

Lastly, the actions of a bar applicant may be indicative of a psychiatric disorder. In the case of *In Re Martin-Trigona*, discussed earlier, the applicant corresponded with the character and fitness committee, its counsel, and the Illinois Supreme Court wherein he made charges "that were untrue, scurrilous and defamatory."[32] Phone calls, letters, or even personal visits to the bar admissions office whereby an applicant exhibits abnormal behavior should, therefore, be noted or saved for future consideration.



Determination of the Seriousness of the Problem

Once an applicant with mental problems has been identified, then bar examiners must determine how serious the problems are and whether such problems would impair the applicant's ability to practice law. In Florida, character and fitness reports are prepared by the board's staff and forwarded to committees consisting of three board members.

Many of the files reviewed by a character and fitness committee will result in no further action or, in other words, a recommendation that the applicant be admitted to the bar. A common example of this situation would be an applicant who sought professional help to cope with depression brought on by an isolated event such as the death of a loved one, divorce, breakup of an intimate relationship, or academic pressures.

To guide board members in Florida, a protocol was adopted by the FBOBE in 1985 as to when a psychiatric evaluation is needed. The protocol provides that an applicant, whose background contains any of the following factors, should be requested to submit to a psychiatric evaluation:

- History or evidence of voluntary or involuntary confinement in a mental health facility.

- History of hallucinations, delusions, or serious disorders of thinking or affect; e.g., psychosis, unipolar or bipolar illnesses, schizophrenia.

- History of repeated psychological or psychiatric or counseling sessions in whic

the true picture of psychological diagnosis is uncertain to the board.

• Behavior thought to indicate a possible psychiatric condition that may be detrimental to the public in the independent practice of law.

The protocol further provides that the evaluation should be conducted by a board-certified psychiatrist in active clinical practice and preferably with a particular sub-specialty interest in the type of disorder being evaluated. The protocol lastly provides that a psychiatric evaluation should consist of a report on the following:

• Documented mental status examination.

• Evidence of psychosis, if any.

• Results of psychological testing or statement that testing was not necessary in the evaluation of the applicant.

• Applicant's medications, including description of effects, side effects and what may occur if the medication is discontinued at doctor's direction or on applicant's decision.

• Opinion of whether psychiatric problems that the applicant exhibits now or has exhibited in the past will inhibit applicant's future independent practice of law.

• Specific recommendations on whether drug level testing, therapy, monitoring, or other treatment would be necessary prior to or during the independent practice of law.

Usually, following the psychiatric evaluation, an applicant will be requested to appear before a panel of the board for an "investigative" or "informal" hearing. The hearing panel consists of at least three board members. The hearing panel consists of, at least, three board members. The applicant is placed under oath and the hearing is recorded by a court reporter.

The investigative hearing gives the board the opportunity to observe the applicant in person. The applicant is questioned by the board members as to concerns which have arisen during the applicant's background investigation. Regarding applicants with psychiatric problems, the colloquy routinely addresses the applicant's past problems and professional treatment and the applicant's current mental condition. Following the applicant's appearance at the investigative hearing, the panel will make a recommendation to the full board as to the disposition of the case.

Throughout the identification and determination steps, an invaluable reference source is the *Diagnostic and Statistical Manual of Mental Disorders*, third edition (commonly known as DSM-III). Published by the American Psychiatric Association, the manual classifies the different mental disorders. DSM-III provides the user with brief, insightful information as to each disorder on several topics including: diagnostic criteria, essential and associated features, complications, impairment, age at onset, and sex ratio. Based on personal experience, one need not have a background in psychology to benefit from the use of this manual.

Disposition of Applicants' Cases Involving Psychiatric Problems

What is the final disposition of a case involving a bar applicant with psychiatric problems who has been evaluated by a psychiatrist and who has appeared before the board for an investigative hearing? Up until 1986, the FBOBE had only two options.

The first option is to recommend the admission of the applicant. Based on the information produced by the background investigation, the psychiatric evaluation, and the board's personal observations of the applicant at the investigative hearing, the board concludes that either the applicant is fit or that there is insufficient ground to establish unfitness.

The second option is to file formal charges against the applicant "which if proven would preclude a favorable finding by the board."[33] The cases of *Martin-*

Trigona and *Ronwin*, discussed earlier, are good examples of the type of cases which would follow such a course of action. If the formal charges are found proven and if the applicant fails to establish rehabilitation, then the board would recommend to the Supreme Court of Florida that the applicant not be admitted to the bar.

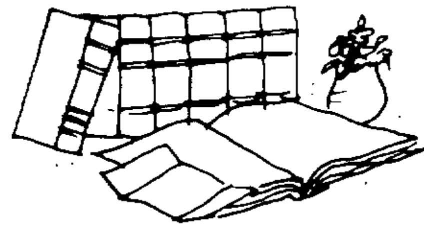
But what about the applicant who has had serious mental problems and now appears to be fit as a result of counseling or the taking of psychotropic medication or both? An example of such a case would be a bar applicant who suffers from a major affective disorder such as manic-depressive illness.

In the past, such an individual may have engaged in improper or even criminal conduct while experiencing a manic episode. Such conduct could have included "buying sprees, reckless driving, foolish business investments, and sexual behavior unusual for the individual."[34] Such conduct results from the manic individual's "expansiveness, unwarranted optimism, grandiosity and lack of judgment."[35] Bar examiners can easily recognize the potential harm to the public if such an individual experienced a manic episode while engaged in the practice of law especially when this individual has access to trust funds.

Further assume, this particular applicant is currently under the care of a psychiatrist and is taking lithium carbonate to control his illness as prescribed by his doctor. Furthermore, the board requested psychiatric evaluation concludes that the applicant is fit to practice law as long as his illness is kept under control through counseling and medication. What does a bar examining authority do with such an individual?

The FBOBE recognized the above dilemma when it proposed to the Supreme Court of Florida in 1986 a program of probationary admission for applicants with drug, alcohol, or psychological problems. In its petition to the court, the FBOBE noted the need to admit certain applicants to the bar on a conditional basis:

> In dealing with applicants who have experienced drug or alcohol-related problems or serious psychological disorders, the Board must be conscious of both the rights of the individual applicant and the protection of the public interest. Unrestricted admission of such an applicant can have catastrophic consequences. A client's legal affairs, funds and even personal liberty are all jeopardized by the actions of an impaired attorney. However, the wholesale denial of applicants with these problems is not an acceptable solution.[36]



After issuing a preliminary order directing the FBOBE and The Florida Bar to submit a mutually agreeable proposal, the court approved the following rule:[37]

> In lieu of the filing of specifications pertaining to drug, alcohol or psychological problems, the Board in exceptional cases may enter into a Consent Order with the applicant. In a Consent Order, the Board is authorized to recommend to the Court for admission the applicant who has agreed to abide by specified terms and conditions upon admission to The Florida Bar. If the Court accepts the Board's recommendation, the Order of admission shall be made as set out in Article VII, Section 1.
>
> If the applicant is granted admission by the Court pursuant to a Consent Order, then the terms and conditions of the applicant's admission shall be administered by The Florida Bar. The Board shall provide access to The Florida Bar of all information gathered by the Board on a conditionally admitted applicant except information received by the Board under a specific agreement of confidentiality or otherwise restricted by law. If the applicant shall fail to abide by the terms and conditions of admission, then The Florida Bar is authorized to institute such proceedings consistent with the Rules Regulating The Florida Bar as to revocation of the license issued to the applicant pursuant to the Consent Order. The Board shall be notified of any disciplinary proceedings and shall have access to all information relating to the administration of a conditional admission, except

information received by The Florida Bar under a specific agreement of confidentiality or otherwise restricted by law.[38]

Since its inception, the FBOBE has recommended and the Florida Supreme Court has approved twenty-six conditional admissions including applicants with psychiatric problems. Conditions of admission for applicants with mental problems include items such as the following:

- The applicant shall continue actively in a program of counseling with a psychiatrist, psychologist, or mental health counselor.

- The applicant shall continue to take psychotropic medication or such other drug(s) as may be prescribed in the manner recommended by the applicant's physician.

- The applicant shall have his/her psychiatrist, psychologist, or mental health counselor submit quarterly reports directly to The Florida Bar during the probationary period which reports shall advise The Florida Bar of the applicant's treatment for the preceding quarter including prescribed medication and of any reservations by such psychiatrist, psychologist, or mental health counselor as to the applicant's continuing fitness to engage in the active practice of law.

- The applicant shall submit quarterly sworn statements to The Florida Bar by March 31, June 30, September 30, and December 31 of each year during the applicant's probationary period attesting to the applicant's compliance with the conditions set forth above.

The period of probation lasts "no longer than three years, or for such indefinite period of time as the [Florida Supreme] Court may deem appropriate by conditions in its order."[39]

Conclusions

The raison d'etre for any bar examining authority is the protection of the public. By granting a license to practice law, a jurisdiction is placing its stamp of approval on such individual. The jurisdiction is representing to the public that this individual possesses "good moral character and an adequate knowledge of the standards and ideals of the profession and that such person is otherwise fit to take the oath and perform the obligations and responsibilities of an attorney."[40]

To fulfill their obligation to the public, bar examiners must be equipped to identify bar applicants with serious mental problems. If bar examiners ignore this area of inquiry into an applicant's fitness, then they will undoubtedly certify individuals who have great potential to harm the public and thwart the administration of justice.

When evaluating applicants' files evidencing the presence of psychiatric disorders, bar examiners should recall the rational relationship between an applicant's mental condition and the ability to practice law. This relationship was observed by the Supreme Court of Florida when it stated:

> The inquiry into an applicant's past history of regular treatment for emotional disturbance or nervous or mental disorder . . . furthers the legitimate state interest since mental fitness and emotional stability are essential to the ability to practice law in a manner not injurious to the public. The pressures placed on an attorney are enormous and his mental and emotional stability should be at such a level that he is able to handle his responsibilities.[41]

In evaluating the behavior of bar applicants with mental problems, bar examiners should be guided by the simple rule announced by the Arizona Supreme Court: "What cannot be permitted in lawyers, cannot be tolerated in those applying for admission as lawyers."[42]

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1. FREEDMAN, *Psychiatric Epidemiology Counts*, 41 ARCHIVES OF GENERAL PSYCHIATRY 931,933 (1984).
2. The preliminary results of the NIMH survey were also reported in popular magazines. *See* NEWSWEEK, Oct. 15, 1984, at 113; TIME, Oct. 15, 1984, at 80; U.S. NEWS & WORLD REPORT, Oct. 15, 1984 at 18.

3. The study involved about 17,000 community residents in five sites: Baltimore, New Haven, North Carolina, St. Louis, and Los Angeles. *Psychiatric epidemiology counts*, *supra* note 1, at 931 .

4. Myers et al., *Six-Month Prevalence of Psychiatric Disorders in Three Communities*, 41 ARCHIVES OF GENERAL PSYCHIATRY 959, 964 (1984). These results were gathered from interviews of more than 9,000 adults residing in New Haven, Baltimore, and St. Louis.

5. TIME, *supra* note 2.

6. Robins et al., *Lifetime Prevalence of Specific Psychiatric Disorders in Three Sites*, *41 ARCHIVES OF GENERAL PSYCHIATRY 949, 952 (1984)*.

7. *Id.* at 953-955.

8. *Id.*

9. *Id.* at 956.

10. 55 Ill.2d 301, 302 N.E.2d 68 (1973), *cert. denied*, 417 U.S. 909 (1974).

11. *Id.*, 302 N.E.2d at 70.

12. *Id.*, 302 N.E.2d at 74. Ten years and at least 250 *pro se* lawsuits later, Martin-Trigona distinguished himself by being permanently enjoined by a federal district judge from instituting any new legal actions (state or federal) without first obtaining leave of the particular court. *In Re Martin-Trigona*, 573 F. Supp. 1245, 1267 (D. Conn. 1983).

13. 113 Ariz. 357, 555 P.2d 315 (1976), *cert. denied*, 430 U.S. 907 (1977).

14. *Id.*, 555 P.2d at 317.

15. *Id.*

16. *Matter of Ronwin*, 136 Ariz. 566, 667 P.2d 1281 (1983), *cert. denied*, 464 U.S. 977 (1983).

17. *Id.*, 667 P.2d at 1284.

18. *Id.*, 667 P.2d at 1285.

19. *Id.*, 667 P.2d at 1291.

20. *Id.*

21. 238 So.2d 644 (Fla. 1970).

22. *Id.* at 645.

23. 434 So.2d 314 (1983).

24. *Id.* at 315.

25. 435 So.2d 827 (1983).

26. *Id.* at 829. In considering the *Parsons*, *Pierce* and *Perri* cases, I am forced to wonder if practicing law in Florida with a last name beginning with the letter "P" places such an attorney at risk.

27. *Florida Board of Bar Examiners Re: Applicant*, 443 So.2d 71, 75 (Fla. 1983) (citation omitted).

28. Fla. Sup. Ct. Bar. Admiss. Rule, art. I, § 14. This section provides in part: "All information maintained by the Board in the discharge of those responsibilities delegated to it by the Supreme Court of Florida shall be confidential except as provided by these Rules or otherwise authorized by the Court. All matters including, but not limited to, registrant and applicant files, investigative reports, examination material, and interoffice memoranda shall be the property of the Supreme Court of Florida and the Board shall serve as custodian of all such records."

29. *See e.g.*: *In Re Mitan*, 387 N.E. 2d 278 (Ill. 1979) ("a bar applicant has a duty to accurately state matters contained in an application for admission"); *In Re Green*, 464 A.2d 881 (Del. 1983) ("applicants for admission to the Bar have a complete and total duty of candor concerning all aspects of the admissions process"); *Application of VMF*, 491 So.2d 1104 (Fla. 1986) ("we expect no less than absolute candor from a Bar applicant in his dealings with the Board").

30. *Application of Jenkins*, 467 A.2d 1084, 1090 (N.J. 1983) (citation omitted).

31. In the case of *In re Martin-Trigona*, *supra* note 10, one of the applicant's acts of misconduct was "a gross mischaracterization" appearing in the applicant's bar application. *Id.*, 302 N.E.2d at 71.

32. *Id.* In one letter, the applicant described the committee members as "emotionally ill" and "scum." *Id.* 302 N.E.2d at 72.

33. Fla. Sup. Ct. Bar. Admiss. Rule, art. III, § 3.b.

34. DSM-III (1981) at 206.

35. *Id.*

36. Petition of FBOBE for Amendment of the Rules of the Sup. Ct. of Fla. Relating to Admiss. to the Bar, Exhibit "A" at 3-4, February 3, 1986, Case No. 63,603.

37. *Petition of FBOBE*, 498 So.2d 914 (Fla. 1986).

38. Fla. Sup. Ct. Bar. Admiss. Rule, art. III, § 3.c.

39. Rules Regulating The Florida Bar, Rule 1-3.2(b).

40. Fla. Sup. Ct. Bar. Admiss. Rule, art. III, § 2.

41. *FBOBE Re: Applicant*, *supra* note 27.

42. *Matter of Ronwin*, *supra* note 16, 667 P.2d at 1289 (citation omitted).

...rneys are afflicted with psychiatric