



Jaffee v. Redmond

518 U.S. 1 (1996)

Country: United States

Region: Americas

Year: 1996

Court: Supreme Court

Health Topics: Health information, Mental health

Human Rights: Right to privacy

Facts

Respondent, Redmond, received counseling from a licensed clinical social worker after a "traumatic incident" in which she shot and killed a man while on duty as a police officer. Petitioner, Allen, the administrator of the estate of the deceased, filed an action in the Federal District Court seeking damages and alleging that Respondent had violated the constitutional rights of the deceased by using excessive force during the encounter.

At trial there was conflicting testimony of the incident in several important respects. During pre-trial discovery, Petitioner sought access to the notes from Redmond's counseling sessions for use in cross-examination. Redmond and her employer during the time that she served on the police force objected to the discovery, asserting that the contents of the conversations were protected against involuntary disclosure by a psychotherapist-patient privilege. The District Court rejected this argument, but neither Redmond nor the social worker complied with the order to disclose the contents of the notes. The trial judge instructed the jury that they could presume the refusal was an indication that the contents of the notes would have been unfavorable to Respondents. Damages were subsequently awarded on the federal claim and the state law claim.

The Court of Appeals held that recognition of a psychotherapist-patient privilege was compelled by the "reason and experience" criteria for acceptance under Rule 501 of the Federal Rules of Evidence. The court qualified its recognition of the privilege, stating that it would be subject to a balancing against the evidentiary need for disclosure of the contents of a patient's counseling sessions.

The Supreme Court granted certiorari due to the conflict of opinion among the Court of Appeals and the importance of the question.

Decision and Reasoning

The Court held that the conversations between Redmond and the licensed social worker and the notes taken during their counseling sessions were protected from compelled disclosure under Rule 501 of the Federal Rules of Evidence.

The Court held that it was appropriate for federal courts to recognize a "psychotherapist privilege" under Rule 501 of the Federal Rules of Evidence. It held that "confidential communications between a licensed psychotherapist and his or her patients in the course of diagnosis or treatment" were therefore protected from compelled disclosure.

The Court declared that the psychotherapist-patient privilege was "rooted in the imperative need for confidence and trust," in that, unlike for physical ailments, the diagnosis and treatment of psychological illness is "completely dependent upon the patients' willingness to talk freely." The Court reasoned that this made imperative for a psychiatrist to assure patients of confidentiality and privileged communication. The protection of such information from involuntary disclosure therefore served "important private interests."

The Court further held that the psychotherapist privilege served "the mental health of the citizenry, no less than its physical health, and that it [was] thus a public good of transcendent importance," as required by precedent for the recognition of a privilege.

The Court noted that the appropriateness of recognizing a psychotherapist privilege under Rule 501 was

supported by the enactment of some form of the privilege into law by all 50 States and the District of Columbia.

The Court held that "denial of the federal privilege [] would frustrate the purposes of the state legislation." It added that:

[G]iven the importance of the patient's understanding that her communications with her therapist will not be publicly disclosed, any State's promise of confidentiality would have little value if the patient were aware that the privilege would not be honored in a federal court.

The Court further noted that the psychotherapist privilege was one of the specific privileges recommended by the Judicial Advisory Committee for the Federal Rules of Evidence in its proposed privilege rules.

The Court held that the federal privilege should extend to "confidential communications made to licensed social workers in the course of psychotherapy." Firstly, this was due to the significant amount of mental health treatment performed by social workers today. The Court noted that clients of social workers "often include the poor and those of modest means who could not afford the assistance of a psychiatrist or psychologist, but whose counseling sessions serve[d] the same public goals." Secondly, the vast majority of States explicitly extended a testimonial privilege to licensed social workers. The Court stated that not extending the privilege to licensed social workers served "no discernable purpose."

However, the Court rejected the balancing component of the privilege implanted by the Court of Appeals and a small number of states. It held that "making the promise of confidentiality contingent upon a trial judge's later evaluation of the relative importance of the patient's interest in privacy and the evidentiary need for disclosure would eviscerate the effectiveness of the privilege."

The Court declared that the details of new privileges would be appropriately defined on a case-by-case basis.

Decision Excerpts

"Like the spousal and attorney-client privileges, the psychotherapist-patient privilege is "rooted in the imperative need for confidence and trust. [] Treatment by a physician for physical ailments can often proceed successfully on the basis of a physical examination, objective information supplied by the patient, and the results of diagnostic tests. Effective psychotherapy, by contrast, depends upon an atmosphere of confidence and trust in which the patient is willing to make a frank and complete disclosure of facts, emotions, memories, and fears. Because of the sensitive nature of the problems for which individuals consult psychotherapists, disclosure of confidential communications made during counseling sessions may cause embarrassment or disgrace. For this reason, the mere possibility of disclosure may impede development of the confidential relationship necessary for successful treatment." 518 U.S., p. 10.

"The psychotherapist privilege serves the public interest by facilitating the provision of appropriate treatment for individuals suffering the effects of a mental or emotional problem. The mental health of our citizenry, no less than its physical health, is a public good of transcendent importance." 518 U.S., p. 11.

"We have no hesitation in concluding in this case that the federal privilege should also extend to confidential communications made to licensed social workers in the course of psychotherapy. The reasons for recognizing a privilege for treatment by psychiatrists and psychologists apply with equal force to treatment by a clinical social worker . . . Today, social workers provide a significant amount of mental health treatment . . . Their clients often include the poor and those of modest means who could not afford the assistance of a psychiatrist or psychologist, . . . but whose counseling sessions serve the same public goals." 518 U.S., p. 15-16.