

Law-Ethics Conflict: Jaffee v. Redmond

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Overview

Since the early 1950s, court interpretations and legislations have been sought to establish some form of privileged status regarding the psychotherapeutic communications and the medical records/data in general. Subsequently, in 1996, the Supreme Court of the United States ruled in *Jaffee v Redmond* HIPAA case that the psychotherapeutic communications should be privileged in any federal court.

Moreover, the medical privacy rule underlying the Health Insurance Portability and Accountability Act (HIPAA) allows the US Department of Health and Human Services to give both the patients' medical records and psychotherapeutic notes the necessary confidentiality protections as outlined in the legislations (Mosher & Swire, 2002, p. 575).

Further, due to the underlying risk that different people may interpret these legislations in different ways or that these legislations may be in direct or indirect conflict with the existing Ethics Code for psychologists, this article seeks to discuss the ethical and legal implications of the *Jaffee v Redmond* HIPAA case.

Legal implications

In the early 1990s, many federal courts in almost 50 States sought to establish federal privilege regarding the psychotherapeutic communications except that they had not reached a decisive conclusion.

However, through the *Jaffee v Redmond* case, the US Supreme Court established an absolute privilege as opposed to a qualified privilege, which in this regard excludes case-by-case considerations seeking to factor in the impact of any evidence protected by the federal privilege in court proceedings.

As a result, the ruling implies that the privilege established in the psychotherapist-patient communications should be very reliable and unambiguous to maintain confidence and trust in the psychotherapist-patient relationship (Mosher & Swire, 2002, p. 576).

Law And Ethics Conflict Essay

Michael Davis, Andrew Stark



Law And Ethics Conflict Essay:

The Morality of Conflict Samantha Besson, 2005-11-25 This book explores the relationship between the law and pervasive and persistent reasonable disagreement about justice It reveals the central moral function and creative force of reasonable disagreement in and about the law and shows why and how lawyers and legal philosophers should take reasonable conflict more seriously Even though the law should be regarded as the primary mode of settlement of our moral conflicts it can and should also be the object and the forum of further moral conflicts There is more to the rule of law than convergence and determinacy and it is important therefore to question the importance of agreement in law and politics By addressing in detail issues pertaining to the nature and sources of disagreement its extent and significance as well as the procedural institutional and substantive responses to disagreement in the law and their legitimacy this book suggests the value of a comprehensive approach to thinking about conflict which until recently has been analysed in a compartmentalized way It aims to provide a fully fledged political morality of conflict by drawing on the analysis of topical jurisprudential questions in the new light of disagreement Developing such a global theory of disagreement in the law should be read in the context of the broader effort of reconstructing a complete account of democratic law making in pluralistic societies The book will be of value not only to legal philosophers and constitutional theorists but also to political and democratic theorists as well as to all those interested in public decision making in conditions of conflict *Philosophical Essays in Honor of James Edwin Creighton* George Holland Sabine, 1917 **Subject Authorities** R.R. Bowker Company, 1981 **Conflict of Interest in the Professions** Michael Davis, Andrew Stark, 2001-11-01 The notion of conflict of interest is more relevant today than ever Ethical sensitivities about the relationship between professionals and those they serve is a source of constant debate This book sets a new standard for work on this perennial topic collecting a set of practical essays by top applied ethicists on a wide variety of professions and occupations Some conflicts of interest arise because a profession takes on many roles while serving one goal others take on one role but serve multiple goals Some conflicts are internal to the profession others such as family or business connections are external The essays in this volume address such diverse conflicts in a comprehensive way in an attempt to make useful comparisons across professions Containing fifteen original chapters by noted scholars of applied ethics this volume systematically explores professions including law medicine journalism engineering financial services anthropology film physical therapy and literary criticism An introductory chapter surveys and contextualizes work on the topic while the concluding chapter offers us a new way to compare conflicts of interest across professions and occupations Conflict of Interest in the Professions will be of great practical interest to scholars of applied ethics and law as well as to professionals in the fields discussed **Miscellaneous essays** James Bryce Bryce (Viscount), 1901 **Essays on the Sacred Language, Writings, and Religion of the Parsis** Martin Haug, 1878 **Studies of good and evil, a series of essays** Josiah Royce, 1898 **Comprehensive Dissertation Index, 1861-1972:**

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This book offers a critical assessment of international humanitarian law by employing mainly the Third World Approaches to International Law TWAIL which encompass the critical Marxist gender critical race and post colonial theories The book contains a materialist account of the historical development of the law in order to investigate its problematic foundations and reveal how the imperialist and capitalist tendencies shaped the content of this law It discusses the history of exclusion of the Third World from the negotiations and application of the law It underscores how the law helped the colonizers maintain their domination The book also engages deeply with the negotiating history of the 1949 Geneva Conventions and the 1977 Protocols in order to understand the perspectives of the Third World and the dominating nations It further examines critically the rules and principles of international humanitarian law in order to inquire into their real character and see to what extent they fulfil the humanitarian goals especially when this body of law is glorified and marketed in the name of International Humanitarian Law The critical analysis of the rules and principles highlights the gaps in the protection of victims of armed conflict and exposes their vague and unworkable language that often facilitates and legitimates violence The book thus questions and challenges the humanitarian face of international humanitarian law As the book offers a critical perspective it is going to be an unavoidable reference material on the subject especially for students pursuing masters doctoral and post doctoral programs The multi disciplinary nature of the subject renders the book useful in a variety of courses in social sciences and humanities at different levels The utility of the book is not confined to the academic world only and it is beneficial for international bodies humanitarian actors army officials diplomats think tanks non governmental organizations human rights activists and research organizations **Legal Essays** James Bradley Thayer,1908 Metaphysics of Human Rights 1948-2018 Luca Di Donato,Elisa Grimi,2019-10-01 The 1948 Declaration of Human Rights demanded a collaboration among exponents from around the world Embodying many different cultural perspectives it was driven by a like minded belief in the importance of finding common principles that would be essential for the very survival of civilization Although an arduous and extensive process the result was a much sought after and collective endeavor that would be referenced for decades to come Motivated by the seventieth anniversary of the 1948 Universal Declaration of Human Rights and enriched by the contributions of eminent scholars this volume aims to be a reflection on human rights and their universality The underlying question is whether or not after seventy years this document can be considered universal or better yet how to define the concept of universality We live in an age in which this notion seems to be guided not so much by the values that the subject intrinsically perceives as good but rather by the demands of the subject Universality is thus no longer deduced by something that is objectively given within the shared praxis Conversely what seems to have to be universal is what we want

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