



October 22, 2021 L&E Presentation

“Guidelines for Writing Letters & Opinions”

Alain Montgomery, Esq.

SYLLABUS

1.5 CEs

A. Title, Date & Time

“Guidelines for Writing Letters & Opinions”

October 22, 2021

10:45 am – 12:15 pm

B. Instructor Information

Alain Montgomery, Esq.

CAMFT Staff Attorney

Alain Lance Montgomery, Esq., is a member of the State Bar of California. Alain received a Bachelor of Arts degree in Political Science from the University of California at Berkeley and a Juris Doctor degree from Thomas Jefferson School of Law. Prior to joining the CAMFT legal department, Alain worked in public interest law as a legal advisor for the Superior Court of California where he helped self-represented parties navigate the complexities of small claims litigation. As a member of the CAMFT legal department, Alain has served as part of the support staff for the CAMFT Ethics Committee and has represented the Association at various state regulatory board meetings. After graduating from college and before attending law school, Alain worked as a ski instructor at Mammoth Mountain Ski Resort.

C. General information/Description

Therapists are asked to write letters and/or offer professional opinions on behalf of a client. During this 90-minute presentation, CAMFT Staff Attorney Alain Montgomery will review the key legal and ethical standards for a therapist to consider before either providing a letter to a client or offering a professional opinion.

D. Educational Goals

Participants will gain a better understanding of the applicable CAMFT ethical standards that relate to writing letters and offering professional opinions. At the end of the workshop, participants will be better

equipped to make informed, legally and ethically sound decisions when writing letters on behalf of a client, and understand the boundaries around offering professional opinions in court involved cases.

E. Measurable Learning Objectives

Upon completion of the workshop, participants will be able to:

- 1) Differentiate between the meaning of scope of practice and scope of competence for a Licensed Marriage and Family Therapist (LMFT)
- 2) Identify relevant sections of the CAMFT Code of Ethics that address issues related to writing letters and offering professional opinions
- 3) Identify the types of letters that a therapist is typically asked to write at the request of a client and the situations during which a therapist may be asked to provide a professional opinion in a legal proceeding
- 4) Explain strategies that can be utilized to make sure that a therapist stays within their scope of practice and competence when writing letters and/or rendering professional opinions

F. Outline

- I. Introduction
 - a. Legal and ethical considerations that pertain to writing letters on behalf of a client.
 - b. Parameters around providing professional opinions while testifying in legal proceedings.
- II. Discussion of what is meant by “Scope of Practice” and “Scope of Competence”
 - a. Scope of Practice: Scope of practice delineates the breadth of functions a LMFT may lawfully perform as derived from statutory and regulatory authority.
 - b. Scope of Competence: Scope of competence defines and limits what a LMFT may do based on a practitioner’s education, training and experience.
- III. CAMFT Code of Ethics sections that are relevant for a therapist who chooses to write letters or offer a professional opinion on behalf of a client
 - i. §5.11 Code of Ethics Scope of Competence
 - ii. §5.14 Code of Ethics Limits of Professional Opinions
 - iii. §10.3 Code of Ethics Conflicting Roles
 - iv. §10.4 Code of Ethics Dual Roles
 - v. §10.7 Code of Ethics Professional Opinions in Court Involved Cases
- IV. Common types of letter requests that a therapist receives
- V. Questions to Consider Before Writing a Letter and General Practice Guidelines
 - i. Questions
 - ii. General Guidelines
- VI. Testimony in Legal Proceedings
 - a. Difference between a fact witness and an expert witness:
 - i. Fact witnesses:

1. One who is called to testify before a court as to what they have seen, heard or otherwise observed
 - ii. Expert Witness:
 1. One who by reason of education or specialized experience possesses superior knowledge respecting a subject
- VII. Questions to Consider When Testifying in Court and General Guidelines
 - i. Questions
 - ii. General Guidelines
- VIII. Distinction between Writing a Letter and Providing a Client Record

Resources:

“SOMETIMES, It’s What You DON’T SAY...” by Michael Griffin, JD, LCSW (CAMFT Staff Attorney)
“Scope of Practice” by Mary Riemersma, MBA (Former Executive Director of CAMFT). Reviewed October, 2019 by Ann Tran-Lien, JD (Managing Director, Legal Affairs)
“Responding To A Subpoena” by Alain Montgomery, JD, Staff Attorney