



Criminal case could hold lessons for teens and counselors

Question: I am a school counselor, and I heard about a situation where a high school student was convicted in a criminal case based on texting and phone calls in which she encouraged another teenager to commit suicide. Do you know anything about this case? Because teen suicide and bullying are important current issues, I'd like to be aware of any new legal precedent that may be germane to my work.

Answer: You may be referring to a Massachusetts case involving a teenager named Michelle Carter who was found guilty of involuntary manslaughter in the death by carbon monoxide poisoning of her boyfriend, Conrad Roy III. Carter was accused of encouraging Roy, who had a history of mental health treatment, to follow through on threats to end his life. Most of their communications occurred via text messages. On the night of Roy's death, Carter urged Roy, during a telephone call in which he expressed anxiety about carrying out his plan, to get back in his truck and finish his attempt to die by suicide.

In August 2017, Carter was sentenced to incarceration for 15 months, but the judge stayed (postponed) the sentence pending appeal by the defense. On March 15, the Supreme Judicial Court of Massachusetts, the highest court in the commonwealth, announced that it will hear the case on appeal. Ironically, this is the same court that upheld Carter's indictment before the case was tried in juvenile court. The court is expected to address U.S. and Massachusetts constitutional questions of free speech, as well as the elements of the involuntary manslaughter case pursuant to relevant Massachusetts laws.

This case does not raise issues of malpractice or ethics violations committed by counselors or other mental health professionals who may have been involved in the actual care or treatment of the teenage victim, Roy, or the defendant, Carter. However, counselors — including those who live or work outside of Massachusetts and thus are not bound by case precedent there — may wish to monitor the appeal of this case, which is unlikely to be resolved for many months.

The case could hold important lessons for teenagers who may not fully understand the implications of online communications and possible liability for texting or social media postings that seriously harm a third party. It could also be instructive for school counselors who are aware of cyberbullying activity on the part of students and do nothing about it or choose to ignore their schools' bullying policies. ♦

Anne Marie “Nancy” Wheeler is an attorney licensed in Maryland and the District of Columbia. The information presented here is for educational purposes only. For specific legal advice, please consult your own local health care attorney.

Letters to the editor:
ct@counseling.org



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