

Douglas Case Shines Light on Therapist's Testimony

Norwalk attorneys **Francis J. DiScala Jr.** and **John Thygeron** should be happy men. After all, they recently successfully defended Eric Douglas, son of film legend Kirk and brother of actor Michael, against risk of injury and other charges brought by a 12-year-old girl.

Douglas and the girl were patients at Silver Hill Hospital, a psychiatric facility in New Canaan. The incidents, which allegedly involved hugging, fondling and rude comments, occurred in August 1996.

Douglas, 39, and a California resident, was acquitted of all charges Feb. 11. Nor-

walk Superior Court Judge **Eddie Rodriguez Jr.**, on a motion for judgment to acquit by Douglas' lawyers, cleared Douglas of two felony counts of risk of injury to a minor and one misdemeanor count of disorderly conduct. A jury found Douglas not guilty of a second disorderly conduct count.

But DiScala and Thygeron, of the **Law Offices of Francis J. DiScala Jr.**, are not happy. Instead, they are incensed that a therapist at the hospital, who led a group therapy session in which both Douglas and the girl participated, was compelled to testify at the trial.

That is a clear violation, they say, of

C.G.S. §52-146c-d, which governs the confidentiality of the therapist-patient relationship.

DiScala says that his client, in the course of group therapy, suggested to the girl that she show her breasts. The purpose of the group, he says, was to help patients learn to distinguish between appropriate and inappropriate behavior.

Rodriguez could not be reached for comment last week but trial transcripts indicate that he sought to limit the content of the therapist's testimony. "I thought I made it very clear, as difficult as the ruling is, that we would concentrate on anything that the witness observed while he was present which was tantamount to the state's claim of criminal conduct and not related to treatment because of the confidentiality laws

that were cited and the case law that was cited during the hearing," Rodriguez said from the bench.

The prosecutor, **Richard Colangelo**, could not be reached for comment.

—Susan D. Etkind

Suggestions for the "Deals & Suits" column are welcome. Items to be published are selected on the basis of newsworthiness and timeliness. Lawsuits, settlements, administrative cases and transactions that involved at least one lawyer from Connecticut are eligible. Please send suggestions to Colleen Bridget McGushin, executive editor, The Connecticut Law Tribune, One Post Road, Fairfield, Conn. 06430, or e-mail cmcgushin@counsel.com.