



The Commonwealth of Massachusetts
Committee for Public Counsel Services
Mental Health Litigation Division
44 Bromfield St., 2nd Fl., Boston, MA 02108

TEL: 617-988-8341
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CHIEF COUNSEL

MARK A. LARSEN
DIRECTOR

TO: DMH Facilities
DMH Licensed Hospitals
Veterans Administration Office of Regional Counsel

FROM: Mark A. Larsen
Director, Mental Health Litigation

RE: Procedure for the Assignment of Counsel (G.L. c. 123, § 12(b))
- Revised to reflect new telephone numbers

DATE: July 11, 2012

Any person admitted to a mental health facility pursuant to G.L. c. 123, § 12(b) must be informed that, upon that person's request, **the facility shall notify the Committee for Public Counsel Services (CPCS) of the name and location of the person who has been admitted** so that an attorney can be assigned to represent the person. The following procedure should be followed whenever a person is admitted to under § 12(b):

1. The person is **given a copy of the attached informational flyer** as soon as the decision to admit is made.
2. If the person wants the assistance of an attorney, **your staff, not the person,** must immediately contact CPCS at:

(617) 988-8340

This phone line is used solely for this purpose. Leave a voicemail message with all of the following information:

- ⇒ Patient's **name**
- ⇒ **Date and time** of the patient's admission
- ⇒ The **unit or ward** on which the patient is placed
- ⇒ Any **special needs** of the patient (*e.g.*, sign or language interpreter), if known

- ⇒ **Name and address of your facility**
- ⇒ **Name, telephone number and fax number of the facilities contact person.**

3. If the patient has questions with respect to the right to the services of an attorney, the person must be given the opportunity to consult privately with the **CPCS Mental Health Staff Attorney** by telephone at the number listed on the flyer. Regardless, **the facility staff must notify this office if the patient wishes to be represented by an attorney.**
4. Once we are notified by facility staff that a patient wants an attorney, a trained mental health attorney will be assigned as soon as possible. A copy of the assignment letter will be faxed to your contact person.
5. The attorney will visit with the patient no later than the next business day following the assignment. Your cooperation in allowing the attorney access to the patient, the patient's records and the treatment team is appreciated.
6. As soon as a decision is made to seek the patient's commitment, pursuant to G.L. c. 123, §§ 7 and 8, please inform the patient's attorney and fax a copy of the commitment petition to CPCS at **(617) 988-8488**.

In most cases, the previously assigned attorney will represent the patient at the commitment hearing. However, if another attorney is assigned, or if an attorney had not previously been assigned, your contact person will be sent a copy of our assignment letter.

Should you have any questions or concerns in respect to the above, please do not hesitate to contact me. And, thank you for your cooperation.

**CPCS-Committee for Public Counsel Services
Mental Health Litigation
Brockton Commitment Defense Unit**

144 Main Street, 4th Floor

Brockton, MA 02301

Phone: (508) 583-0560

The Brockton Commitment Defense Unit primarily provides counsel for individuals held at Bridgewater State Hospital and the Bridgewater State Hospital Unit of Old Colony Correctional Center. These individuals face commitments or recommitments filed by the Department of Correction or by a District Attorney's Office. Additionally, these clients face 8B petitions (court ordered medication treatment plans) filed by the Department of Correction. We also provide assistance to criminal defense attorneys in competency hearings for prisoners or defendants in criminal cases. Furthermore, we provide counsel in *Myers* cases and counsel for private hospitals in commitment and treatment cases.

OUR TEAM

Attorney-in-Charge

Christopher Blake

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Trial Attorneys

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DIRECTOR

To Persons Admitted Involuntarily under G.L. c. 123, § 12(b)

Notice of Your Right to an Attorney

You were admitted to this mental health facility because the doctor thinks that you have a mental illness and that if you are not hospitalized you would be a danger to yourself or others, or unable to care for yourself. The hospital can hold you involuntarily for up to three (3) business days. Business days do not include weekends or holidays. After three business days, the hospital must either let you leave or ask a court to order that you stay in the hospital for up to six (6) more months. This court proceeding is called a civil commitment hearing.

- ✓ **YOU HAVE THE RIGHT TO A LAWYER** during this three-day period and for any commitment hearing
 - The lawyer will be a trained mental health lawyer.
 - The lawyer is provided at no cost.
 - The lawyer will represent you at a commitment hearing, if one is necessary.

- ✓ **THIS ATTORNEY REPRESENTS YOU AND ONLY YOU!**
 - The lawyer will:
 - Explain the law.
 - Help you understand the law.
 - Protect your rights during the commitment process.
 - Demand an emergency hearing, if your admission was improper.
 - Help you prepare your defense if the hospital files a petition for your civil commitment.
 - The lawyer can also help you find a legal advocate to help with other issues while you are in the hospital.

If you want a lawyer, tell the hospital staff immediately. The hospital must contact the Committee for Public Counsel Services so that we can assign a lawyer to represent you. The lawyer will visit with you no later than the next business day. ****Please note that the right to a lawyer does not apply if you are in the hospital voluntarily. However, you can still call the number below to ask questions about your legal rights.**

If you need more information about your right to counsel, or if you have questions about your legal rights when you are a patient of this facility, please contact the

CPCS Mental Health Staff Attorney at: 617-988-8341