

Commonwealth of Massachusetts
Committee for Public Counsel Services
MENTAL HEALTH LITIGATION UNIT

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www.publiccounsel.net/Practice_Areas/Mental_Health/civil_mental_health_index.html



Effective January 1, 2009, mental health assignments will be restricted to the county in which your office is located and abutting counties, with the following exceptions:

- (i) no assignment in an abutting county may be in excess of 30 miles (one-way) from your office;
- (ii) if your office is located in Berkshire, Franklin, Hampshire or Hampden County, you will be permitted to accept assignments throughout all such counties (i.e., the 30-mile restriction will not apply);
- (iii) if your office is located in Worcester County, you will be permitted to accept cases in Worcester County and within 30 miles of your office in counties abutting Worcester County to the west;
- (iv) if your office is located in Middlesex County, you will be permitted to accept cases in Middlesex County and within 30 miles of your office in counties abutting Middlesex County to the east;
- (v) with my prior approval, based upon a showing of a compelling need as to a particular matter or a particular client, you may be permitted to accept an assignment or set of assignments that does not comport with these parameters.

TO: Mental Health Counsel
FROM: Stan Goldman
RE: Mental Health Assignment Policy
DATE: January 8, 2009

In order to implement the above-noted policies, please be aware of the following:

- The policy is applicable only to assignments issued on and after January 1, 2009. The new rules DO NOT apply to ongoing cases (*i.e.*, work under NACs issued prior to 1/1/09). You may continue to represent existing clients on open NACs issued prior to January 1, 2009 (*e.g.*, on-going *Rogers* cases, commitment reviews). The foregoing, notwithstanding, continued representation of existing clients that result in inordinate billings for travel compensation will be reviewed and, if necessary, reassignments made.
- Because each commitment and recommitment proceeding is treated as a new case, generating a new NAC, you probably will not be assigned to represent a former or current client on a recommitment or 8B petition, if the court falls outside of the new assignment parameters.
- The new rules apply to all (re)commitment cases, Bridgewater included.

- We can make assignments based only on one office location. If you plan on practicing out of a different office for an extended period of time (e.g., during the summer months), let us know and we will try to accommodate you.
- You need not make any mileage calculations for purposes of this policy. Virtually all district court, superior court and appellate assignments are made out of this office; therefore, if you're appointed to a commitment or 8B proceeding, a 9(b) case or an appeal, you'll be paid. Probate court assignments are made off of lists that we provide to the registers of probate. In general, you can assume that the court has made a proper assignment. That said, however, if an assignment seems questionable give Lisa a call (617-988-8380).
- The 30-mile restriction applies only to abutting counties; there is no mileage restriction within your "home" county.