

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

---

STAN GOLDMAN  
Director  
sgoldman@publiccounsel.net

44 Bromfield Street, Boston, MA 02108  
Telephone: (617) 482-6212 \*\*\* Facsimile: (617) 988-8489  
[www.publiccounsel.net/Practice\\_Areas/Mental\\_Health/civil\\_mental\\_health\\_index.html](http://www.publiccounsel.net/Practice_Areas/Mental_Health/civil_mental_health_index.html)



TO: Mental Health Counsel  
FROM: Stan Goldman  
RE: Assignments  
DATE: December 15, 2008

As you know, assignments to members of the mental health panel have never been restricted geographically. Rather, panelists have been allowed to travel throughout the commonwealth, to courts and mental health facilities of their choosing. The policy was adopted in 1991, when the Mental Health Litigation Unit was created, in order to ensure that counsel would be readily available to represent clients in those remote locations in which few attorneys were willing to handle our cases. While the availability of counsel is no longer a concern, the economic ramifications of this policy have just now become apparent. Although relatively small in absolute dollars, compensation for travel time to mental health counsel as a percentage of total compensation for legal services is extraordinarily high, in many cases accounting for well in excess of 25% of total billings. This is an anomaly that would need to be addressed under any circumstance, but in light of the current fiscal situation it is one that must be dealt with immediately.

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.

I know that this is not pleasant news, but I hope that you understand that these steps are necessary. As always, please feel free to contact me to discuss this further, and thank you for your continued efforts on behalf of our clients.