



The Commonwealth of Massachusetts
Committee for Public Counsel Services
Mental Health Litigation Division
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TO: DMH Facilities
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FROM: Mark A. Larsen
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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.