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To: Judge's Lobby – Charles Luongo Malden District Court	From: Toni Hall
Fax: (781) 322-0169	Pages: 7 including cover page
Phone: (781) 322-7500 x103	Date: 7/11/2014
Re: Female Client – 1450MH0000	CC: Robert F. Brown 617-479-6236

Urgent For Review Please Comment Please Reply Please Recycle

● Comments:

Enclosed, please find my notice of appearance along with an ex-parte motion for IME funds. As these ex-parte motions are generally allowed, I wish to save the Commonwealth money by avoiding a personal appearance to present this request. IF the clerk is unable to do so and needs me to appear to present these motions, please have someone call me at 617-513-8886. Otherwise, if it is allowed, please return the signed portion to me for my files at 617-336-3433. **This matter is scheduled for hearing, Wednesday, July 16, 2013 at 2:00 pm.**

Thank you for in advance for your assistance and I can be reached at 617-513-8886 or attyhall@gmail.com if you have any questions. My fax number is **617-336-3433.**

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss

MALDEN DISTRICT COURT
DOCKET NO: 1450MH0000

IN THE MATTER OF FEMALE CLIENT

NOTICE OF APPEARANCE

To the Clerk of Court:

Please enter my appearance on behalf of patient/respondent, Female Client in the above-entitled action. In filing this Notice of Appearance, patient /respondent does not waive any available right to file a motion to dismiss the underlying Petition for Commitment.

Dated: July 11, 2014



Antoinette L. Hall, Esq.

BBO# 567191

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COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss

MALDEN DISTRICT COURT
DOCKET NO: 1450MH0000

IN THE MATTER OF FEMALE CLIENT

MOTION FOR FUNDS FOR INDEPENDENT EXAMINATION

Now comes Female Client, (“patient”), in the above-cited matter, and moves this Honorable Court as follows:

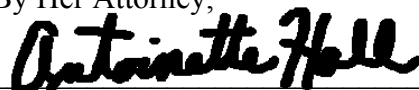
1. That patient be granted funds not to exceed \$1,712.51 to be sufficient for the retention of the services of a psychiatrist or psychologist ("clinician"), of patient's choosing, in order to examine patient and to assist in evaluation, preparation and case presentation.
2. That the Superintendent or Medical Director of the Cambridge Health Alliance / Whidden Hospital, (“hospital”), be ordered to permit said clinician access (i) to patient at all reasonable times and in a manner so as to ensure confidentiality; (ii) to any and all records, in whatever form, in hospital's possession pertaining to patient's care, treatment, need for confinement at a psychiatric facility, need for the security of a secured ward at the hospital, and ability to make informed decisions as to treatment; and (iii) to staff providing clinical services to or otherwise familiar with patient.
3. That hospital be ordered to instruct such staff not to interfere with said clinician in the performance of his/her responsibilities, including but not limited to discussing with him/her *upon the advice of their counsel* any observations of patient and their opinions as to patient's care, treatment, need for confinement at a psychiatric facility, suggested medication regimen and the patient's ability to make informed decisions as to treatment.
4. That hospital be ordered to provide clinician through patient's counsel copies to any and all requested records, in whatever form, in hospital's possession pertaining to patient's care, treatment, need for confinement at a psychiatric facility, need for the strict security of a secured ward at the hospital, and ability to make informed decisions as to treatment. The cost of such copies being waived subject to Rule 3:10 of the Rules of the Supreme Judicial Court.
5. That, except as he/she may be directed by patient or patient's counsel, said clinician be ordered to refrain from disclosing, in any manner, to any person other than patient or patient's counsel any information concerning or opinions in respect to patient that may be gathered or formed in the performance of his/her responsibilities hereunder, unless and until it is determined by patient or patient's counsel that said clinician will be called to testify on behalf of patient in the instant matter, at which time such information shall be discoverable in accordance with the Rules of this Court.

As reasons therefore, patient asserts that:

1. She is presumed indigent under Rule 3:10 of the Rules of the Supreme Judicial Court.
2. The assistance of an independent clinical expert is absolutely essential in order that patient may properly prepare and defend the instant action.
3. Patient intends to solicit the services and an experienced, board certified forensic psychiatrist in the area of clinical treatment. The state approved pay rate for psychiatric examiners is \$237.50 per hour with \$50.00 per hour for travel.
4. The assistance of an independent clinical expert is absolutely necessary in this instance where the hospital seeks treatment with up to six (6) separate anti-psychotic medications and neither the patient nor her attorney possesses sufficient medical knowledge to determine if the medications are harmful to patient health or in appropriate dosage limits.
5. The assistance of an independent clinical expert is necessary in this instance where the hospital seeks to force treatment with anti-psychotic medications and the patient vehemently opposes what she views as harmful to her physical and mental well-being.
6. The patient has a right under the United States and Massachusetts Constitutions to the services of a clinician at the Commonwealth's expense where, as here, the Commonwealth seeks to continue to deprive patient of a substantial liberty interest as a result of its allegations as to her mental status and need for psychiatric care, treatment and hospitalization. *See Ake v. Oklahoma*, 470 U.S. 68 (1985).
7. In the alternative, the Court must, pursuant to G.L. c. 261, §27C, authorize the expenditure of funds necessary to secure such services where, as here, such services are reasonably necessary to assure that patient is able to defend this action in as effective a manner as would be available to a person of means. *Commonwealth v. Lockley*, 381 Mass. 156 (1980). In respect thereto, patient further asserts that it cannot reasonably be argued that a person of means, facing the possibility of continued involuntary confinement at a psychiatric facility and the administration of mind-altering medication, would ever knowingly choose not to expend his funds to secure the assistance of an independent clinical expert. *See, e.g., Guardianship of a Mentally Ill Person*, Mass.App.Ct. No. 85-0018 Civ. (Dreben, J. 1/28/85).

In filing this Motion, patient does not waive any available right to file a motion to dismiss the underlying Petition for Commitment.

Female Client,
By Her Attorney,



Antoinette L. Hall, Esq., BBO# 567191
A.L. HALL & Associates
P.O. Box 66 • Allston, MA 02134
(617) 513-8886

Date: July 11, 2014

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss

MALDEN DISTRICT COURT
DOCKET NO: 1450MH0000

IN THE MATTER OF FEMALE CLIENT

AFFIDAVIT IN SUPPORT OF
MOTION FOR FUNDS FOR INDEPENDENT EXAMINATION

1. My name is Antoinette Hall and my office address is 1295 River Street, Hyde Park, Massachusetts, 02136.
2. I am an attorney licensed to practice law within the Commonwealth of Massachusetts. My B.B.O.# is 567191.
3. I am attorney of record for the above-entitled case, court-appointed through the Committee for Public Counsel Services.
4. Female Client needs to be evaluated by an independent medical examiner to assist in the case. It is our intention to solicit the services of an experienced forensic specialist with expert experience in the area of clinical treatment. The approved pay rate by the General Laws for independent psychiatric medical examiners is \$237.50 per hour for trial related work (evaluation, interviews, medical records reviews and hearing testimony) and \$50.00 for travel time. This is regulated and paid through the Committee for Public Counsel Service.
5. My request for the allocation of funds is for an amount *not to exceed* \$1,712.51. This request was made in “good faith” to incorporate the expected and customary practice *maximum* of eight (8) hours of service time for the independent examination and ancillary preparation by the doctor for to assist the defendant in preparation for hearing. This is not including testimony.
6. Eight hours of billing time is not unreasonable when requesting an independent medical examiner for pre-hearing evaluation and preparation. From my prior experience, the typical time spent by independent forensic psychiatrists in this role breaks down as follows:
 - a. Round trip travel time (to and from) for evaluation – 1 hour (\$50)
 - b. Full interview, testing and evaluation of patient – 1.5 hours (\$356.25)
 - c. Consultation with members of hospital treatment team - 1.5 hours (\$356.25)
 - d. Review of medical and court records - 1.5 hours (\$356.25)
 - e. Consultation with family members for patient background – 0.75 hours (\$178.13)
 - f. Collateral review (prior hospitalizations & medical providers) – 0.75 hours (\$178.13)

- g. Review of matter and preparation for trial with Attorney – 1.0 hour (\$237.50)
7. It is also my experience that many psychiatrists will not agree to become independent medical examiners unless they can be guaranteed in advance that their charges will be paid. This practice is akin to the attorney “retainer” practice.
 8. It is also my experience that many psychiatrists will not agree to become independent medical examiners unless they can be guaranteed in advance that their charges will be paid. As a result, some of the more experienced doctors will not accept assignment until an order for funds has been obtained by the attorney in a *reasonable* amount to assure that payment will be made. In the past, when lesser amounts have been allowed by the Court on prior cases, some doctors have refused to evaluate on behalf of the patients.
 9. The assistance of an independent clinical expert is absolutely necessary in this instance where the hospital seeks to further detain Ms. Client against her will for treatment of her “mental illness.” Ms. Client rejects continued treatment by this hospital and demands to be discharged forthwith to appropriate, available, lesser-restrictive treatment alternative that can appropriately treat her alleged psychiatric and any possible medical issues.
 10. Ms. Client has a right under the United States and Massachusetts Constitutions to the services of a clinician at the Commonwealth's expense where, as here, the Commonwealth seeks to continue to deprive patient of a substantial liberty interest as a result of its allegations as to her mental status and need for psychiatric care, treatment and hospitalization. *See Ake v. Oklahoma*, 470 U.S. 68 (1985).
 11. In the alternative, the Court must, pursuant to G.L. c. 261, §27C, authorize the expenditure of funds necessary to secure such services where, as here, such services are reasonably necessary to assure that patient is able to pursue this action in as effective a manner as would be available to a person of means. *Commonwealth v. Lockley*, 381 Mass. 156 (1980). In respect thereto, Ms. Client further asserts that it cannot reasonably be argued that a person of means, facing the possibility of involuntary confinement at a psychiatric facility and the administration of mind-altering medication and treatment, would ever knowingly choose not to expend her funds to secure the assistance of an independent clinical expert. *See, e.g., Guardianship of a Mentally Ill Person*, Mass.App.Ct. No. 85-0018 Civ. (Dreben, J. 1/28/85).

Signed under the Pains and Penalties of Perjury this 11th day of July, 2014.



Antoinette L. Hall, Esq.

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss

MALDEN DISTRICT COURT
DOCKET NO: 1450MH0000

IN THE MATTER OF FEMALE CLIENT

CERTIFICATE OF SERVICE

I, Antoinette L. Hall, hereby certify that I served the attached copy of the foregoing attached document(s), by First Class Mail, on the following representative for the hospital located at:

Patrick Wardell, MD, CEO
Cambridge Health Alliance /
Whidden Memorial Hospital
103 Garland Street
Everett, MA 021499
(617) 389-6270

Through

Atty. Robert F. Brown
Attorney At Law
1212 Hancock Street
Quincy, MA 02169
Ph: 617-359-8419
Fx: 617-479-6236

And delivered to the patient:

Female Client, Patient
Whidden Memorial Hospital
103 Garland Street
Everett, MA 02149

Dated: July 11, 2014



Antoinette L. Hall, Esq., BBO# 567191
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