



The Commonwealth of Massachusetts

Committee for Public Counsel Services

Mental Health Litigation Division

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Mandatory Mentor Program

The Mental Health Litigation Unit's Mandatory Mentor Program provides the opportunity for newly-certified mental health attorneys (mentees) to gain hands-on trial experience under the direct supervision of highly skilled and experienced mental health litigators (mentors).

There is no pre-established duration for a mentee's participation in the Program. Rather, a mentee will remain in the Program (and on "probationary" certification status) until his or her mentor, and subject to agreement of CPCS's Director of Mental Health Litigation, determines that the mentee is able to independently provide his or her clients with the effective assistance of counsel to which they are entitled.

It is expected that mentees will immediately commence and maintain their mental health practice throughout their participation in the Program. To that end, the provisional certification of a mentee who does not accept at least one mental health assignment within six (6) months of his or her entry into the Program, or who does not routinely accept mental health assignments during his or her participation in the Program will be revoked, absent a waiver granted by the Director of Mental Health Litigation.

Throughout his or her participation in the Mandatory Mentor Program, a mentee shall:

1. Develop a thorough understanding of the CPCS Civil Commitment and Guardianship Performance Standards.
2. On or before receipt of his or her first case, contact his or her mentor in order to discuss his or her background, training and specific supervisory needs.
3. Accept no more than two "mental health" assignments per month. The cases may be commitment (district court) cases and/or guardianship (probate court) cases; provided that the mentee shall accept at least one of each type of case during his or her participation in the Program.

4. Notify his or her mentor of the times, dates and places of all scheduled hearings, conferences and other case-related meetings, and promptly update the mentor as to any changes therein. *[Please note that one or more substitute mentors may be assigned as schedules may require.]*
5. Provide his or her mentor with copies of any and all information and documents (*e.g.*, client medical records, petitions, affidavits and other pleadings) pertaining to pending cases; or, at the mentor's request, make other arrangements to provide the mentor with such information and documents (*e.g.*, arrange for the mentor to meet with the client; accompany the mentor to a hospital's medical records department).
6. After interviewing the client, reviewing the medical record and other pertinent material, and interviewing the hospital doctor, family members, etc., provide his or her mentor with a one page memo outlining the issues and theory of the case, including the advantages and disadvantages of retaining an independent clinical expert (IME).
7. At the hearing, consult with his or her mentor at all breaks and recesses, and at other times as necessary.
8. Attend his or her mentor's (or other mentors') hearings whenever possible; provided, however, that a mentee must observe at least one of his or her mentor's commitment hearings, or that of another mentor.
9. Immediately notify his or her mentor if a case settles or is otherwise terminated, or if the mentee withdraws from a case for any reason.

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