



The Commonwealth of Massachusetts

Committee for Public Counsel Services

Mental Health Litigation Division

44 Bromfield St., 2nd Fl., Boston, MA 02108

TEL: 617-988-8341
FAX: 617-988-8488

ANTHONY J. BENEDETTI
CHIEF COUNSEL

MARK A. LARSEN
DIRECTOR

MEMO

To: CPCS Mental Health Panel Members

From: Karen Owen Talley, Assistant Director

Date: June 30, 2015

Re: Fiscal Year 2016 Changes to Panel

Thank you to all of you who attended our recent Regional Meetings in May and June. It was great to see so many of you in person and hear about the great work you all are doing under challenging circumstances. Thanks also to our excellent Regional Coordinators for arranging for the meetings and for all their efforts to support the panel throughout the year. We appreciated all of the training ideas that people contributed and are gearing up to design what we hope will be an excellent series of trainings for the next fiscal year.

This memo is in follow up to those meetings and will provide more detail on what was discussed. During the period of July 1 through August 15, 2015, we will be asking you to "Re-register" for the Mental Health panel and indicate whether you wish to be on the commitment panel, the guardianship panel, or both. In addition, you will be asked to renew your court preferences, insuring that you are on those court lists that you want to be on, and that you are removed from those courts you are no longer able or willing to accept cases from. These fillable PDF forms will be sent both via e-mail and downloadable from the website, beginning on July 1, 2015. The forms will be returned to a designated e-mail address for Mental Health Registration noted on the form. To summarize what was discussed at the Regional Meetings, these are the changes that are going to be phased in:

- We will have separate guardianship and commitment panels – you can be on both, but you will need to fill out new court preference forms.

- Guardianship panelists are asked to insure that they list only those courts in which they are able to accept cases with some regularity. (There is no specific number of new cases, but active panelists should generally not go a whole year without accepting at least 2-5 cases from a Probate Court list they are on.)
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- Guardianship panelists willing to take cases on an emergency basis are asked to indicate this on the registration form and are asked to provide the best phone number and a fax number so that the court can call you and fax pleadings.
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- Further recertification is being put “on hold” in lieu of providing a required one-day guardianship training during Fiscal Year 2016.
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- Currently pending recertification applications will be completed, but if you are electing to be on the guardianship panel, you will still need to attend the required guardianship training, even if you have been recertified.
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- The guardianship training will be free, required for all guardianship panelists and offered in all regions of the state, beginning with Western Mass. and Worcester in October 2015.
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- Those panelists who also represent institutional petitioners will no longer be eligible for CPCS Mental Health Panel membership and will need to choose whether to continue to represent Respondents during the time period from July 1, 2015 – August 15, 2015. (For a more detailed explanation of the reasons for this change, please refer to Mark Larsen’s memo of June 24, 2015.) Those electing to not continue with CPCS Mental Health Panel Membership will be expected to complete the process of withdrawing from their existing cases by August 15, 2016 (one year from the latest election date.) In their discretion, panelists will be allowed to continue to accept new cases through December 30, 2015 (6 months) in order to allow time to restructure their practice.
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- Beginning on July 1, 2015, panelists will be required to have 4 of their 8 CLE credits fall into the broad category of trial skills. For FY 2016, this requirement will be covered by the required guardianship training for guardianship panelists and, for those continuing on the commitment panel only, by attendance at one of two standardized 4 - hour civil commitment trainings offered by Regional Coordinators. In future years, Regional Coordinators will be required to offer 4 hours of free, local trial skills trainings, so panelists should not have to travel far or pay high fees in order get this training.
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- Beginning on July 1, 2015, trial counsel filing Notices of Appeal will be asked to fill out a one-page appeal form to be faxed into CPCS along with the Notice of Appeal, for purposes of assignment. The Appeal Form can be found on the MHLD website.
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- Slightly revised draft performance standards were distributed at the Regional Meetings. Until these are officially promulgated as part of the overall changes to the Assigned Counsel Manual, panel attorneys are advised, but not required, to follow the revised, draft standards. For those who did not attend the Regional Meetings, these draft standards will

be circulated via the MH E-Group or can be requested via e-mail to bjvarez@publiccounsel.net.

We realize that these are a lot of changes taking place all at once. However, we hope that these changes will lead to better training and support for all of our panel members and to even higher quality representation for our clients. Thank you for your patience with these changes and for your continued hard work and dedication to our clients.