



# The Commonwealth of Massachusetts

*Committee for Public Counsel Services*

*Mental Health Litigation Division*

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## **MANDATORY MENTOR PROGRAM**

The Mental Health Litigation Division'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 their mentor determines that the mentee is able to independently provide their clients with the effective assistance of counsel to which they are entitled. If this determination has been made, the mentor makes a recommendation of acceptance to the Director of Mental Health Litigation. Full panel membership commences only upon the agreement of the Director or Trial Panel Director and formal notification to the mentee that they have successfully completed the Program. Alternatively, if the Director or Trial Panel Director, in consultation with the mentor, determines that the mentee's provisional status should be revoked based on substantial deficiencies in performance or failure to comply with the Program's requirements, this decision can be made at any time.

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 or Trial Panel Director of Mental Health Litigation.

Throughout their 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 their first case, contact their mentor in order to discuss their background, training and specific supervisory needs.
3. Accept no more than 2-3 "mental health" assignments per month. If you completed the civil commitment-only training the cases may be only commitment (District Court) cases. If you completed the guardianship-only training the cases may be only guardianship (Probate Court) cases.

4. Notify their mentor immediately upon acceptance of any and all new cases. Further, the mentee must notify the 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 their 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 their 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. Consult with the mentor concerning any potential ethical issues or questions about the scope of representation.
8. At the hearing, consult with the mentor at all breaks and recesses, and at other times as necessary.
9. Attend their mentor's (or other mentors') hearings whenever possible; provided, however, that a mentee should observe at least one of their mentor's commitment or other evidentiary hearings or that of another mentor. In addition, (or in the alternative, with the permission of the mentor) the mentee may arrange to observe hearings conducted by staff of one or more of the MHLA's commitment units.
10. Immediately notify their mentor if a case settles or is otherwise terminated, or if the mentee withdraws from a case for any reason.

Failure to comply with the Mandatory Mentor Program requirements will lead to revocation of the mentee's provisional panel status.