
By Mr. Cawley, a petition of Robert L. Cawley for legislation to establish a mental health legal advisors committee, the appointment of said attorneys by the Honorable, the Justices of the Supreme Judicial Court and the qualifications and duties of said attorneys. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-One.

AN ACT ESTABLISHING A MENTAL HEALTH LEGAL ADVISORS
COMMITTEE.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

- 1 Chapter 221 of the General Laws is hereby amended by in-
- 2 serting after section 34D, the following new section: —
- 3 *Section 34E.* The Justices of the supreme judicial court shall
- 4 appoint a Mental Health Legal Advisors committee consisting
- 5 of fourteen attorneys, each of whom shall hold office during
- 6 the term for which he is appointed and until his successor
- 7 in office has qualified. Upon completion of a term of a member
- 8 of said committee, his successor shall be appointed for a
- 9 term of four years. The unexpired portion of any term which
- 10 becomes vacant shall be filled by the justices of the supreme
- 11 judicial court. Members of said committee may be removed
- 12 by the justices of the supreme judicial court for cause. No
- 13 member of the committee shall receive any compensation for
- 14 his services but each member shall be reimbursed for actual
- 15 traveling expenses incurred by him in attending the com-
- 16 mittee meetings. At least one member of the Mental Health
- 17 Legal Advisory committee shall be a practicing attorney in
- 18 each of the mental health regions of the commonwealth.
- 19 Said committee shall establish and maintain a division of
- 20 mental health legal assistance. The committee shall appoint a
- 21 director of said division who shall be a member of the Massa-
- 22 chusetts Bar and shall serve under and be directly responsible
- 23 to the committee. The director shall, subject to the approval

24 of the committee, appoint and remove Mental Health Legal
25 Advisors, who shall also be members of the Massachusetts
26 Bar.

27 A Mental Health Legal Advisor shall assist and advise
28 patients and residents in mental health and retardation
29 facilities of the department of mental health, patients at the
30 Bridgewater state hospital and patients under court commit-
31 ment orders at other public and private facilities concerning
32 their legal rights. Where the director determines that the
33 patient or resident is indigent, a Mental Health Legal Advisor
34 may represent a patient or resident if requested to do so by
35 the patient or resident; and such representation shall include
36 appearance in court on behalf of the client. The Mental Health
37 Legal Advisor shall arrange for private legal representation
38 of the patient or resident where appropriate. The Mental
39 Health Legal Advisor shall fulfill such other duties as may
40 be assigned to him from time to time by the director.

41 A Mental Health Legal Advisor may, with the approval of
42 the director, examine all records pertaining to a patient or
43 resident who has become his client, including the records of
44 the department of mental health and the department of cor-
45 rection or any other facility having records which are neces-
46 sary for the proper carrying out of the duties of the Legal
47 Advisor.

48 The committee shall adopt such rules and regulations as
49 may be necessary to carry out the purposes of the said com-
50 mittee in accordance with Chapter 30A of the General Laws.
51 In developing such rules and regulations, the committee shall
52 consult with the department of mental health, the department
53 of correction, the Massachusetts Defenders Committee and
54 such other public agencies as may have custody or control of
55 the supervision of patients or residents to whom legal assist-
56 ance may be given.

57 The director shall, subject to the approval of the committee,
58 appoint such professional or non-professional aides, clerical
59 or other assistants as may be necessary to carry out the
60 duties of the committee, and the committee shall provide
61 appropriate offices throughout the commonwealth.

62 The director and other employees appointed hereunder shall
63 not be subject to the provisions of chapter thirty-one.

64 The committee, for the purposes hereof, may accept gifts,
65 grants or contributions from any source whether public or
66 private, and may expend the same.

