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Northampton State Hospital office opens

### 1974

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Legislation approved creating right to consult with attorney before signing a voluntary hospitalization application

### 1975

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***Boyd v. Registrar of Belchertown***

Supreme Judicial Court holds that residents of the Belchertown State School have a constitutional right to vote that can only be limited if under a court-appointed guardianship with proper authority

***Gallup v. Alden***

District court appeals division holds the Commonwealth to investigate and consider all less restrictive alternatives as part of proof for civil commitment, as well as several other substantive and procedural issues in commitment hearings

### 1976

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Mental Patients Advocacy Project begins

***Hardin v. Sullivan***

Voting rights case on behalf of residents of the Northampton State Hospital settled, requiring the registrar to conduct voter registration and voting at NSH

### 1978

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***Brewster v. Dukakis***

Federal court approves consent decree requiring the Commonwealth to create community mental health services for all current and future residents of NSH

### 1979

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***Commonwealth v. Nassar***

Supreme Judicial Court holds that in all civil commitment proceedings, district court must consider whether there is a less restrictive alternative to hospitalization

### 1980

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Book:

[Trial Manual for Civil Commitment \(MHLAC\)](#)

Department of Mental Health promulgates regulations for client rights, service planning, and community program standards as part of Brewster Consent Decree

### 1981

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***McBride v. Okin***

Settlement of class action creates due process complaint procedure and human rights committees for Department of Mental Health programs

***Dottin v. Dukakis***

Challenge to unnecessary segregation in the Metropolitan State Hospital settled with the closure of the facility

### 1982

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Center for Public Representation incorporated

Disability Law Clinic at Western New England Law School begins

Law Review:

[The Massachusetts Constitutional Amendment: Prohibiting Discrimination on the Basis of Handicap](#), 16 Suffolk Law Journal 47





### 1983

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CPR becomes state backup center, as part of Massachusetts Disability Law Support Project

Law Review:

Protecting the Rights and Enhancing the Dignity of People With Disabilities, 14 Rutgers Law Journal 541

Book:

Legal Rights and Mental-Health Care (Lexington Books)

#### ***Hashimi v. Kalil***

Supreme Judicial Court decides that civil commitment timelines are mandatory and that if a hearing is not commenced within the timeline, the individual must be discharged

### 1984

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Social Security Project begins

### 1986

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Mental Health Protection and Advocacy (P&A) program created by CPR and Mental Health Legal Advisors Committee

#### ***Heck v. Commonwealth***

Supreme Judicial Court applies statute of limitations to handicapped persons suing state employees for damage under the Massachusetts Tort Claims Act

### 1987

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Law Review:

Compulsory Community Treatment: Distorted Doctrines and Violated Values, 20 Loyola L. R. 1329

#### ***Deniz v. Behavior Research Institute***

Court approves release of severely handicapped young man from the Behavior Research Institute and his placement in a non-aversive community program in Vermont

#### ***Kelley v. Maher***

Settled civil rights damage action for multiply handicapped special education student who was sexually abused by her teacher

#### ***Whiston v. Commonwealth***

Settled malpractice action on behalf of woman who suffered burns while at Northampton State Hospital

### 1988

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CPR takes over Mental Health Protection and Advocacy Program

#### ***Hinckley v. Fair***

Settlement requiring the Commonwealth to create network of substance abuse treatment programs for women as an alternative to commitment to MCI – Framingham

### 1989

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#### ***United States v. Commonwealth***

Represent residents of the Worcester State Hospital in the first suit brought by the U.S. Department of Justice seeking to remedy unconstitutional conditions in the state hospital; district court approves, and 1st Circuit affirms, consent decree

#### ***Galenski v. Commonwealth***

State settles civil rights damage action for long term resident of NSH who died from choking after being transferred to Bridgewater State Hospital





Center for Public  
Representation

# Over Forty Years of Advocacy

## MILESTONES & SYSTEMIC INITIATIVES

### 1990

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Disability Law Clinic at Harvard Law School begins

Law Review:

Establishing Standards for Care of Persons with Disabilities through Damage Actions, 17 New York University Review of Law and Social Change 651

***McNamara v. Dukakis***

Court enjoins budget cuts that deny residents of state hospitals and community programs essential treatment

***Little v. Commonwealth***

Settled civil rights damage action for resident of Metropolitan State Hospital who was abused and illegally restrained

### 1991

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Law Review:

Legal Challenges to Discrimination Against Women with Alcohol Disabilities: Punishment For No Crime, 76 Mass Bar J. 229

***Bolivar v. Commonwealth***

***Incopera v. Commonwealth***

State settles two civil rights damage actions on behalf of a young man with intellectual disability and an elderly man with mental health needs who died as a result of poor medical care at the Worcester State Hospital

### 1992

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CPR becomes a national backup center for the P&A network

### 1993

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CPR drafts program standards for P&A network

Mental Retardation Advocacy Project begins

Law Review:

Abolishing Competency as a Construction of Difference: A Radical Proposal to Promote the Equality of Persons with Disabilities, 47 Miami Law Review 867

***Lipson v. Commonwealth***

State settles civil rights damage action on behalf of young woman with an eating disorder who dies after leaving Westboro State Hospital

***T.P. v. DuBois***

Federal court holds statute assessing costs of assigned counsel to indigent persons facing commitment at Bridgewater State Hospital is unconstitutional

### 1994

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Bridgewater State Hospital Advocacy Project begins

### 1995

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***Arnold v. Arizona Department of Health***

State court approves settlement requiring the dramatic reduction of the state hospital's capacity and the expansion of community services for individuals with serious mental illness in Maricopa County





### 1996

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***Healey v. Weld***

Court enjoins state statute prohibiting the transitions from the Dever State School to the community for individuals with I/DD

***NEARI and United States v. MIFA***

Federal court holds that the Fair Housing Act applies to an agreement to offer bonds to finance development of a community program for adolescents with disabilities resulting in a damage settlement for social service agency

***J.A. v. Sheriff of Plymouth County***

Settlement of case challenging lack of treatment for incarcerated persons with mental illness requiring county jail to provide adequate mental health services

### 1997

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***Jackson v. Fort Stanton***

Federal court approves settlement requiring the closing of the last public institution in New Mexico and the creation of a comprehensive community service system for individuals with I/DD

***People First v. Rainier***

Settled class action case on behalf of residents of the Rainier Developmental Center challenging illegal conditions of confinement and unnecessary segregation, in violation of the Americans with Disabilities Act and other federal laws

***Behavior Research Institute v. Campbell***

Represent intervenor appointed counsel for students at BRI opposing sanctions against DMR for regulating and monitoring use of aversives; Supreme Judicial Court upholds contempt finding against DMR Commissioner

### 1998

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Law Review:

[Advanced Directives for People with Mental Illness: A Survey of State Laws](#),  
4 Psychology, Pub. Pol'y & Law 788

### 1999

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***Converse v. Nelson***

Superior Court finds "phase program" at Bridgewater State Hospital is illegal restraint and orders its discontinuation

***Gannon v. DOC***

Settlement of wrongful death case for family of man who died from facility's failure to provide him insulin while he was in seclusion at Bridgewater State Hospital

***Shine v. Vega***

Damage action on behalf of woman with acute asthma who was restrained and forcibly treated in emergency room of large teaching hospital; jury verdict for defendant and instructions reversed by the Supreme Judicial Court, which holds that competent person has right to refuse emergency treatment

### 2000

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Book:

[Guardianship and Conservatorship in Massachusetts](#) (Lexis)

***Rolland v. Cellucci***

Federal court approves settlement requiring the transition of over 1225 individuals with I/DD in nursing facilities into the community

***Super. of Bournemouth Hosp. v. Baker***

SJC holds that a private hospital may not civilly commit a person who has agreed to stay in hospital voluntarily

***Kadlick v. Department of Mental Health***

Settlement requires DMH to promulgate new rules on charges for care at state hospitals





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### 2001

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Prison Advocacy Project begins

***Evans v. Williams***

Court approves class action settlement requiring significant improvements in community services for individuals with I/DD who were formerly institutionalized at Forest Haven

### 2002

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Nursing Facility Advocacy Project begins

***Emily J. v. Rowland***

Court approves remedial plan and diversion services for youth with mental illness in Connecticut's juvenile justice system

### 2003

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Children's Mental Health Advocacy Project begins

***Johnson v. Sellars***

District court requires, and 11th Cir. upholds, significant expansion of community mental health services as part of closure of state hospital in Florida

***Commonwealth v. Carrara***

Massachusetts Appeals Court holds that a judge may not restrict the movements of committed person to the interior of the hospital

### 2004

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P&A program ends; CPR becomes national backup and law reform center

Emergency Room Reform Project begins

Juvenile Justice Advocacy Project begins

In order to avoid litigation, the Commonwealth's DMH agrees to provide a range of deaf services to residents of state hospitals

### 2006

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Book:

[Emergency Department Treatment of the Psychiatric Patient](#) (Oxford Univ. Press)

***Rosie D. v. Patrick***

Federal court issues landmark decision requiring the Commonwealth to provide an array of home-based mental health services to children and youth with Serious Emotional Disturbance

***Brown v. Bush***

Court approves and 11th Circuit affirms settlement closing three DD institutions in Florida and creating community alternatives

### 2007

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Law Review: [Representing Clients Who Have or May Have "Diminished Capacity"](#): Ethics Issues, 41 Clearinghouse Review 346

New civil commitment law enacted shortening timelines for commitment and increasing due process protections

### 2008

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Brain Injury Advocacy Project begins

Rosie D. Implementation Project begins

***Rolland v. Patrick***

Federal court approves second settlement requiring the transition of over 1,225 individuals with I/DD in nursing facilities into the community

***Hutchinson v. Patrick***

Federal court approves first settlement requiring the transition of over 1,000 individuals with brain injury in nursing facilities into the community

***Newton-Wellesley Hospital v. Magrini***

SJC holds that patient was denied the right to an emergency hearing to consider the appropriateness of his involuntary admission to a mental health unit





### 2009

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***Sampson v. Beth Israel***

Hospital agrees to significantly reduce and monitor use of emergency room restraint of patients with mental illness

***Kenniston v. DYS***

SJC finds that statute allowing extension of commitment of youth to DYS beyond their 18th birthday is unconstitutional

After 15 years of advocacy, Legislature enacts the Massachusetts Uniform Probate Code transforming guardianship in Massachusetts

### 2010

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Law Review:

[The Potential and Risks of Relying on Title II's Integration Mandate to Close Segregated Institutions](#), Georgia State University Law Review

To avoid litigation, DYS and CPCS agree to establish a panel to provide counsel to youth committed to DYS at hearings regarding revocation of a grant of conditional liberty (parole)

***In re McDonough***

Supreme Judicial Court orders trial court to provide accommodations to witness with aphasia to allow her to testify

### 2011

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Law Review:

[Negotiated Rulemaking: A Better Approach](#), 44 Clearinghouse 526

***Michigan P&A v. Caruso***

Court approves settlement substantially reducing use and conditions of segregation for youth in Michigan adult prisons

### 2012

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***Hutchinson v. Patrick***

Federal court approves second settlement requiring the transition of an additional 1,200 individuals with brain injury in nursing facilities into the community

***DLC v. DOC***

Court approves settlement agreement prohibiting use of solitary confinement for more than 30 days for prisoners with mental illness, totally prohibiting use of the most restrictive solitary confinement (DDU), and establishing treatment alternatives

### 2014

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Supported Decision-Making Project begins

***Arnold v. Arizona Department of Health***

State court approves final settlement requiring dramatic expansion of core community services for individuals with serious mental illness in Maricopa County, and ending the case

***Amanda E. v. Hassan***

Federal court approves settlement requiring New Hampshire to create comprehensive system of community services for persons with serious mental illness who are unnecessarily segregated at the New Hampshire State Hospital and the Glencliff Nursing Facility

### 2015

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***Lane v. Brown***

Federal court approves settlement requiring Oregon to provide Competitive Integrated Employment and employment services in integrated settings to over 7,000 individuals with I/DD

***JRC v. SB***

For first time, a state court refuses to approve the use of painful aversives for resident of the Judge Rotenberg Center

### 2016

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***Doe v. Baker***

State agrees to end the civil commitment of women with addiction to a state prison committed for substance abuse issues concludes