

843 F.Supp. 775
United States District Court,
D. Massachusetts.

T.P., C.B., W.V., J.F., G.M. and J.S.,
on behalf of themselves and all
others similarly situated, Plaintiffs,

v.

Larry E. DuBOIS, in his official capacity as
Commissioner of the Department of Corrections,
Eileen Elias, in her official capacity as Commissioner
of the Department of Mental Health, Defendants.

Civ. A. No. 92-10590-Z.

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Sept. 9, 1993.

Suit was commenced challenging validity of Massachusetts statute conditionally requiring residents of Department of Mental Health or state hospital facilities to contribute toward cost of counsel appointed to provide representation. The District Court, [Zobel, J.](#), after reviewing stipulations of facts and other documents, held that statute violated residents' rights to due process and equal protection under Fourteenth Amendment, and to freedom from discrimination on basis of disability violation of Americans with Disabilities Act.

Ordered accordingly.

West Headnotes (1)

[1] **Civil Rights**

🔑 [Public Facilities](#)

Constitutional Law

🔑 [Commitment, Confinement, or Placement in General](#)

Constitutional Law

🔑 [Mental Health](#)

Mental Health

🔑 [Constitutional and Statutory Provisions](#)

Massachusetts statute conditionally requiring residents of Department of Mental Health or state hospital facilities to contribute

toward cost of counsel appointed to provide representation violated residents' rights to due process and equal protection under Fourteenth Amendment, and to freedom from discrimination on basis of disability, as guaranteed by Title II of the American with Disabilities Act. [M.G.L.A. c. 123, § 18A](#); [U.S.C.A. Const.Amend. 14](#); Americans with Disabilities Act of 1990, § 2 et seq., [42 U.S.C.A. § 12101](#) et seq.

[Cases that cite this headnote](#)

Attorneys and Law Firms

*776 [Steven J. Schwartz](#), Robert D. Fleischner, Northampton, MA, Melissa E. Stimell, Lynne Valenti, Boston, MA, [Steven C. Schlang](#), Worcester, MA, Donna L. Willoughby, Newton, MA, for plaintiffs.

Judith Fabricant, [Margaret Monsell](#), Office of the Atty. Gen., Boston, MA, Mary C. Connaughton, Boston, MA, for defendants.

FINAL JUDGMENT

[ZOBEL](#), District Judge.

After reviewing the Stipulations of Fact, exhibits, affidavits, various documents, and memoranda of law submitted by the parties, it is hereby ORDERED, ADJUDGED, and DECREED that:

Section 275 of chapter 138 of the Massachusetts Acts of 1991, codified at [General Laws c. 123, § 18A](#), violates plaintiffs' rights to due process as guaranteed by the Fourteenth Amendment to the United States Constitution, to the equal protection of the laws as guaranteed by the Fourteenth Amendment to the United States Constitution, and to freedom from discrimination on the basis of disability, as guaranteed by Title II of the Americans with Disabilities Act of 1990, [42 U.S.C. § 12101](#) et seq.

All Citations

843 F.Supp. 775, 3 A.D. Cases 288, 5 A.D.D. 764