

MASSACHUSETTS SUPREME JUDICIAL COURT

In the Matter of N.L.

SJC-12183 · No. SJC-12183 · Decided March 14, 2017

SUMMARY

The Massachusetts Supreme Judicial Court dismissed as moot an appeal concerning civil commitment and involuntary antipsychotic treatment but exercised its discretion to address the continuance issue. The court held that a first request for a continuance under G. L. c. 123, §§ 7(c) or 8B(c), must be granted when denial would be reasonably likely to prejudice the person's ability to prepare a meaningful defense. The court further held that any denial must state with particularity the reasons on the record.

CASE DETAILS

COURT	Massachusetts Supreme Judicial Court
WRITING FOR THE COURT	Lowy, J.; Gants, C.J.; Botsford, J.; Lenk, J.; Hines, J.; Gaziano, J.; Budd, J.
JURISDICTION	Massachusetts
DECIDED	March 14, 2017
DOCKET	SJC-12183
DISPOSITION	dismissed
PROCEDURAL POSTURE	N.L. appealed orders of the District Court committing him involuntarily to a mental health facility and authorizing involuntary treatment with antipsychotic medication. The Appellate Division dismissed the appeal as moot after N.L. was discharged, and the Supreme Judicial Court transferred the case from the Appeals Court on its own initiative.
STANDARD OF REVIEW	A denial of a requested continuance is reviewed for abuse of discretion, with particularity required in the judge's stated reasons when the continuance is denied.
PRECEDENTIAL VALUE	Published Massachusetts Supreme Judicial Court opinion; precedential.
PARTIES	N.L. v. Petitioner

TOPICS

civil procedure

statutory interpretation

civil rights

health law

motions to dismiss

PRACTICE AREAS

mental health law

civil procedure

statutory interpretation

civil rights

QUESTIONS PRESENTED

1. Whether a judge may deny a person's or counsel's first request for a continuance of a civil commitment hearing under G. L. c. 123, § 7(c), or an involuntary medical treatment hearing under § 8B(c).
2. Whether the appeal should be dismissed as moot after N.L.'s discharge from the hospital, and whether the Supreme Judicial Court should nevertheless decide the continuance issue.

HOLDINGS

1. The grant of a person's or counsel's first request for a continuance is mandatory when denial is reasonably likely to prejudice the person's ability to prepare a meaningful defense.
2. The length of a continuance is within the judge's sound discretion, but if the judge denies the requested continuance, the judge must state on the record with particularity why denial is not reasonably likely to prejudice the person's ability to prepare a meaningful defense.
3. Although N.L.'s appeal was moot following his discharge, the court exercised its discretion to decide the continuance issue because issues involving commitment and treatment of mentally ill persons are generally matters of public importance capable of repetition yet evading review.

KEY QUOTATIONS

"We hold that where a person or his or her counsel requests such a continuance, the grant of the continuance is mandatory where a denial thereof is reasonably likely to prejudice a person's ability to prepare a meaningful defense." (at 7-8)

"The grant of a first request for a continuance pursuant to G. L. c. 123, § 7 (c) or 8B (c), is mandatory where a denial thereof is reasonably likely to prejudice a person's ability to prepare a meaningful defense." (at 11)

FACTUAL BACKGROUND

N.L. was admitted to a hospital under the emergency hospitalization provisions of G. L. c. 123, § 12. The hospital filed petitions for his civil commitment and for authorization to administer antipsychotic medication, and the hearing was scheduled three days later. N.L.'s counsel did not receive his medical records until the day before the hearing, when an independent psychiatrist first met with N.L.; counsel then requested a continuance to prepare a defense and complete the psychiatric evaluation. The judge denied the request without stating reasons and proceeded to order commitment and involuntary treatment.

PROCEDURAL HISTORY

The hospital filed petitions for civil commitment under G. L. c. 123, §§ 7 and 8, and for authorization of medical treatment under § 8B. The District Court denied N.L.'s first request for a continuance, conducted the hearings,

ordered commitment for up to six months, and authorized involuntary antipsychotic treatment. The Appellate Division dismissed the appeal as moot and declined to reach the merits, after which the Supreme Judicial Court transferred the case and addressed the recurring issue despite mootness.

DISPOSITION

dismissed

CASES CITED

- Newton-Wellesley Hosp. v. Magrini, 451 Mass. 777, 778-781 (2008)
- Newton-Wellesley Hosp. v. Magrini, 451 Mass. 777, 782 (2008)
- Acting Supt. of Bournewood Hosp. v. Baker, 431 Mass. 101, 103 (2000)
- Hashimi v. Kalil, 388 Mass. 607, 609 (1983)
- Sullivan v. Brookline, 435 Mass. 353, 360 (2001)
- Sullivan v. Ward, 304 Mass. 614, 615-616 (1939)
- Rogers v. Commissioner of the Dept. of Mental Health, 390 Mass. 489, 510-511 (1983)
- Commonwealth v. Nassar, 380 Mass. 908, 917 (1980)