

# U.S. Justice Department Joins Advocates' Lynn E. v. Lynch Suit Citing Lack of Community Mental Health Services in New England

Concord, NH -- March 28, 2012 -- Just weeks after advocates filed a class-action complaint (*Lynn E. v. Lynch*) against New Hampshire's failing mental health system, the U.S. Department of Justice (DOJ) has stepped in, strengthening advocates' efforts.

On February 9, 2012, attorneys from the Judge David L. Bazelon Center for Mental Health Law, the Disabilities Rights Center, the Center for Public Representation, and Divine, Millimet & Branch, PA, filed the complaint on behalf of people with serious mental illnesses in, or at risk of being institutionalized in, state-run facilities due to New Hampshire's failure to provide community-based mental health services.

"The Justice Department's involvement validates our findings that New Hampshire's inadequate community mental health system leads to unnecessary institutionalization and discrimination," stated Ira Burnim, legal director for the Bazelon Center for Mental Health Law.

"For two decades, New Hampshire has funded costly institutions instead of providing the community-based services people with mental disabilities need to lead lives in the community like anyone else," Burnim stated. "It's time that New Hampshire give our clients the opportunity to live full lives beyond the walls of institutions."

DOJ opened an investigation into New Hampshire's mental health system in November 2010 and issued a highly critical report in April 2011. DOJ concluded that New Hampshire was in violation of the Americans with Disabilities Act and the Supreme Court's 1999 *Olmstead* decision requiring that people with mental illnesses be treated in the "most integrated setting."

Following this report, DOJ entered into negotiations with state officials to remedy these violations. Negotiations stalled, prompting DOJ to join the advocates' complaint.

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The Judge David L. Bazelon Center for Mental Health Law ([www.bazelon.org](http://www.bazelon.org)) is a national legal-advocacy organization representing people with mental disabilities. It promotes laws and policies that enable people with psychiatric or intellectual disabilities to exercise their life choices and access the resources they need to participate fully in their communities.

The Disabilities Rights Center is New Hampshire's designated protection and advocacy agency, and the only disability advocacy agency in the state with legal services capacity. More information about DRC can be found at <http://www.drcnh.org>.

The Center for Public Representation (<http://www.centerforpublicrep.org>) is dedicated to promoting change in the quality of lives of individuals with disabilities in Massachusetts and to

pursuing systemic reform and enforcement of legal rights on a statewide and national basis. The Center's primary purpose is to serve people with disabilities, and particularly those who are institutionalized, discriminated against, or otherwise denied fundamental human rights.

Devine, Millimet & Branch, PA (<http://www.devinemillimet.com>) offers legal counsel to businesses and individual clients throughout New Hampshire and all of New England.