

RACHEL ROSENBERG

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EXPERIENCE

Massachusetts Executive Office of Health and Human Services – Assistant General Counsel Nov. 2022 – present

Perform a wide range of complex legal activities associated with the development, implementation, and administration of various MassHealth programs and initiatives, including but not limited to:

- The statewide expansion of behavioral health, case management, and transition support services to individuals residing in nursing facilities who have serious mental illness;
- The request for authority to provide MassHealth coverage and services for individuals in correctional institutions who are currently excluded under federal Medicaid law in order to assist individuals in their preparation for transition to the community, strengthen continuity of care, and reduce health disparities among justice-involved individuals;
- The creation and procurement of stakeholder advisory groups that include individuals with relevant lived experience.

Committee for Public Counsel Services Mental Health Litigation Division – Staff Attorney Nov. 2020 – Nov. 2022

Represent indigent clients facing involuntary civil commitment and forced medical treatment due to mental illness:

- Litigated G.L. c. 123, §§ 7 & 8 and § 16 civil commitment and § 8B involuntary medical treatment trials;
- Filed and won a G.L. c. 211, § 3 appeal to a single justice of the Supreme Judicial Court arguing that a specific client had a right to an in-person, rather than virtual, trial; assist with strategy and drafting of other c. 211, § 3 appeals;
- Hired and worked with independent forensic psychiatrists and psychologists, including finding new experts to become certified as CPCS vendors to align with the defense theory of a particular case (such as a pulmonologist and a neuro-psychiatrist);
- Worked collaboratively with a social services advocate to create “less restrictive alternative” plans for hospital discharge;
- Served as a member of MHL D’s Project Ruby Rogers working group strategizing how to incorporate racial justice principles into the work of MHL D and to assist attorneys with raising race in the courtroom;
- Served as a presenter, developer, and/or breakout room facilitator for various MHL D panel trainings including litigation skills such as cross examination; defense strategy on topics such as less restrictive alternatives and working with social services advocates; and the April 2022 MHL D Why Race Matters Issue Spotting training;
- Supervised a 2021 Summer Racial Equity Intern in drafting a practice guide about racial bias leading to the overdiagnosis of schizophrenia in Black patients;
- Presented at the 2021 and 2022 Racial Equity Summer Interns VIP Speaker Series MHL D session;
- Completed CPCS Management and Leadership Program I in Spring 2022;
- Completed the civil commitment training certification course and portions of the guardianship certification course; served as faculty in a guardianship training mock trial;
- Served as advisory board member for the Boston Outpatient Assisted Treatment Program, a partnership between the Boston Municipal Court and Boston Medical Center.

Committee for Public Counsel Services Public Defender Division – Staff Attorney Sept. 2014 – Nov. 2020

Represented indigent clients accused of crimes in Salem, Lynn, Gloucester, and Peabody District Courts and the Roxbury, West Roxbury, and Dorchester divisions of the Boston Municipal Court:

- Litigated 5 jury trials (with full acquittals on 4/5) defending charges including indecent assault and battery, assault and battery with a dangerous weapon, assault and battery on a family or household member, threats, and resisting arrest;
- Filed and won a G.L. c. 211, § 3 appeal to a single justice of the SJC arguing that a curfew was an impermissible condition of release under precedent *Commonwealth v. Norman*;
- Developed a specialty in representing clients in BMC Roxbury and West Roxbury’s mental health courts and promoting diversion and decriminalization for clients with mental health needs;
- Developed and presented an office-wide training on litigation strategy for G.L. c. 123, § 35 hearings;
- Drafted and litigated evidentiary motions to suppress statements, identification, and evidence, including winning a motion to suppress a photo array identification procedure that resulted in dismissal of my client’s assault and battery with a dangerous weapon (stabbing) case;
- Drafted and argued various types of motions to dismiss and *Commonwealth v. Henry* motions; strategized and executed creative plans for case dismissals, including but not limited to utilizing restorative justice concepts;

- Worked collaboratively with investigators and social workers to ensure holistic representation for all clients;
- Coordinated independent forensic evaluations for clients with competency and/or criminal responsibility concerns;
- Identified and hired appropriate experts to further with the theory of a case, including but not limited to a language and culture expert and an emergency room nurse practitioner;
- Served as member of the planning committee and a panel moderator for the Trial Court's 2018 and 2019 statewide Mental Health Conferences;
- Served as the CPCS representative for the Trial Court's Community Justice Project, an interdisciplinary team working to identify local resources and reduce gaps in services that lead to court-involvement for individuals with mental health and/or substance use disorders;
- Served as mentor for a CPCS Innocence Program attorney; continued the mentorship while at MHLD.

Committee for Public Counsel Services EdLaw Project – *Skadden Fellow*

Aug. 2012 – Aug. 2014

Represented indigent, court-involved students in school discipline and special education matters:

- Advocated for appropriate special education services and placement at Team Meetings and Bureau of Special Education Appeals (BSEA) mediations;
- Wrote and filed complaints with administrative bodies, such as the BSEA, the Massachusetts Department of Elementary and Secondary Education's Program Quality Assurance, and the Office of Civil Rights;
- Represented the student who had been my client in TLPI (see below) and secured his right to compensatory education from Boston Public Schools while he was in the custody of the Department of Youth Services;
- Defended clients at school-level suspension and expulsion hearings and appeals to superintendents;
- Assisted with planning and conducting multiple statewide trainings in special education and school discipline law for juvenile public defenders and bar advocates;
- As a member of the Code of Conduct Advisory Council, in partnership with Massachusetts Advocates for Children, Mental Health Legal Advisors Committee, and members of Boston Public Schools' parent advocacy group, advised Boston Public Schools about necessary revisions to their district-wide Code of Conduct to ensure compliance with a new school discipline law, G.L. c. 222.

Citizens for Juvenile Justice – *Child Advocacy Clinic Intern*

Boston, MA; Spring 2012

As a student in Harvard Law School's Child Advocacy Clinic, interned at Citizens for Juvenile Justice, a non-profit organization advocating for systemic reform to improve Massachusetts' juvenile justice system. Collected data on racial and ethnic disparities among court-involved youth and drafted language for future CfJJ Data Points Report to be used for legislative and community-based advocacy.

Children's Law Center – *Summer Law Clerk*

Washington, DC; Summer 2011

Assisted attorneys for children in foster care by investigating cases and writing motions. Researched legal issues including temporary emergency jurisdiction, competing adoption petitions, and the application of Medicaid law to foster children placed in neighboring states. Helped clients access services and public benefits.

Trauma and Learning Policy Initiative Education Law Clinic – *Student Attorney*

Spring & Fall 2011

Represented a low-income parent on behalf of her son at a Team meeting. Prevented his expulsion through a complaint to the BSEA. Continued the clinical placement at D.L.A. Piper's Pro Bono Education Project. Represented a low-income parent on behalf of her daughter by drafting a BSEA complaint alleging that Boston Public Schools violated a settlement agreement and failed to provide services required by the student's Individualized Education Plan.

Trial Advocacy Workshop – *Student*

January 2011

Completed a three-week intensive course in trial technique taught by expert litigators. Participated in simulated exercises on opening statements, direct and cross examination, use of illustrative aids and exhibits, impeachment, expert testimony, and summation. Acted as counsel in two simulated trials (OUI and murder), which were critiqued by trial advisors and judges.

Juvenile Public Defender – *Summer Law Clerk*

San Francisco, CA; Summer 2010

Wrote motions for informal probation, release, and alternative disposition. Wrote a brief successfully arguing that a civil restraining order sought against a client should not be granted. Researched search and seizure issues. Conducted intake interviews with detained clients. Participated in legal strategy sessions with clients and their families.

EDUCATION

Harvard Law School, J.D., *cum laude*, May 2012

Honors: Dean's Scholar in Legal Research and Writing, Spring 2010

Dean's Scholar in Sex Equality, Fall 2010

Dean's Scholar in Child, Family, and State, Spring 2011

Emory University, B.A. in Religion with Ethics minor, May 2009

ADMITTED Massachusetts State Bar, November 2012

HOBBIES Bluegrass, Cajun, and old-time fiddling; songwriting; website design and music video production for my country band (www.thetalkingheartsband.com)