

Subject: RE: [Fwd: Mr. B.]

From: "Twomey, Timothy M (LAW)" <tim.twomey@alaska.gov>

Date: Tue, 29 Apr 2008 08:31:58 -0800

To: Jim Gottstein <jim.gottstein@psychrights.org>, "Adler, Ronald M (HSS)" <ronald.adler@alaska.gov>, "Kraly, Stacie L (LAW)" <stacie.kraly@alaska.gov>

CC: "Beecher, Linda R (DOA)" <linda.beecher@alaska.gov>, "Brennan, Elizabeth (DOA)" <elizabeth.brennan@alaska.gov>, "Gillilan-Gibson, Kelly (DOA)" <kelly.gillilan-gibson@alaska.gov>

Jim – I have received your emails and will communicate to you as appropriate.
Thank you. Tim

Tim Twomey (907) 269-5168 direct

From: Jim Gottstein [mailto:jim.gottstein@psychrights.org]

Sent: Tuesday, April 29, 2008 8:24 AM

To: Adler, Ronald M (HSS); Kraly, Stacie L (LAW)

Cc:

Twomey, Timothy M (LAW); Beecher, Linda R (DOA); Brennan, Elizabeth (DOA); Gillilan-Gibson, Kelly (DOA); jim.gottstein@psychrights.org

Subject: [Fwd: Mr. B.]

Importance: High

Hi Ron,

In the absence of any response to the below from Mr. Twomey and therefore not knowing who might be representing the hospital, I am forwarding the below e-mail to you and advising you that I am representing Mr. Bigley with respect to forced drugging (presumably under AS 47.30.838 and/or AS 47.30.839) unless and until otherwise notified. Thus, any forced drugging petition must be served on me. My fax number is 274-9493. Please forward this to whoever is representing the hospital with respect to Mr. Bigley regarding any proceedings that have arisen or might arise out of Mr. Bigley's current admission. I will also need a copy of Mr. Bigley's chart, updated daily.

Please also note that I made a formal proposal to Mr. Twomey, which was required to be presented to the appropriate decision maker(s) at API, unless prior discussions with your attorney left it clear the proposal will be unacceptable. Even if so, I think it is imperative that all parties get together to try and work out an approach for Mr. Bigley that comports with his rights.

----- Original Message -----

Subject:Mr. B.

Date:Sat, 26 Apr 2008 11:38:47 -0800

From:Jim Gottstein <jim.gottstein@psychrights.org>

Organization:Law Project for Psychiatric Rights

To:Russo, Elizabeth M H (DOA) <elizabeth.russo@alaska.gov>, Twomey, Timothy M (LAW) <tim.twomey@alaska.gov>, Gillilan-Gibson, Kelly (DOA) <kelly.gillilan-gibson@alaska.gov>, Beecher, Linda R (DOA) <linda.beecher@alaska.gov>, Brennan, Elizabeth (DOA) <elizabeth.brennan@alaska.gov>

CC:jim.gottstein@psychrights.org

Hi Tim, Elizabeth, Linda, Beth and Kelly,

Mr. Bigley is back in API. Unless and until otherwise notified, I am representing him with respect to forced drugging, including prospective proceedings.

With respect to his current admission, in thinking about things, it seems to me there is a pretty high likelihood that because:

- (a) he had lost his housing and wasn't willing to accept the housing offered by OPA,
- (b) he wasn't allowed at the shelter,
- (c) there was a \$#@)*&% blizzard late Friday afternoon, and
- (d) API was preferable to a snowbank or jail,

he acted the way he had to act at OPA in order to get sent to API. I don't think he should have to act that way to access API. Therefore, I propose the following:

1. He be allowed to come and go from API as he wishes, including being given food, good sleeping conditions, laundry, washing facilities, toiletry items, etc.
2. If brought to API on a PoA or *Ex Parte*, absent compelling concern about the safety of doing so, he be allowed out on pass each day for at least four hours, with or without escort. Actually, it seems to me that most of the time he ought to be let out each morning with him not being required to return. If he gets brought back for his behavior in the community then the process can be repeated. That way he has a place to sleep, get his food, wash, etc.

This, of course, doesn't apply if he gets charged criminally, but since he is considered incompetent to stand trial with no prospects for becoming competent, they aren't hanging on to him, which tends to land him back at API.

Of course, the Guardian will continue to work with him to provide a more suitable arrangement for all concerned.

Tim, I understand Dr. Gomez is his treating physician. This is a formal proposal and I will appreciate your conveying it to him and/or whoever else might be necessary to approve it. I will, of course, be pleased to meet to discuss why I think this approach should be adopted and have the Guardian and Public Defender Agency involved if they so desire.

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James B. (Jim) Gottstein, Esq.
President/CEO

Law Project for Psychiatric Rights
406 G Street, Suite 206
Anchorage, Alaska 99501
USA
Phone: (907) 274-7686 Fax: (907) 274-9493
jim.gottstein[at]psychrights.org
<http://psychrights.org/>