

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA  
THIRD JUDICIAL DISTRICT AT ANCHORAGE

In the Matter of the Necessity )  
for the Hospitalization of: )  
 )  
WILLIAM BIGLEY, )  
 )  
Respondent. )  
\_\_\_\_\_ )


Case No. 3AN-08-1252 PR

**JOINDER IN MOTION FOR REPRESENTATION HEARING**

The Alaska Psychiatric Institute ("API"), through the Office of the Attorney General, hereby joins the Alaska Public Defender Agency in its request for a representation hearing in order to address the various issues related to the legal representation of Respondent William S. Bigley ("Mr. Bigley"). As evidenced by Mr. Bigley's contact with counsel for API requesting that an Assistant Attorney General represent him and stating that he wished to fire Mr. James Gottstein as his attorney<sup>1</sup>, significant concerns exist about Mr. Bigley's capacity to select, communicate with counsel, and meaningfully participate in legal strategy decisions. As such, API joins the Alaska Public Defender Agency in its request for a representation hearing to resolve the ongoing representation issues in this case.

DATED: 12/9/2008

TALIS J. COLBERG  
ATTORNEY GENERAL

By:   
Erin A. Pohland  
Assistant Attorney General  
Alaska Bar No. NA14009

<sup>1</sup> See Affidavit of AAG Erin A. Pohland dated November 7, 2008, attached as Exhibit 1.

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AFFIDAVIT

STATE OF ALASKA )  
 ) ss.  
THIRD JUDICIAL DISTRICT )

Erin A. Pohland, being first duly sworn upon oath, deposes and says:

1. I am the assistant attorney general assigned to the above-captioned matter.
2. During a break from the hearing in the above-captioned matter on November 6, 2008, Respondent approached me and asked me for my business card. After being assured that he just liked to collect business cards, I gave Respondent a business card.
3. At 6:04 p.m. on November 6, 2008, I received a phone call from "API Taku Nursing Station." Presuming that the call was placed by an API employee wishing to consult with counsel, I accepted the telephone call.
4. Instead, the employee transferred me to Respondent, who ranted unintelligibly. I explained to Respondent that I was not his attorney and ended the call.
5. At 12:55 p.m. on November 7, 2008, I received another phone call from "API Taku Nursing Station." I accepted the call and instructed the employee placing the call that I was not Respondent's counsel, that I could not speak to him, and that he was not to be permitted to call me again. The employee agreed that Respondent's phone privileges be limited.

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6. At 1:06 p.m. on November 7, 2008, I received another call from "API Taku Nursing Station." API employee Rich had not been informed of the restriction on Respondent's ability to place phone calls to me, and stated that Respondent wanted to talk to me about his legal representation.

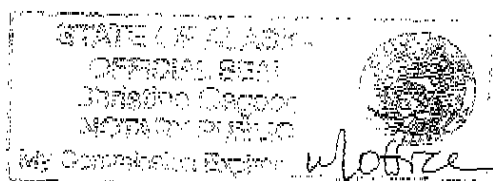
7. At this time, Respondent stated that he wanted me to be his attorney and that "Gottstein is out." I explained to him that I was not and could not be his attorney, that I represented the State of Alaska, and that if he wanted to discuss his representation, he should address it with his guardian, Jonathan Hughes. Respondent continued to state that he wanted me as his attorney, and "no Gottstein." I requested to speak to Rich, and instructed him that Respondent was not permitted to place telephone calls to me.

8. I have not initiated any telephone calls to Respondent, and I did not give Respondent my business card with the intention that he call me. When Respondent did call me, I did not engage in a conversation about the subject of his representation by Mr. Gottstein or the public defender's office. I clearly and consistently explained to Respondent that I was not his attorney and could not speak to him. I instructed the staff of API to not allow such phone calls in the future.

Further your affiant saith naught.

*Jim A. Pelland*

SUBSCRIBED AND SWORN to before me on this 7<sup>th</sup> day of November, 2008.



*Christina Osgood*  
Notary Public in and for Alaska  
My commission expires with office

Exhibit 1  
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