

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-08-01252 PR

ORDER

*Motion to Intervene
Motion for Entry of Injunction against PsychRights*

REC'D JAN 6 2009

The Office of Public Advocacy is the guardian of William Bigley, who has been committed to the Alaska Psychiatric Institute since October 2008. The Court granted API's petition to administer psychotropic medications to Bigley (issued in November 2008). It stayed that order until 17 December 2008 because Bigley had appealed an earlier medication order (issued in May 2008) to the Alaska Supreme Court, that order had been stayed by that court, and oral argument in the appeal was set for 16 December 2008. The supreme court denied Bigley's effort to have the Court's stay of its (the November) medication order extended. Thus the medication order went into effect on 17 December 2008. Bigley has appealed the medication order.

OPA did not participate as a party in the hearings on API's most recent petitions to commit and medicate Bigley. The two persons who most recently acted as Bigley's guardian for OPA either testified at one of the hearings or attended several sessions. OPA has now moved to intervene in the case and to

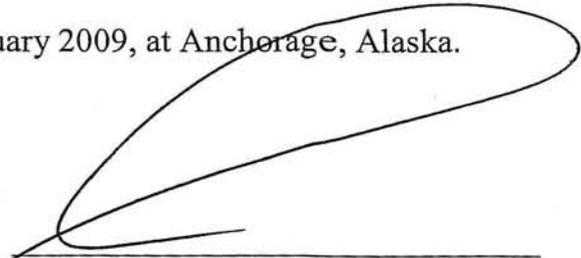
enjoin PsychRights from representing Bigley. PsychRights is an advocacy entity founded by James Gottstein, who is an attorney. Gottstein has been representing Bigley in the first medication case since December 2006. Gottstein has been representing Bigley on the most recent medication petition, but not the most recent commitment petitions. He represents Bigley in the appeal of the first medication order.

Because the medication order has been appealed to the Alaska Supreme Court (in S-13833) this Court has only limited jurisdiction. It does not appear that there will be any further proceedings in the superior court before the appeal is decided. It may be that API will petition to commit Bigley beyond the current 90-day commitment. If it does, then the Court will address any disputes about representation of Bigley, if any, on that petition. There is no need to do so now. To the extent that the Court has any residual jurisdiction in the present case, it declines to exercise it.

The parties should present any representation issues to the Alaska Supreme Court.

The Motion to Intervene and Motion for Entry of Injunction against PsychRights are DENIED without prejudice in that the Court declines to exercise whatever residual jurisdiction it has at this time.

DONE this 5th day of January 2009, at Anchorage, Alaska.



William F. Morse
Superior Court Judge

CERTIFICATE OF SERVICE

I certify that on 5 January 2009 a copy of the above
was mailed to each of the following
at their addresses of record:

J. Gottstein
AGO: L. Derry; E. Pohland
PDA: L. Beecher, L. Brennan

OPA:



Ellen Bozzini
Judicial Assistant