

Subcommittee on Involuntary Commitments and the Involuntary
Administration of Psychotropic Drugs
8-17-07

Present:

Judge Morgan Christen – Co-Chair

Judge Peter Michalski – Co-Chair

Judge Craig Stowers

Kate Boruff (Law clerk for Judge Michalski)

Linda Beecher

Elizabeth Brennan

Susan Wibker

Jim Gottstein

Jim Parker

Stacie Kraly (teleconference)

Doug Wooliver – subcommittee staff

Meeting convened at 2:45 pm

Judge Christen stated that she would like to prioritize the problems associated with involuntary commitments and the involuntary administration of psychotropic drugs so that the most pressing problems are addressed first.

There followed a general discussion of some of the problems. One issue discussed was the conflict between the timely resolution of a case and adequate time to prepare. The Anchorage practice of having hearings twice a week creates tight timelines and inadequate preparation time problems not present in other parts of the state. It was noted that in some cases a petition for involuntary commitment is issued in the morning with the hearing scheduled for that afternoon.

Jim Gottstein suggested that tight timelines would be less of a problem if the hearings were bifurcated so that the administration of psychotropic drugs was not addressed in the commitment hearing.

On the delay side of the issue, the committee discussed the problems associated with peremptory challenges. This is more of a problem in Anchorage because the hearings are typically held at API at regularly scheduled times. A peremptory challenge means that a hearing must be set to the next regularly-scheduled time, since other judges are scheduled to be in court, and their calendars need to be freed-up to arrange for them to travel to API. With respect to the importance of sticking to their scheduled calendars, Judge Michalski noted that “judges are like busses picking up passengers;” they can’t pick up the passengers if they are somewhere else.

One possible way to address the transportation problem is to have a video link between the courthouse and API. The committee will investigate that option.

Other delay issues discussed were the timeliness of the visitor’s report (and lack of clarity regarding the role of the visitor) and delays in the transfer of log notes and the preparation of transcripts. Additionally, one member suggested that having standing masters handle these cases slows the process by importing a “middleman” into the process.

Another problem discussed was the lack of a timeline for a superior court judge to approve or reject a recommendation submitted by a standing master. Sometimes the recommendation is approved prior to respondent's counsel having an opportunity to object.

Because many of the variables that impact this area of the law are unique to Anchorage, Anchorage-centric solutions may not be applicable elsewhere. The committee agreed that input from other areas would be important when coming up with rules that have statewide application. Judge Christen agreed to ask Chief Justice Fabe to consider appointing another committee member, perhaps a court visitor and also a representative from Fairbanks.

The committee decided that the first issue to resolve is the peremptory challenge of judges, including the possible use of video conferencing as a means of mitigating that problem. Judge Christen stated that the court system would come up with a draft proposal.

The committee adjourned at approximately 3:50 pm.