

PsychRights

LAW PROJECT FOR PSYCHIATRIC RIGHTS, INC.

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2004 Year End Report

The Law Project for Psychiatric Rights (PsychRights) has just celebrated its second anniversary and it seems a good time to reflect on our accomplishments and look ahead to our goals in 2005.

Accomplishments

MindFreedom Shield Program. PsychRights has been the primary co-sponsoring organization for the MindFreedom Shield Program being run by MindFreedom/Support Coalition International. The creative MindFreedom Shield Program combines the Living Will concept of directing one's health care with a "Solidarity Network" of activists standing by to come to the aid of those whose Advance Directives concerning mental health treatments are ignored. See, <http://www.mindfreedom.intenex.net/shield/>.

ICSPP Conference Presentation. PsychRights' Jim Gottstein made a presentation, titled "PsychRights' Campaign Against Forced Drugging and How You Can Participate" at the International Center for the Study of Psychiatry and Psychology's Annual Conference in New York City on October 10, 2004. ICSPP is the pre-eminent organization disseminating the true scientific picture about these drugs and it was an honor to participate. At least two psychiatrists agreed to be expert witnesses as a result of Jim's trip. In addition, one \$1,000 donation resulted from the presentation as well as other, smaller, donations.

Universal Children's Screening. One of the many recommendations of the "President's New Freedom Commission on Mental Health" is to screen children for mental problems. While this sounds like a good idea, it really ends up being a means to get ever increasing numbers of our children on psychiatric drugs -- drugs that often have never been approved for children and all of which have serious long-term problems associated with them. PsychRights posted an informational web page at <http://psychrights.org/Issues/Screening/screening.htm>, including a form letter parents can use to invoke the Protection of Pupil Rights Amendment (PPRA) to prohibit children from being screened.

Website. PsychRights' website is an integral part of its technical assistance and public education program. It posts the original studies and articles exposing the myths of psychiatry and its ineffective and harmful treatments, including all of the studies cited in *Mad in America*. There is also a wealth of legal information on the website. The use of PsychRights' website continues to grow with it now receiving over 10,000 visits a month. By far the most popular download has been Allen Jones' "whistleblower" report on corruption in Pennsylvania and in the development of TMAP ("Texas Medication Algorithm Program") with it having been downloaded over 15,000 times to date. <http://psychrights.org/Drugs/AllenJonesTMAPJanuary20.pdf>. The *British Medical Journal*, among others have noted that the report is available on the PsychRights site, which accounts for its popularity. Web statistics for 2004 are available at <http://psychrights.org/stats/2004/> (November only shows 9 days).

Individual States.

- **Alaska.** The Alaska Supreme Court ordered supplemental briefing in what we hope will be the seminal Alaska forced drugging case. The final brief was submitted at the end of September and it is anticipated the decision will be issued by the end of the first quarter of 2005. Information on this case can be obtained at <http://psychrights.org/States/Alaska/CaseOne.htm>, including all of the briefs and many other documents.
- **Illinois.** Illinois seems to be the most aggressive state in pursuing universal screening of children (and expectant mothers) for mental health "treatment" (overwhelmingly drugs), having passed a statute to do so last year. PsychRights wrote a letter regarding this on July 22, 2004, which can be found at <http://psychrights.org/States/Illinois/PsychRightsICMHPltr.pdf>.

- **Massachusetts** The Northampton, Massachusetts Freedom Center is a model of self-determination and has created a terrific peer support program. <http://www.freedom-center.org/>. They are also fighting forced drugging and PsychRights has been trying to help them find real legal support. Part of this effort was to write a fairly detailed memo about forced drugging in Massachusetts, which is called "Rogers Orders." See, <http://psychrights.org/States/Massachusetts/RogersOrders/RogersOrdersMemo.pdf>. Despite prodding, the Mental Health Litigation Unit, which is the state agency that is supposed to represent people facing the horrors of forced drugging, has been unresponsive. The same is true of every other publicly funded legal aid agency PsychRights has asked to step in and help. Lack of resources is no doubt part of the problem, but it is also unclear that there is any real commitment to vindicate people's legal rights against forced drugging. Trying to get real legal support for the folks at the Freedom Center who are doing so much for themselves is a high PsychRights priority for 2005.
- **Minnesota.** Things may be coming together to do something serious in Minnesota. We are currently in contact with three people incarcerated in a Minnesota psychiatric hospital and being forced drugged, a Minneapolis psychiatrist who went to PsychRights' presentation at the ICSP conference has agreed to be an expert witness in appropriate cases, and PsychRights is also in contact with the head of the agency that does most of the representation of people facing forced drugging and he seems open to collaboration. We will see if we can mount at least put one test case together as it appears Minnesota's forced drugging regime is unconstitutional.
- **Montana.** Six people have recently contacted us through MindFreedom/Support Coalition International about forced drugging and other conditions at Montana State Hospital. PsychRights sent an e-mail to Gene Haire, Executive Director of the Mental Disabilities Board of Visitors, who is supposed to be on the patients' side. See, <http://psychrights.org/States/Montana/Montana.htm>. It didn't take too long to find out he is not. We are hoping that PsychRights, in collaboration with MindFreedom/Support Coalition International can mount a combination legal and people power campaign in Montana to provide relief to these victims and create positive changes in Montana. We will need to find an attorney and expert witness to do this (see below).
- **Others.** We also have at least one request for help or other contacts from 26 other states and 3 countries.

Plans for 2005

Pro Bono Attorney Recruitment. The publicly paid attorneys assigned to represent forced drugging victims are virtually universally unwilling or unable to mount serious legal efforts on behalf of their clients. However, private attorneys are encouraged to provide *pro bono* (volunteer) services for those that can't afford legal representation and many law firms have formal *pro bono* programs. Others do it on a more informal basis. The advantages of a *pro bono* attorney is that attorneys tend to take just one case at a time and do a good job on it, just as if the client was paying. Since PsychRights can give very good technical assistance and other help to such *pro bono* attorneys it can be an attractive option.

Expert Witness Recruitment. It is virtually impossible to win a forced drugging case without an "expert witness" to contradict the state's psychiatrist who testifies as such an "expert." As a practical matter, it needs to be a psychiatrist (M.D.) to rebut the state's psychiatrist.

Fund Raising. While PsychRights has been able to accomplish much with its small, all volunteer operation in the two years since it was founded, serious fundraising efforts are a major priority for 2005 because a full-time paid attorney, office person and coordinator need to be hired. This is a high priority for 2005. Another high priority is travel money so PsychRights can go to Bar Association and Psychiatric Association type meetings to make appeals for attorneys to provide *pro bono* legal services and psychiatrists to testify as expert witnesses. The grass roots financial support for PsychRights has really been quite tremendous, but realistically it needs to be augmented by significant foundation support for PsychRights to meet its goals. This is a major priority for 2005 as well. Continuing grass roots support, though, is critical for obtaining foundation support because they like to see that people support the program.

Continuing Projects. Of course, PsychRights will continue on the projects outlined above as well.