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IN THE SUPREME COURT OF THE STATE OF ALASKA

LAW OFFICES

DEC 01 2003

JAMES B. GOTTSTEIN

Faith J. Myers,)
)
Appellant(s))
)
Alaska Psychiatric Institute,)
)
Appellee(s).)
)

Supreme Court No. S-11021

Trial Court Case No. 3AN-03-00277 PR

MOTION TO SUPPLEMENT THE RECORD ON APPEAL

COMES NOW, Appellee Alaska Psychiatric Institute, and moves the court to supplement the record in this matter with the attached Affidavit of Ronald M. Adler, dated November 28, 2003.

Since the date of filing this appeal, events have happened and facts have changed that cause this appeal to have become moot. The affidavit informs the court of facts that have changed since this appeal was filed.

Respectfully submitted this 1st day of December, 2003.

GREGG D. RENKES
ATTORNEY GENERAL

By: *Michael G. Hotchkin*
Michael G. Hotchkin
Assistant Attorney General
AK Bar No. 8408072

IN THE SUPREME COURT OF THE STATE OF ALASKA

Faith J. Myers,)
)
 Appellant,)
)
 v.)
)
 ALASKA PSYCHIATRIC) Supreme Court No. S-11021
 INSTITUTE,)
) Trial Court No. 3AN-03-00277 PR
 Appellee.)

AFFIDAVIT OF RONALD M. ADLER

STATE OF ALASKA)
) ss.
 THIRD JUDICIAL DISTRICT)

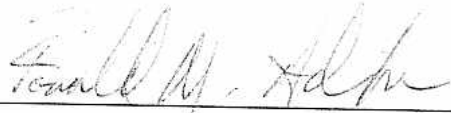
Ronald M. Adler, being first duly sworn upon oath, deposes and says:

1. I am the Chief Executive Officer and director of the Alaska Psychiatric Institute (API); I have served in this capacity since March 17, 2003.
2. In the course of my duties at API I have reviewed the patient files of Faith J. Myers.
3. Ms. Myers was admitted to API on February 21, 2003. Superior Court Judge Morgan Christen ordered Ms. Myers committed to API for 30 days on March 5, 2003. On March 14, 2003 Judge Christen approved API's petition to administer psychotropic medication to Ms. Myers during her period of commitment.
4. Judge Christen stayed the medication order pending Ms. Myers' appeal to the supreme court, and the medication order was not implemented.
5. On April 21 Judge Christen ordered Ms. Myers' commitment extended for an additional 90 days, and also issued a 90-day medication order, which, like the 30-day medication order, was stayed and was never implemented.
6. On July 7, 2003, after it was determined that Ms. Myers no

longer met the statutory criteria for involuntary commitment, she was discharged from the facility against medical advice, with the recommendation that she see Dr. Aron Wolf for follow-up care.

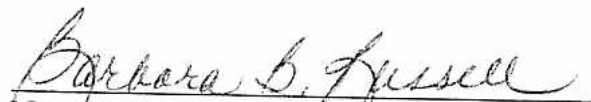
7. To my knowledge, the statutory authority under which psychotropic medication is administered to patients who are incompetent to give informed consent has not been challenged in court, except for the present proceeding.

FURTHER AFFIANT sayeth naught.



Ronald M. Adler

SUBSCRIBED AND SWORN to before me this 28 day of November, 2003.



Notary Public in and for Alaska

My commission expires: February 12, 2007

LAW OFFICES

DEC 01 2003

JAMES B. GOTTSTEIN

IN THE SUPREME COURT OF THE STATE OF ALASKA

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|---|--------------------|---|---------------------------------|
| 1 | | | |
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| 3 | Faith J. Myers, |) | |
| | |) | |
| 4 | Appellant, |) | |
| | |) | |
| 5 | v. |) | |
| | |) | |
| 6 | ALASKA PSYCHIATRIC |) | Supreme Court No. S-11021 |
| 7 | INSTITUTE, |) | |
| | |) | Trial Court No. 3AN-03-00277 PR |
| 8 | Appellee. |) | |

AFFIDAVIT OF COUNSEL

| | | |
|----|-------------------------|-------|
| 11 | STATE OF ALASKA |) |
| | |) ss. |
| 12 | THIRD JUDICIAL DISTRICT |) |

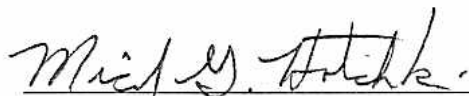
Michael G. Hotchkin, being first duly sworn upon oath, deposes and says:

1. I am the assistant attorney general responsible for the above-captioned appeal.
2. The factual statements contained in the attached Motion to Supplement the Record on Appeal are, to the best of my knowledge and belief, true and correct.
3. Supplementation of the record is necessary because facts have occurred since this appeal was filed that have caused the order from which the appeal was taken to have become moot. Because the facts occurred after the appeal was filed they do not appear in the record that was transmitted to this Court by the superior court. Mr. Adler has knowledge of those facts, and is able to present them to this Court by means of his affidavit. Mr. Adler also speaks to litigation that has challenged the statutes at issue in this appeal; his statement is relevant to the question of whether this Court should entertain this appeal in spite of the superior court's medication order having become moot.

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2 4. I have contacted Jim Gottstein, attorney for Faith Myers.
3 Mr. Gottstein expressed no position as to whether he would oppose this request.

4
5 FURTHER AFFIANT sayeth naught.

6 

7 Michael G. Hotchkin
8 Alaska Bar No. 8408072

9 SUBSCRIBED AND SWORN to before me this 1st day of
10 December, 2003.

11 

12 Notary Public in and for Alaska

13 My commission expires: 5-14-05

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1
2 IN THE SUPREME COURT OF THE STATE OF ALASKA

3 Faith J. Myers,)

4 Appellant,)

5 v.)

6 ALASKA PSYCHIATRIC)
7 INSTITUTE,)

Supreme Court No. S-11021

) Trial Court No. 3AN-03-00277 PR

8 Appellee.)
9

10 ORDER

11 IT IS HEREBY ORDERED that the record on appeal is
12 supplemented by the addition of the Affidavit of Ronald M. Adler, dated
13 November 28, 2003.

14 ENTERED at the direction of _____.

15 Dated this _____ day of _____, 2003.
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18 _____
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