

PsychRights[®]
Law Project for
Psychiatric Rights, Inc.

February 4, 2005

Paulette Kohman
DPHHS Office of Legal Affairs
P.O. Box 202951
Helena, Montana 59620-2951

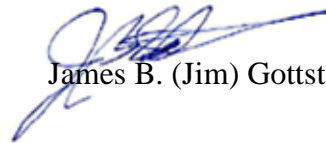
Re: January 31, 2005, Letter

Dear Ms. Kohman:

I am in receipt of your letter of January 31, 2005, alleging I have engaged in the unauthorized practice of law in the State of Montana. Before I address that, however, I find it astounding that the letter you sent me does not include your address in the letterhead. It is certainly consistent with your placing impediments to written communication by refusing to provide an e-mail address.

As I wrote in my e-mail of January 7th to Mr. Amberg,¹ I reviewed the Montana rule regarding the unauthorized practice of law and cases interpreting it. At that time, my goal was to recruit a *pro bono* attorney to provide the inmate² in question with the type of vigorous representation to which she was entitled. Later, I did direct advocacy on her behalf, but was very careful not to engage in the practice of law. You assert that "advocating for committed patients" is the unauthorized practice of law. However, you cite no authority for this highly unlikely proposition. You should be aware that there were a number of non-lawyers advocating for the inmate in question, as well as others. They were not engaging in the unauthorized practice of law in doing so and neither was I.

Yours truly,



James B. (Jim) Gottstein, Esq.

¹ Following your refusal to provide me with your e-mail address I asked Mr. Amberg to forward my e-mails to you, but made it clear that since I was not representing Ms. Weeks I was under no obligation to communicate with you rather than he.

² The American Heritage Dictionary, Fourth Edition defines inmate as follows: "A resident of a dwelling that houses a number of occupants, especially a person confined to an institution, such as a prison or hospital." (emphasis added)