

Application Form  
Alternatives 2005 Workshops and Institutes

I understand that all presenters must pay the full conference registration fee and are also responsible for all travel and lodging expenses.

**Title of presentation** exactly as it should be printed in conference materials:

**How The Legal System Can Help Create a Recovery Culture in Mental Health Systems**

(please indicate format)  75-minute workshop  3-hour institute

topical area of workshop (see list) **Creating a Recovery Culture in Mental Health Systems**

lead presenter (consumer / survivor: **James B. (Jim) Gottstein, Esq.**

address: **406 G Street, Suite 206**

city / state / zip: **Anchorage, AK 99501**

phone: **(907) 274-7686** fax: **(907) 274-9493** e-mail: **jim@psychrights.org**

**Have you presented at an Alternatives Conference previously?**

no  yes, if so please specify topic(s) and year(s) \_\_\_\_\_

Please list any other conventions or gatherings at which you have presented this topic:

**I will have presented a similar workshop at the 2005 Alaska Mental Health Consumer & Family Leadership Conference, "Achieving the Promise: Transforming Mental Health Care in Alaska," titled, "The Courts Potential Role in Transforming Mental Health Care in Alaska." I have also given a number of related workshops. See, attached list of representative presentations.**

co-presenters	phone	fax	e-mail
_____	_____	_____	_____

**Does your presentation require audio/visual equipment?**

no  yes ... (please specify):  overhead projector / screen

**PROPOSALS MUST BE RECEIVED BY APRIL 6, 2005 TO BE CONSIDERED.**

Apply by e-mail or mail two (2) copies of:

1. completed application form.
2. 50-word abstract of presentation.
3. one-page outline of presentation (include learning goals and objectives).
4. brief biography (no more than 50 words) for each presenter.

MAIL: Alternatives 2005 Presentation Proposals • Horizon Meetings • P.O. Box 500209 • Austin, Texas 78750

E-MAIL: [pguyton@horizonmeetings.com](mailto:pguyton@horizonmeetings.com)

QUESTIONS: Pat Guyton • 800-776-1286 ext. 103

Conference information at: [www.power2u.org](http://www.power2u.org)

# **PsychRights®**

**Law Project for  
Psychiatric Rights, Inc.**

Alternatives 2005 Workshop Proposal  
**How The Legal System Can Help Create a Recovery Culture in Mental  
Health Systems**

by  
James B. Gottstein, Esq.

## **Abstract**

There are numerous legal rights consumers have to self-direct their mental health services, and hopefully recovery, which are regularly, if not pervasively disregarded. This workshop will describe some of these rights, outline how enforcing these rights can help create a recovery culture and suggest strategies to accomplish this.

## **Brief Biography**

Jim Gottstein is a survivor and 25+ year attorney, including representing consumers. He has co-founded a number of successful Consumer Operated Support Programs and in 2002 formed the Law Project for Psychiatric Rights (PsychRights) to fight forced drugging to which he has since devoted the bulk of his time.

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Psychiatric Rights, Inc.

## Workshop Description Outline

Alternatives 2005 Workshop Proposal

### How The Legal System Can Help Create a Recovery Culture in Mental Health Systems

by

James B. (Jim) Gottstein, Esq.

There are a number of ways in which the current mental health system does not comply with the law (i.e., are illegal). This workshop will discuss ways in which the Mental Health System operates outside the law; ways in which these illegal operations hinder recovery; and suggest strategies to create meaningful, positive transformation of the Mental Health System *via* the legal system that will provide a better environment for recovery.

Any discussion of how violations of legal rights hinders recovery must include forced drugging. This workshop will therefore include a discussion of the constitutional parameters of the right to decline psychiatric drugs, the types of forced drugging regimes in the various states, how the rights granted are not honored and how appeals to high courts are necessary to correct this situation. This could be an entire workshop in itself.

Consumers have the right to design their treatment plans and choose which services they want and which they don't. This right is often, if not pervasively violated. There is a federal law, 42 U.S.C. §1983, which provides for liability against anyone who violates legal rights to people under "color of any statute, ordinance, regulation, custom, or usage, of any State." This workshop will discuss how this law might be utilized to bring the mental health system into compliance with laws in ways that help create a recovery culture. Other specific failures of the mental health system to follow the law will be discussed as time permits. One example is how the failure to tell the truth about psychiatric drugs' effect on psychiatric prognosis, let alone physical health, and about the efficacy of non-drug treatments is illegal (failure to obtain informed consent).

Finally, the workshop will discuss the Protection and Advocacy (P&A) system, posing the question, "Who's Protection and Advocacy System is it?" and suggesting the mental illness part of the P&A system should be under the direct control of consumers. It will further be suggested that by seizing such control of the P&A system, it could be an effective agent of positive change towards creating a recovery culture in mental health systems.

### Learning Goals and Objectives

The learning goals and objectives will be (a) understanding rights surrounding forced drugging, how they are violated and how appeals could help move mental health systems to a recovery culture, (b) understanding other ways that other rights are being violated and how §1983 and other legal actions can be ways to bring about positive change towards a recovery oriented system, and (c) how exercising control over the P&As could be hugely effective in moving mental health systems towards a recovery culture.

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## Jim Gottstein -- Representative Presentations:

- "The Courts Potential Role in Transforming Mental Health Care in Alaska," at the 2005 Mental Health Consumer & Family Leadership Conference "Achieving the Promise: Transforming Mental Health Care in Alaska," April 13, 2005.
- "Forced Psychiatric Drugging in Alaska," presented to the Health Law Section of the Alaska Bar Association, February 3, 2005.
- "PsychRights' Legal Campaign Against Forced Drugging and How You Can Participate," International Center for the Study of Psychiatry and Psychology, Flushing, New York, October 10, 2004.
- "Involuntary Commitment in Alaska and Beyond," Alaska Libertarian State Convention, April 24, 2004, Anchorage, Alaska.
- "The Law Project for Psychiatric Rights: Progress and Directions," for the National Rights Protection and Advocacy (NARPA) Conference, November 23, 2003, Austin, Texas.
- Co-presented Alaska Mental Health Board's FY 2005 Request for Recommendations to the Alaska Mental Health Trust Authority, August, 2003.
- Alaska Mental Health Board Budget Committee's "Mental Health Budget Summit," parts 1 and 2 on March 8, 2003, in Juneau Alaska and April 11-12, 2003 in Anchorage, Alaska, respectively.
- "Unwarranted Court Ordered Medication: A Call to Action," for the National Rights Protection and Advocacy (NARPA) Conference (off-agenda), November, 2002, Portland, Oregon.
- Board Training at the Family and Consumer Conference, May 2, 2002, in Anchorage, Alaska.
- "Real Estate in the Land of the Midnight Sun," presented to the International Real Estate Society's International Congress, July 27, 2001, Girdwood, Alaska.
- "Protecting Your Privacy On-Line: Privacy, Threats, and Countermeasures," co-presented with Lara Baker, September 7, 2001, in Anchorage, Alaska.
- Board Training at the Family and Consumer Conference, April 13, 2001, in Anchorage, Alaska.
- Alaska Mental Health Board's Program and Evaluation Committee's Report on the Alaska Psychiatric Institute, presented as chair of the committee to the full board, February 16, 2000, Fairbanks, Alaska.
- Internet Strategies for the Paralegal in Alaska: A paralegals guide to the information super-highway," for the Institute for Paralegal Education, November 1998, in Anchorage, Alaska.
- "Grant Writing, 1, 2, 3," various times 1998-2002, in Anchorage, Alaska.
- "Web Page Design," Alaska Mental Health Consumer Web various times, 1998-2002.
- "Lawyers and the Internet," October 23, 1995, in Anchorage, Alaska.
- Many public presentations on the Alaska Mental Health Trust Lands litigation and proposed settlements, including radio and television appearances and testimony to legislative committees, 1986-1994