

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT, AT ANCHORAGE

COPY
Original Received
Probate Division

In The Matter of the Necessity for the)
Hospitalization of William S. Bigley,)
Respondent,)
William Worrall, MD,)
Petitioner)

SEP 12 2007

Clerk of the Trial Courts

Case No. 3AN 07-1064 P/S

AFFIDAVIT OF PAUL A. CORNILS

STATE OF ALASKA)
) ss.
THIRD JUDICIAL DISTRICT)

I, Paul A. Cornils, being first duly sworn under oath do hereby state as follows:

A. My name is Paul Cornils and I am the Program Manager for CHOICES, Inc., which stands for Consumers Having Ownership in Creating Effective Services. I have almost 10 years experience working in the field of behavioral health with adults and children including 8 years as a case manager with people who are diagnosed with serious and persistent mental illness.

B. I first began Respondent Bill Bigley in January of 2007, under contract with the Law Project for Psychiatric Rights (PsychRights®). When the cost of services exceeded \$5,000 PsychRights said it could not afford to continue paying and Mr. Bigley informed me he did not want to work with me anymore so services were discontinued.

C. CHOICES began working with Mr. Bigley again in July of this year at the request of the Office of Public Advocacy (OPA), Mr. Bigley's Guardian and has continues to do so.

D. Mr. Bigley is so angry at being put under a guardianship that he takes extreme measures to try to get rid of his guardianship. As a result, he is mostly refusing to cooperate in virtually any way with the Guardian.

E. For example, Mr. Bigley rips up checks from the Guardian made out to Vendors on his behalf, trying to force the Guardian to give him his money directly and as part of his effort to eliminate the guardianship.

F. Mr. Bigley has also refused various offers of "help" from the Guardian, such as grocery shopping in a similar attempt to get out from under the guardianship.

G. He exhibits the same types of behavior to me, but I have a different approach, which involves negotiation and discussion, does not involve coercion and where the natural consequences of Mr. Bigley's actions are allowed to occur.

H. This is very important because after people are labeled with a mental illness everything is attributed to the mental illness and the person no longer takes responsibility for his or her actions.

I. Taking responsibility for one's actions is a core tenet of CHOICES' approach.

J. Another tenet of the CHOICES' approach is what is known as a "Relapse Plan." In fact, there is a whole curriculum called the "WRAP," developed by Mary Ellen Copeland, used around the world, which stands for Wellness Recovery Action Plan, of which a Relapse Plan is a part. Other aspects are learning how to deal with one's difficulties in ways that do not create as many problems. I am a trained WRAP Facilitator.

K. With Mr. Bigley, however, I have used Anger Management, Moral Reconciliation Therapy (MRT) and elements of Peer Support, all of which I have taken training in and have received certification as the most beneficial techniques for Mr. Bigley at this time.

L. It is my belief that if the CHOICES approach were consistently used with Mr. Bigley and there are sufficient community support resources there is a good chance he will be able to live successfully in the community.

M. I understand Mr. Bigley, through his attorney Jim Gottstein, has moved for an injunction as follows:

1. Mr. Bigley be allowed to come and go from API as he wishes, including being given, food, good sleeping conditions, laundry and toiletry items.
2. If involuntarily at a treatment facility in the future, be allowed out on passes at least once each day for four hours with escort by staff members who like him, or some other party willing and able to do so.
3. Only the Medical Director of API may authorize the administration of psychotropic medication pursuant to AS 47.30.838 (or any other justification for involuntary administration of medication, other than under AS 47.30.839), after consultation with James B. Gottstein, Esq., or his successor.
4. API shall procure and pay for a reasonably nice two bedroom apartment that is available to Mr. Bigley should he choose it.¹ API shall first attempt to negotiate an acceptable abode, and failing that procure it and make it available to Mr. Bigley.
5. At API's expense, make sufficient staff available to be with Mr. Bigley to try keep him out of trouble.
6. The foregoing may be contracted for from an outpatient provider.

¹ API may seek to obtain a housing subsidy from another source, but such source may not be his Social Security Disability income.

N. It makes perfect sense. With respect to Number 1, Mr. Bigley's problems in the community revolve around the expression of his extreme anger, and has caused the loss of housing options. Currently, it is my understanding even the Brother Francis Shelter is not available to him. There needs to be a safe and comfortable place for Mr. Bigley to sleep when he doesn't have any other option. Even though he is never actually violent, there is no other option in Anchorage of which I am aware that is in a position to deal with his yelling and screaming.

O. Frankly, it is unlikely that Mr. Bigley would avail himself of the option because of the way he has been locked up and treated there so much in his life, but the option should be available to him.

P. Number 2, is more likely unless and until Mr. Bigley gets his behavior within a socially acceptable range. Mr. Bigley seems to always be okay on pass when he is there so he should be given such passes.

Q. With respect to Number 4, housing is a huge issue for Mr. Bigley. He demands a relatively nice apartment and will choose homelessness over one that does not meet his requirements. Currently, under his Guardianship regime, he is only given about \$60 per week for food and \$50 per week for spending money. That is an unreasonably small amount. I don't know if the State should be required to support Mr. Bigley's housing to the extent requested by Mr. Gottstein, but it should in a reasonable amount as necessary.

R. With respect to Number 5, right now, it would be very beneficial to have someone with Mr. Bigley for an extended period of time during the day to help him meet his needs and stay out of trouble.

S. Currently, it would probably take more than Medicaid allows to provide what is needed.

T. Using CHOICES' approach, it is my opinion there is a reasonable prospect that within a year to eighteen months Mr. Bigley could get by with far less services and be within the normal Medicaid range.

U. There is also a reasonable prospect that this will never be achieved.

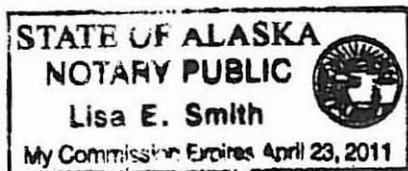
V. With respect to Number 6, CHOICES could be such an outpatient provider, but would need to increase its staffing level in order to be able to do so properly, which would take at least a little bit of time.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

DATED September 12, 2007.

By: Paul A. Cornils
Paul A. Cornils

SUBSCRIBED AND SWORN TO before me this 12th day of September, 2007.



Lisa E. Smith
Notary Public in and for Alaska
My Commission Expires: 4/23/2011

State of Alaska)
)ss
Third Judicial District)

I, James B. Gottstein, hereby affirm that this reproduction of Affidavit of Paul Cornils, to which this is appended, is a true, correct and complete photocopy of the original filed in 3AN 07-1064PR.

Dated: March 6, 2008 _____

James B. Gottstein

SUBSCRIBED AND SWORN TO before me this 6th day of March, 2008.

Notary Public in and for Alaska
My Commission expires: _____