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

4 In the Matter of the Necessity)
for the Hospitalization of:)
5 WILLIAM BIGLEY,)
6 Respondent.)
7)

Case No. 3AN-08-1252 PR

8 **OPPOSITION TO MOTION FOR ORDER**
9 **REQUIRING SERVICE ON PSYCHRIGHTS**

10 The State of Alaska, Alaska Psychiatric Institute (“API”), by and through
11 the Office of the Attorney General, hereby opposes Respondent William S. Bigley
12 (“Mr. Bigley”)’s Motion for Order Requiring Service on PsychRights. Attorney Jim
13 Gottstein of the Law Project for Psychiatric Rights (“PsychRights”) filed a Limited
14 Entry of Appearance (“Limited Entry”) on October 21, 2008, limiting his entry on
15 behalf of Mr. Bigley to the subject of medication under AS 47.30.838 and
16 AS 47.30.839. The Public Defender’s Agency (“Public Defender”) remains
Mr. Bigley’s counsel for commitment proceedings.

17 The rule at issue here, Alaska Rule of Civil Procedure 81(d), does not
18 provide for service of all pleadings and other documents upon an attorney who has filed
19 a limited entry of appearance. Mr. Bigley has cited no case law or other authority to the
20 contrary. API has served all pleadings and documents regarding commitment
21 proceedings upon counsel of record for those proceedings, the Public Defender.
22 Mr. Bigley contends that medication petitions and commitment proceedings are distinct
but related. If this is accepted, then PsychRights should consult and communicate with

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2 its co-counsel for Mr. Bigley, the Public Defender.¹ Mr. Bigley's counsel should be
3 working in concert for his benefit, and should not be communicating regarding the
4 subject of his representation through opposing counsel. Motions requiring service of
5 commitment pleadings and documents upon PsychRights confuse the issue of
6 Mr. Bigley's representation. By PsychRights own admission and as shown by filings in
7 this case and others, PsychRights is counsel for Mr. Bigley *exclusively* for medication
8 proceedings under AS 47.30.838 and 839. As such, API opposes Mr. Bigley's Motion
9 Requiring Service on PsychRights.

10 DATED: 12/3/08

11 TALIS J. COLBERG
12 ATTORNEY GENERAL

13 By:



14 Erin A. Pohland
15 Assistant Attorney General
16 Alaska Bar No. NA14009

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23 ¹ API recognizes that the PsychRights and the Public Defender have taken
24 opposing positions on many issues and believes that the instant issue illustrates the
25 difficulties caused by joint representation for these matters. API takes the position that
26 the commitment proceeding is not truly divisible from the medication proceedings, and,
as such, Mr. Bigley should be represented by either PsychRights or the Public Defender
for all proceedings.

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ORDER DENYING MOTION REQUIRING SERVICE ON PSYCHRIGHTS

The Court, having considered petitioner's Motion for Clarification of Order, respondent's opposition, and being fully advised in the premises,

IT IS HEREBY ORDERED that petitioner's Motion for Clarification of Order is DENIED.

DATED: _____

SUPERIOR COURT JUDGE

Recommended for approval:

Probate Master

Dated: _____

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