

Subcommittee on Involuntary Commitments and the Involuntary
Administration of Psychotropic Medications
12-4-08

Present:

Judge Morgan Christen – Co-Chair

Judge Peter Michalski – Co-Chair

James Gottstein

Linda Beecher

Elizabeth Brennan

Doug Wooliver – subcommittee staff

Meeting convened at 10:05 am

Judge Christen started the meeting with a brief update on the court system's response to the Wayne B. Decision. The presiding judges met in October to discuss the case and its impact. Because API is located in Anchorage, the Anchorage court is most affected by the decision. The first district has taken the position that all referrals to masters will be assigned to a superior court judge without the use of a standing master, including involuntary commitment cases. The third district and fourth district continue to use standing masters. The second district's decision is unknown at this time.

Judge Gleason, retired judge Elaine Andrews and Court Rules Attorney Nancy Meade also met in October to discuss possible revisions to Civil Rule 53 and the presiding judges met with the supreme court to discuss next steps. The supreme court is considering amending Civil Rule 53 and will take up the issue again later this month.

Assuming that the revised Rule 53 will continue to require review of the record in at least those cases involving involuntary commitment/medication, the process for generating master recommendations needs to be streamlined so that the master's written recommendation can be made available to counsel in a timely manner, counsel can have an opportunity to object, and the superior court judge can still decide upon a final order in a timely manner.

Judge Christen also informed the committee that she may assign just 2 to 3 Anchorage superior court judges to hear these cases beginning in 2009.

Jim Gottstein talked about his view that the ex parte hearing provisions found in AS 47.30.700 are not being followed. He suggested that the emergency psychiatric team at Providence Hospital be used to conduct the screenings called for in the statute. The result of their screening would then be provided to the judge prior to the issuance of an ex parte order. Those orders would only be issued in exigent circumstances.

The committee discussed the fact that the Providence team is not available in most locations outside of Anchorage.

Judge Christen stated that there are three events coming up that will impact the work of the subcommittee:

- 1) Judge Christen, Judge Rhoades and Third District Area Court Administrator Wendy Lyford will be meeting with API on December 15th at 11:00 a.m. to

- discuss problems with the recording equipment that is used in the API hearing room.
- 2) The supreme court will meet on Rule 53 and we will have an answer about which proposed change will be adopted.
 - 3) Judge Christen will be in communication with Providence Hospital to inquire into the possibility of using their emergency psychiatric team to screen respondents in ex parte commitment proceedings.

The committee also recognized that not all issues involved with involuntary commitments and psychotropic medications are tied up in the Wayne B. decision. The attorney appointment process, as one example, might also benefit from some reforms. Liz Brennan and Linda Beecher offered to write a description of how the process currently functions and will try to highlight areas that could be improved that are outside of the Wayne B. issues.

The next meeting is scheduled for January 8, from 2:30 to 4:30 in the Prow Conference Room.

The meeting adjourned at 11:05 am