

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

In the Matter of the Necessity for the)
Hospitalization of:)
)
Roslyn Wetherhorn,)
)
Respondent.) -

LAW OFFICES

FEB 09 2006

JAMES B. GOTTSTEIN

Case No. 3AN-05-459 P/R

ORDER DENYING RESPONDENT'S MOTION FOR ATTORNEY'S FEES

Respondent seeks to recover \$10,746 in actual attorney's fees resulting from a involuntary commitment proceeding. This court finds that A.R.C.P. 82 does not apply to this proceeding. Application of A.R.C.P. 82 to an involuntary commitment proceeding would be inconsistent with Probate Rules and would interfere with the unique character and purpose of probate proceedings. See Probate Rule 1(e).

This court further finds that an award of A.R.C.P. 82 fees against the State would interfere with the protective nature of the proceedings contained in AS 47.30.700 et seq. and would violate AS 47.30.815.

Finally, this court finds that respondent is not the "prevailing party" under A.R.C.P. 82.

2/6/06

Date



PATRICK J. MCKAY
Superior Court Judge

I certify that on 2/8/06
a copy of the above was mailed to each of
the following at their addresses of record:

Gottstein
Secretary/Clerk

As - Hetchkin