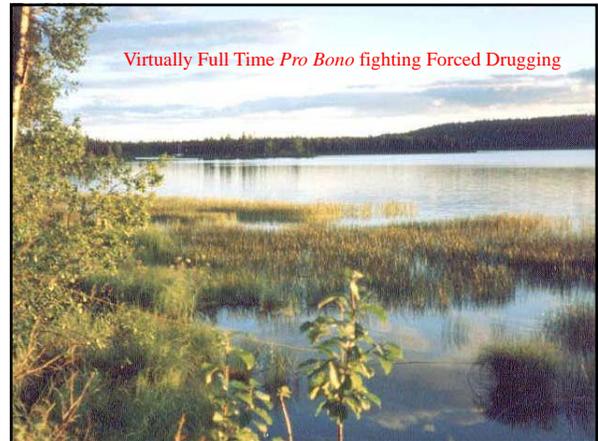
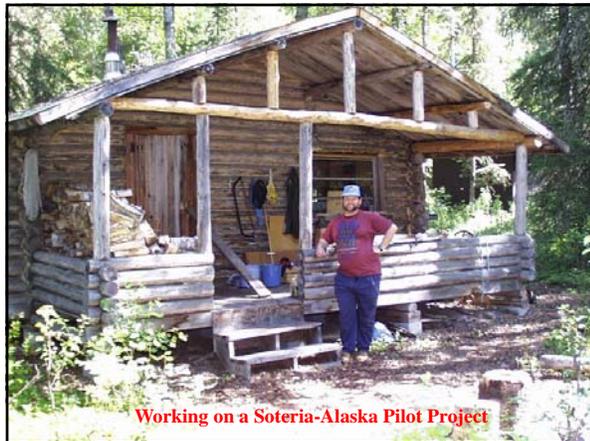
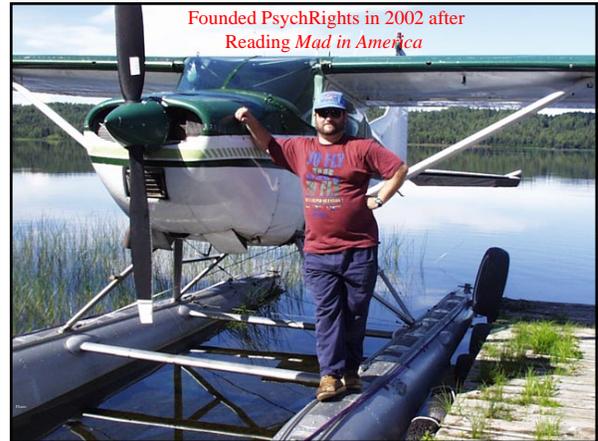
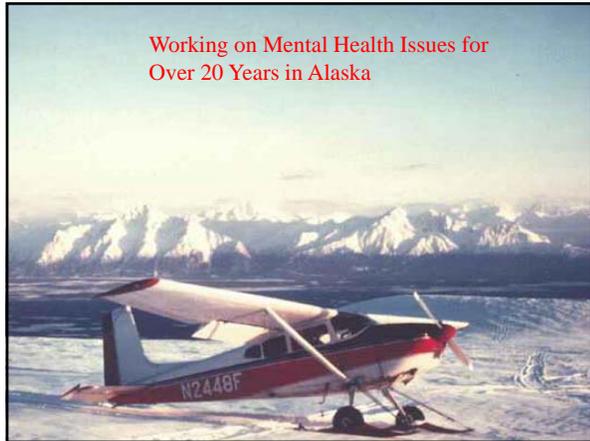
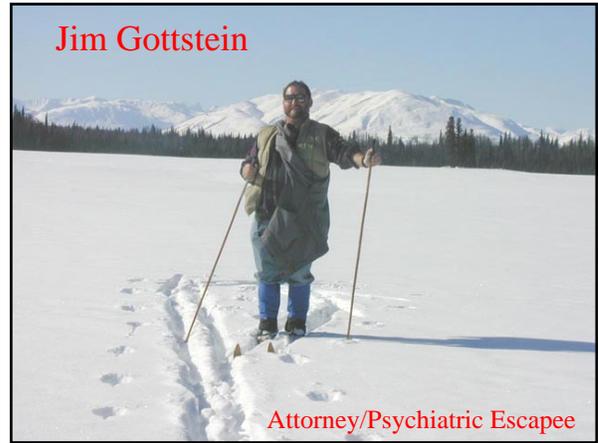




PsychRights' Legal Campaign Against Forced Drugging and How You Can Participate

James B. Gottstein, Esq.
Law Project for Psychiatric Rights
jim@psychrights.org
<http://psychrights.org/>

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The Legal Setting:

- ◆ Involuntary Commitment
- ◆ Forced Medication
- ◆ The Reality

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Involuntary Commitment Standards

1. Mentally Ill, and
2. A Danger to Self or Others, or, (in some states)
3. Gravely Disabled (not sanctioned by US Supreme Court)

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Forced Medication Standards

- ◆ State Laws may define Federal Rights (*Mills v. Rogers*)
 - Incompetent to Decline (Refuse)
 - “Professional Judgment” (*Youngberg v. Romeo/Rennie v. Klein*)
 - “Best Interests”
 - Where Junk Science Comes In
 - “Substituted Judgment”
 - “Least Restrictive Alternative”

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The Reality

Courts accept . . . testimonial dishonesty, . . . specifically where witnesses, especially expert witnesses, show a “high propensity to purposely distort their testimony in order to achieve desired ends.” . . .

Experts frequently . . . and openly subvert statutory and case law criteria that impose rigorous behavioral standards as predicates for commitment . . .

This combination . . . helps define a system in which (1) dishonest testimony is often regularly (and unthinkingly) accepted; (2) statutory and case law standards are frequently subverted; and (3) insurmountable barriers are raised to insure that the allegedly “therapeutically correct” social end is met . . . In short, the mental disability law system often deprives individuals of liberty disingenuously and upon bases that have no relationship to case law or to statutes.

The ADA and Persons with Mental Disabilities: Can Samist Attitudes Be Undone? by Michael L. Perlin, *Journal of Law and Health*, 1993/1994, 8 JLHEALTH 15, 33-34.

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“The Reason:”

“Traditionally, lawyers assigned to represent state hospital patients have failed miserably in their mission”

Houston Law Review January, 1991 Health Law Issue COMPETENCY, DEINSTITUTIONALIZATION, AND HOMELESSNESS: A STORY OF MARGINALIZATION Michael L. Perlin

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The Reason Behind the Reason: Society Demands It

- ◆ Even if we agree with what you (Bob Whitaker) are saying, we won’t be allowed to do what you suggest.

Reaction of Alaska Psychiatric Institute psychiatrists to Bob Whitaker’s presentation.

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What to Do

- ◆ Public Education
- ◆ Alternatives
- ◆ Serious, Coordinated Legal Attack on Science

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Public Education

- ◆ Historic Opportunity
 - SSRI Debacle
- ◆ The Fraudulent Science is Now Known
- ◆ The Damage Has Been Documented
- ◆ Natural Allies
 - AHRP
 - MindFreedom
 - PsychRights
 - ICSPSP
 - NARPA
 - ISPS, Aspire, Drug Awareness
 - Others?

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Alternatives Are Essential

Constitutional Right to Least Restrictive Alternative Meaningless without them.

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PsychRights Efforts

- ◆ System Change legal challenges
- ◆ Selective Representation
- ◆ Assistance for cases
 - Consulting
 - Briefing
 - Expert Witness Fees
 - Referrals
 - Experts
 - Attorneys
- ◆ Technical Assistance
 - Website Materials

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Expert Witnesses

- ◆ Absolutely Critical
- ◆ Need to Pay
- ◆ Identify

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Some Specific PsychRights Efforts

- ◆ Myers Forced Drugging Case in Alaska
- ◆ Child case in North Carolina
- ◆ “Rogers Orders” in Massachusetts
- ◆ Psychotropic Induced Homicide in Utah
- ◆ Many unfulfilled requests
 - Montana, Nebraska, Ill., Texas, Minn, Mass. . . .
- ◆ PPRA Form Letter
- ◆ ICMHP Letter
- ◆ Forced Drugging in Prison Case
- ◆ Threatened Informed Consent Case

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Ways to Participate

- ◆ Expert Witnesses
- ◆ Alternative Treatment Options
- ◆ Action Conference in DC end of April/beginning of May
- ◆ Volunteers
 - Grant Writing
 - Webmastering??
 - Research, Organizing, Office
 - Other
- ◆ \$\$\$\$ (of course)

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