



**Unwarranted Court Ordered Medication: A Call to Action**

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Law Project for Psychiatric Rights

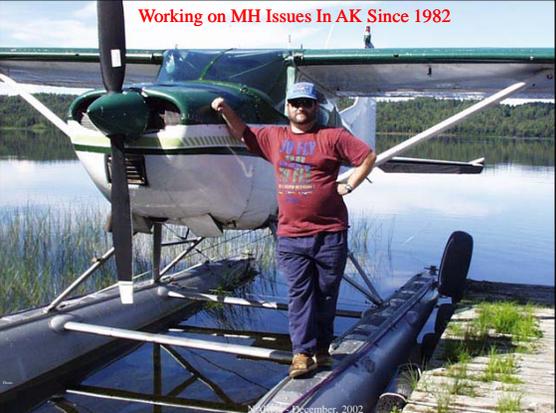
<http://psychrights.org/>

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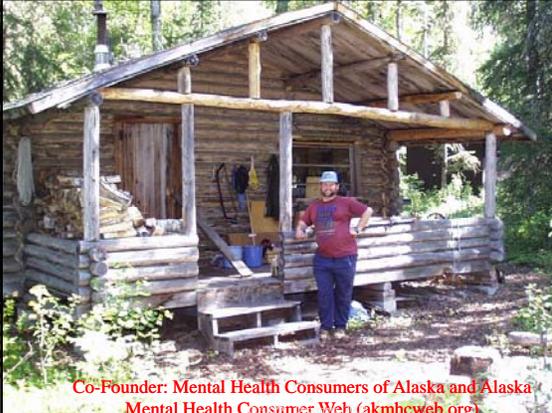
**Jim Gottstein**

**Attorney- Consumer/Survivor**  
- <http://akmhcweb.org/recovery/jgrec.htm>



**Working on MH Issues In AK Since 1982**

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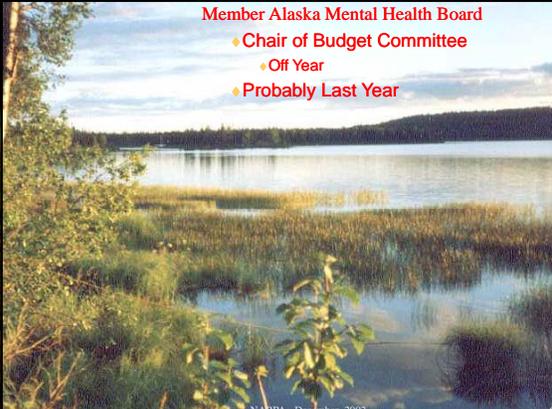
**Co-Founder: Mental Health Consumers of Alaska and Alaska Mental Health Consumer Web ([akmhcweb.org](http://akmhcweb.org))**



**Alaska Mental Health Trust Lands Suit**

- One Million Acre Trust Stolen by State
- Class Action
- Court Valued Settlement at \$1.1 Billion

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**Member Alaska Mental Health Board**

- ◆ Chair of Budget Committee
- ◆ Off Year
- ◆ Probably Last Year

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The Widespread Damage  
Caused by Medically  
Unwarranted Forced  
Medication Must Be Stopped

No Issue with informed  
Voluntary Medication  
Taking

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Does Not Address:

- ◆ Criminalization
- ◆ Other Drug Coercion
- ◆ Rest of Coercive System
- ◆ Discrimination
- ◆ Stigma
- ◆ Etc.

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To Succeed You Need  
Both:

- ◆ Legal
- ◆ Public Relations

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The Legal Standards:

- ◆ Involuntary Commitment
- ◆ Forced Medication

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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 define Federal Rights
- ◆ “Professional Judgment”

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## Yikes, but

- They don't have the science
- They are not truthful
- They are not used to a vigorous legal attack
  - Need to Explain
  - JG's sole involuntary Med Proceeding

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## Call to Action: The Proposal

- ◆ Organization
- ◆ The Manual
- ◆ Expert Witness \$\$\$
- ◆ Develop Law Through Selective Appeals
- ◆ Associated Public Relations Campaign

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## Organization

- ◆ Consumer Directed
- ◆ No Gummint Money
- ◆ Volunteers mostly
  - Including *pro bono* lawyers
- ◆ NARPA seems like a good fit to do organizing work
  - People in every state
- ◆ Law Project for Psychiatric Rights is a Possibility
  - But no organized network

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## The Manual

A Guide for Attorneys

- Research (Legal and Medical)
- Canned Briefs
- Canned Sworn Expert Reports
  - Drug by Drug
  - Fraudulent Science
- Model Cross-Examinations
  - Perlin
- Suggested Strategies
  - Expert Depositions of all adverse witnesses
  - Public Hearings
  - Separate Commitment from Medication Proceeding
  - Suppress pre-admittance information
- Etc.

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## Expert Witnesses

- ◆ Absolutely Critical
- ◆ The main thing that can't be done mostly volunteer.
- ◆ Need Substantial \$\$\$\$
- ◆ Develop a List
  - State by State/City by City
- ◆ Sworn Expert Report
  - e.g. research → 3 weeks before meds
    - (attorney may be able to get some time)
  - Drug by Drug

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## Develop Law Through Appeals

- ◆ Brick by Brick
- ◆ Good Facts
- ◆ I am not an Expert on This, but
  - Need Good Facts
  - Bad Facts Are Death to the Effort
- ◆ Perlin and Stefan Are Experts
- ◆ No Law in Alaska (Clean Slate)

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## Public Relations

- ◆ Historic Opportunity
  - Mad in America
  - [Bill Moyers: Science for Sale](#)
- ◆ The Fraudulent Science is Now Known
  - Mad in America (and many others)
- ◆ The Damage Has Been Documented
  - Private Firms Can/Will do this for \$\$\$
  - Class Actions Bad
- ◆ Going After Greed and Corruption is the Current Fad
- ◆ Otherwise, System is What Public Wants

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## Specific PR Steps

- ◆ Counter Every Psycho-Pharmaceutical Complex Claim
- ◆ Talk Shows
- ◆ News Shows
- ◆ Develop Relationships
- ◆ Develop Scandal Stories
- ◆ Etc.
- ◆ i.e., Serious Public Relations Effort
- ◆ Dress Up (Look Good)

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## Legislative Work

Congress

- 535 Copies of Mad in America
- Identify People Who Have (good) Relationships With Members
  - Barney Frank
  - Tom Lantos

State Legislatures

- Same Thing

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