

**Subject:** [Fwd: Settlement Offer to Be Conveyed to Commissioner Hogan]  
**From:** Jim Gottstein <jim.gottstein@psychrights.org>  
**Date:** Fri, 22 Aug 2008 09:16:11 -0800  
**To:** Stacie Kraly <stacie.kraly@alaska.gov>  
**CC:** talis.colberg@alaska.gov

Hi Stacie,

When I saw how this was taking going out, I thought, uh oh, I forgot to see how big the attachment is. Well, the below e-mail apparently got rejected because of it, so I have uploaded it to <http://psychrights.org/research/Digest/CriticalThinkRxCites/AllModulesCompletePresentationmarked.pdf>.

----- Original Message -----

**Subject:** Settlement Offer to Be Conveyed to Commissioner Hogan  
**Date:** Fri, 22 Aug 2008 08:49:02 -0800  
**From:** Jim Gottstein <[jim.gottstein@psychrights.org](mailto:jim.gottstein@psychrights.org)>  
**Organization:** Law Project for Psychiatric Rights  
**To:** Stacie Kraly <[stacie.kraly@alaska.gov](mailto:stacie.kraly@alaska.gov)>  
**CC:** [talis.colberg@alaska.gov](mailto:talis.colberg@alaska.gov), [jeff\\_jessee@mhta.revenue.state.ak.us](mailto:jeff_jessee@mhta.revenue.state.ak.us), Jim Gottstein <[jim.gottstein@psychrights.org](mailto:jim.gottstein@psychrights.org)>

Hi Stacie,

Having received no response to my request for consent to communicate directly with Commissioner Hogan about the subject matter of the anticipated lawsuit against the state of Alaska for a declaratory judgment and injunction against its administration and funding of psychotropic drugs to Alaskan children in the indiscriminate, extremely harmful way it is, this is a formal settlement offer, which must be conveyed to Commissioner Hogan pursuant to the Comment to Rule 1.4 of the Alaska Rules of Professional Conduct, which provides in pertinent part:

*A lawyer who receives from opposing counsel an offer of settlement in a civil controversy . . . should promptly inform the client of its substance unless prior discussions with the client have left it clear that the proposal will be unacceptable.*

Since Commissioner Hogan has expressed a desire to talk about this, the exception can not apply.

I know that the Attorney General's Office has been pressed lately with personnel shortages, but it seems silly for this to result in litigation, which might otherwise be resolved. I feel the same way about the Department of Law's absolute unwillingness to talk about the endemic rights violations with regard to involuntary commitment and forced drugging at API, which by the way, I wrote about in Part IX of my recent law review article, [Involuntary Commitment and Forced Psychiatric Drugging in the Trial Courts: Rights Violations as a Matter of Course](#), 25 *Alaska L. Rev.*

51 (2008). I think it is in the best interests of the State to substantially reduce its involuntary commitments and especially forced drugging because it dramatically increases its long term costs. To me its a shame the State has not even been willing to look at this.

However, if that is the way the State wants to proceed, I am more than willing to pursue litigation.

With respect to the settlement offer, I am proposing the State of Alaska agree:

it will not consent to the administration, nor pay for the administration of psychotropic drugs to persons under the age of 18 unless and until,

- (i) evidence based psychosocial interventions have been exhausted,
- (ii) rationally anticipated benefits outweigh the risks,
- (iii) the person or entity authorizing administration of the drug(s) is fully informed, and
- (iv) close monitoring of and appropriate responses to, treatment emergent effects are in place.

This is based on the [Critical Think Rx Curriculum](#) on Psychotropic medications for children. The [Critical Think Rx](#) project was funded by the State Attorneys General Consumer and Prescriber Grant Program from funds arising out of a multi-state settlement of consumer fraud claims against a pharmaceutical company regarding the marketing of the psychotropic drug, Neurontin. Similar fraud has resulted in the massive over-drugging of Alaska's children, which the Complaint I am drafting attempts to correct. See, e.g., [Pediatric bipolar disorder: An object of study in the creation of an illness](#), by David Healy and Joanna Le Noury, *International Journal of Risk & Safety in Medicine*, 19 (2007) 209–221.

I have (hopefully) attached the [Critical Think Rx](#) curriculum. Certain references have been highlighted. Almost all of these that we didn't already have, have since been acquired and are now available on the Internet at <http://psychrights.org/research/Digest/CriticalThinkRxCites/>

This settlement offer should be promptly conveyed to Commissioner Hogan pursuant to Rule 1.4 of the Alaska Rules of Professional Conduct. Please let me know that you have done so. I really want to get the lawsuit filed within the next few weeks if at all possible if we are not to enter into negotiations because I am speaking about it at the ICSPP conference in early October. I would like to be able to report instead that we are in serious negotiations.

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President/CEO

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The Law Project for Psychiatric Rights is a public interest law firm devoted to the defense of people facing the horrors of forced psychiatric drugging. We are further dedicated to exposing the truth about these drugs and the courts being misled into ordering people to be drugged and subjected to other brain and body damaging interventions against their will. Extensive information about this is available on our web site, <http://psychrights.org/>. Please donate generously. Our work is fueled with your IRS 501(c) tax deductible donations. Thank you for your ongoing help and support.

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