

Carolyn Y. Heyman
Heyman@Alaskalaw.Pro

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

FILED
STATE OF ALASKA
THIRD JUDICIAL DISTRICT
FILED 11 PM 11:30
CLERK OF THE COURT
BY
DEPUTY CLERK

THE DISABILITY LAW CENTER OF
ALASKA, INC.,

Plaintiff,

vs.

STATE OF ALASKA, DEPARTMENT OF
HEALTH & SOCIAL SERVICES; JAY
BUTLER in his official capacity as
Commissioner of the Department of Health &
Social Services; DIVISION OF BEHAVIORAL
HEALTH; GENNIFER MOREAU-
JOHNSON, in her official capacity as acting
director of the Division of Behavioral Health;
ALASKA PSYCHIATRIC INSTITUTE; and
DUANE MAYES in his official capacity as
Chief Executive Officer of the Alaska
Psychiatric Institute,

Defendants.

Case No. 3AN-18-09814 CI

**ALASKA BEHAVIORAL HEALTH ASSOCIATION'S MOTION TO FILE
AMICUS REPLY TO STATE DEPARTMENT OF HEALTH & SOCIAL
SERVICES PLAN**

Alaska Behavioral Health Association ("ABHA"), with the support of the Alaska Association of Homes for Children ("AAHC") and the Alaska Association on Developmental Disabilities ("AADD"), hereby moves to file an amicus Reply to the State of Alaska, Department of Health and Social Services ("DHSS")'s plan entitled "Addressing Gaps in the

Crisis Psychiatric Response System” (the “Plan”). The brief proposed by ABHA is submitted with this Motion.

ABHA is a nonprofit corporation licensed in the State of Alaska that serves as Alaska’s behavioral health provider network. The Association includes over seventy mental health and substance abuse treatment provider organizations all working toward a shared goal of improving access to quality, cost-effective behavioral health treatment services for Alaskans. ABHA offers the court unique information regarding the Plan, including insight into how the Plan fits in to the spectrum of behavioral health care available in Alaska. ABHA, AAHC and AADD do not intend to promote or condemn the Plan in its entirety, but rather seek this opportunity to shed light on the positive and negative aspects of the Plan, with the goal of seeing a final plan that best meets the needs of the residents of Alaska.

LEGAL STANDARD

Briefs may be filed by a non-party amicus curiae in cases pending before the Superior Court.¹ While the Alaska Rules of Civil Procedure do not set out a specific procedure for an amicus affidavit to be filed at the trial-court level, Superior Court practice is to follow the example outlined in Alaska Rule of Appellate Procedure 212(9).² Appellate Rule 212(9) permits an amicus curiae to file a brief on “written consent of all parties,” or “by leave of the .

¹ See, e.g., *Laughlin v. Everhart*, 678 P.2d 926, 931 n.12 (Alaska 1984) (noting that an amicus memorandum had been filed at the superior court level).

² See, e.g., Order in *Keller v. French*, 2008 WL 8578808 (Alaska Superior Ct., No. 3AN-08-10489 CI, Sept. 25, 2008) (citing *Laughlin*, 678 P.2d 926 and quoting ALASKA R. APP P. 212(9) as the relevant “guideline”).

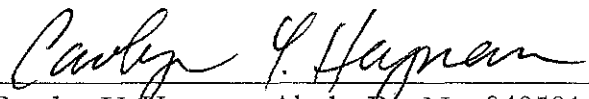
. . court granted on [a] motion [that] identif[ies] the interest of the applicant [and that] state[s] the reasons why a brief of an amicus curiae is desirable.”³

DISCUSSION

The Plan addresses the crisis psychiatric response system across Alaska, but that system is only part of a larger behavioral health system. In order to fully assess the adequacy of the Plan, the Court must have an understanding of how this plan fits into the larger continuum of care, and how it may affect other programs and resources available to Alaskans, both positively and negatively. As the organization that represents the majority of Alaska’s behavioral health providers, ABHA should be permitted to submit an amicus response to the Plan to provide the court with some of this needed information. Without the viewpoints and information represented by ABHA and other parties in support of this motion, the Court’s decision would be based on an incomplete set of facts.

DATED this 11th day of February, 2020, at Anchorage, Alaska.

SEDOR, WENDLANDT, EVANS & FILIPPI, LLC
Attorneys for Alaska Behavioral Health Association

By: 
Carolyn Y. Heyman, Alaska Bar No. 0405016

³ ALASKA R. APP. P. 212(9) *Brief of an Amicus Curiae*.

CERTIFICATE OF SERVICE

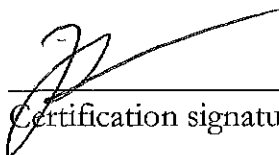
I certify a true and correct copy of the foregoing
was sent by mail on this 11th day of February,
2020, to:

Steven Bookman
Jeff Pickett
State of Alaska, Office of the Attorney General
1031 W. 4th Avenue, Suite 200
Anchorage, AK 99501

Joanna Cahoon
Mark Regan
Disability Law Center of Alaska
3330 Arctic Boulevard, Suite 103
Anchorage, AK 99503

Linda Beecher
Liz Brennan
Public Defender Agency
900 West 5th Ave., Suite 200
Anchorage, AK 99501
linda.beecher@alaska.gov
elizabeth.brennan@alaska.gov

Mathias Cicotte
Assistant Attorney General
1031 West 4th Ave., Suite 200
Anchorage, AK 99501
matthias.cicotte@alaska.gov



Certification signature