

October 8, 2024

**VIA INTERAGENCY MAIL**

Honorable Gentner Drummond

Attorney General

Oklahoma Attorney General's Office

313 N.E. 21 Street

Oklahoma City, OK 73105

Re: *Briggs et al. v. Friesen et al; 23-CV-00081-GFK-JFJ*

Dear General Drummond:

With respect, this letter serves as notice of termination of the Office of the Attorney General's services as counsel in the referenced lawsuit. Unfortunately, public statements and actions taken in the litigation have made clear that irreconcilable conflicts of interest exist. This became further apparent when I was noticed for a deposition for October 15 and your office then recommended that I retain outside counsel to represent me in that deposition due to a potential conflict of interest.

As you know, I have continuously expressed my concerns with the proposed Consent Decree. For instance, I cannot agree to ceasing competency treatment in 75 counties in the state—a concern that you have continuously disregarded. Stopping such treatment will not only open the department to continuous contempt citations in these counties and increase the likelihood the department will have to pay millions in fines every year under the decree, but also, and more importantly, it will cause hundreds of individuals in these counties to languish without receiving the treatment we are currently providing. There are, of course, several other concerns, such as millions in unnecessary costs, the rewrite of laws impacting the department's ability to carry out its legislatively delegated duties and mission, and more.

You made clear that you would not abide by my instruction not to enter the consent decree in this case and in fact sought its entry contrary to my expressed direction otherwise. Your communications to me have also made clear that you will not consult with me, nor seek my counsel, consent, or direction in this case. Said differently, you are unable to defend my or the Department's interests with independent judgment, zeal in advocacy, and reasonable diligence. Quite simply, we are at a fundamental impasse with the direction of this case and what will further the interests of the Department and the State. You have proceeded in the *Briggs* litigation as if you are both Commissioner and counsel to the Commissioner.



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It has also become increasingly clear that the best interest of the state has not been prioritized. In order to reasonably prepare outside counsel to retain the ability to defend the best interest of the department, we are forced to retain outside counsel immediately.

Because of these fundamental disagreements, the Oklahoma Department of Mental Health and Substance Abuse Services and the named Defendants have been left with the unenviable decision to terminate the Office of the Attorney General's representation in the matter and retain outside counsel to represent us with respect to *Briggs et al. v. Friesen et al; 23-CV-00081-GFK-JFJ*. This termination is effective immediately. Please cease and desist any further action on my or the Department's behalf in this case and take appropriate action to notify the Court. In addition, please compile a copy of the case file, including all pleadings, legal memoranda, and correspondence between your office and opposing counsel, so as to mitigate any unfair or avoidable consequences that could adversely affect the named parties' interests in the transition. Further instructions will be provided.

Sincerely,



Allie Friesen

ODMHSAS Commissioner



Debbie Moran

Executive Director OFC



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