



**Disability and Abuse Project
Disability and Guardianship Project**

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April 18, 2019

PLEASE NOTE OUR NEW ADDRESS (SEE ABOVE)

Honorable Mary E. Fairhurst
Washington Supreme Court
P.O. Box 40929
Olympia, WA 98504-0929

Re: Request for information on status of ADA complaint

Dear Chief Justice Fairhurst:

The last time we received a communication from you was when you wrote to Spectrum Institute on December 22, 2017 to report that you had shared our ADA complaint of November 17, 2017 with the other justices. You said that you would get back to us after you had an opportunity to gather more information.

On December 22, 2017, I sent some additional information that was relevant to the complaint and to the court's inquiry into it. There has been no communication between us ever since.

Appointment of counsel for guardianship respondents is an issue that has been receiving attention in the Washington Legislature over the past several months. Unfortunately, the path down which this legislation is traveling appears to be aggravating the ADA problem rather than improving it.

No matter what the Legislature does, it will not relieve the Judicial Branch of its independent obligations under the ADA – as a public entity that provides services to the public – to take appropriate action on its own motion, without the need for a request, when judges become aware that a service recipient or service participant has significant disabilities that may interfere with effective communication or with meaningful participation in legal proceedings. This would apply to virtually all respondents in adult guardianship proceedings. As soon as a petition is filed, judges know of the severity of the disabilities of the respondent and that they will likely interfere with access to justice. Judges also know that there is no way that most of these litigants can have meaningful participation in proceedings without the appointment of counsel. Therefore, as a matter of complying with the ADA, judges should be appointing counsel for these litigants in virtually all cases.

I look forward to hearing from you about the status of this pending ADA complaint.

Respectfully submitted:

Thomas F. Coleman
Legal Director, Spectrum Institute
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cc: Washington Supreme Court Justices