

For Immediate Release

Contact: **Valerie Artisimo**

718-839-3799

**Complaint for the Disabled Aging Under Guardianship Filed
with the Texas Supreme Court and Justice Department**

(March 12, 2018- Austin, Texas) A complaint filed with the Supreme Court of Texas in Austin and the Commissioner's Court of Bexar County alleges that the Bexar County Probate Court is violating the federal civil rights of the elderly who are experiencing cognitive decline, physical disability or blindness.

The complaint cites Title II of the American with Disabilities Act as the source of jurisdiction and asks the Supreme Court of Texas, the Department of Justice and the Commissioner's Court of Bexar County to address the policies and practices of the Bexar County Probate Court in adult guardianship proceedings, including the elderly. It is through such proceedings that the court assumes control over the lives of older adults, allegedly on the ground that they lack the capacity to make decisions for themselves.

These older Americans often have dementia, Alzheimers, may be blind or physically challenged and in many cases are retired military veterans. However, the rights of these older Americans under guardianship are being systemically violated. The primary problem is the failure of court appointed attorneys, court appointed Guardian Ad Litem, court appointed guardians and Judges to advocate for their clients and defend their rights. The court is responsible for this failure due to a lack of quality assurance controls over court appointed attorney and guardian ad litem payment, qualifications, training and performance.

"President Trump signed into law the Elder Abuse Protection and Prosecution Act, also known as U.S. Bill 178, which gives the Department of Justice the authority to oversee and monitor adult guardianships," said Dr. Sam Sugar, founder of Americans Against

Abusive Probate Guardianship, a national volunteer organization headquartered in Hollywood, Florida. "Victims and their family members are collectively and individually leveraging the new law with DOJ and ADA complaints across the country."

The complaint alleges that the Court is failing to protect elders under guardianship, failing to follow ethical duty, failing to adhere to performance standards and failing to provide their client's access to justice.

Bexar County and its Probate Court are public entities and service providers within the meaning of Title II of the Americans with Disabilities Act. The service provided by Bexar County and its Probate Court is first the administration of justice and once an elderly, disabled person is placed under an order of guardianship, the court and county must provide the additional service of protection pursuant to Title II of the ADA and Section 504 of the Rehabilitation Act of 1973 as well as the Texas Estates Codes and U.S. Bill 178.

Attached is a Press Packet, which contains a case study, a list of elder guardianships that have taken place in Bexar County Probate Court as well as a copy of the complaint, excerpts from the ADA and an introduction to the U.S. Bill 178. Interviews available upon request.

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Valerie Artisimo
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Tom Coleman - Spectrum Institute

From: Juliette's Google Account Fairley [mailto:juliettefairley@gmail.com]
Sent: Tuesday, March 27, 2018 9:21 AM
To: Spectrum Institute <tomcoleman@earthlink.net>; suenorman@suenormanlaw.com
Subject: Fwd: Tracking # EE144223004US- response from the Supreme Court of Texas

March 27

Good morning,

Forwarded below is the response I received from the Supreme Court of Texas about my administrative complaint.

----- Forwarded message -----

From: Emma Culotta <Emma.Culotta@txcourts.gov>
Date: Tue, Mar 27, 2018 at 11:10 AM
Subject: RE: Tracking # EE144223004US
To: Juliette's Google Account Fairley <juliettefairley@gmail.com>

Ms. Fairley,

Your complaint was forwarded to the Court's General Counsel for review. It is still pending at this time.

Best,



Emma Culotta | Deputy Clerk

Supreme Court of Texas

[201 West 14th Street Rm. 104 | Austin, TX 78701](#)

Phone [\(512\) 463-1312 Ext. 41368](tel:(512)463-1312) | Fax [\(512\) 463-1365](tel:(512)463-1365)

From: Juliette's Google Account Fairley [mailto:juliettefairley@gmail.com]
Sent: Tuesday, March 27, 2018 9:56 AM
To: Emma Culotta <Emma.Culotta@txcourts.gov>
Subject: Tracking # EE144223004US

March 27

Good morning Emma,

Thank you for your time this morning.

Attached is the letter that was sent on March 6 and reportedly received by the Supreme Court of Texas on March 7.

It was addressed for handling by the administrative docket.

Juliette Fairley

Juliette Fairley P.O. Box 1497 New York, New York 10276

March 6, 2018

Administrative Docket

Nathan Hecht
Chief Justice
and Texas Supreme Court Justices
Supreme Court of Texas
PO Box 12248
Austin, Texas 78711

Re: Formal Complaint of ADA Noncompliance by the Bexar County Probate Court Section 504 of the Rehabilitation Act

To The Honorable Chief Justice Nathan Hecht and the Supreme Court Justices:

I am writing to the Texas Supreme Court, which is a public entity with responsibilities under Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973.

This complaint is being filed with the Texas Supreme Court pursuant to Section 35.107 of ADA Title II Regulations. A copy of that section is enclosed along with Excerpts.

This court has two types of jurisdiction. One is the authority to adjudicate appeals from lower courts and process petitions involving cases and controversies in specific legal proceedings. The other is the court's administrative authority over practices and procedures in legal proceedings in state courts and over the practice of law by licensed attorneys.

State court proceedings to establish guardianships for adults who lack decision-making capacity are governed by what we refer to as the state's guardianship system. That system was placed by the legislature under the administrative control of the judicial branch – over which the Texas Supreme Court presides. This court has plenary administrative authority to ensure that the guardianship system complies with federal due process and with the requirements of federal statutes such as the ADA and Section 504.

This complaint with the Supreme Court of Texas is to inform the court of systemic and continuing violations of the ADA – in policy and practice – by the Bexar County Probate Court. Such proceedings are conducted under the administrative supervision of the Supreme Court.

Information about James' Fairley's case pending in the Bexar County Probate Court (2011PC1068) is being shared with this court in order to provide a specific example of how an ADA noncompliant system can adversely affect a specific individual. It is very unfortunate that a 22 year veteran of the U.S. Air Force who served in Vietnam, Korea and World War 2 is being denied access to justice, unfettered visits with family members, nutritious meals, and quality medical/dental care by the Bexar County Probate Court.

Because of James' disability (legally blind and elderly), he is not able to understand that he is being victimized nor can he write letters on his own behalf. Instead, he must rely on his court appointed attorney Stephen Takas and court appointed guardian Mauricette Fairley. Both the court appointed attorney Mr. Takas and the court appointed guardian Mauricette Fairley are agents of the public entity that is violating James' ADA violations.

As a result, James relies upon his daughter to advocate and protect his rights under the Americans with Disabilities Act and the U.S. Constitution.

James' court appointed attorney Stephen Takas complains in court transcripts that he has not been paid while James' court appointed guardian Mauricette Fairley has denied James medical/dental care, prescription medication and visits with advocate family members. When Mauricette takes him outside and it's cold or breezy, James complains that he does not have a scarf or coat on, which puts him at risk for pneumonia. Mauricette manages some \$7,000 of James' pension money and yet she chooses to keep him in a substandard retirement home rather than a higher end retirement home. Mauricette classified James as hospice, claiming that he is dying. That was two years ago.

Because Mr. Takas has not been paid, he is not advocating for James disability rights or Constitutional rights. Thus, Mr. Takas has a conflict of interest and cannot effectively advocate since he is motivated by payment and not purely by protecting James' rights under the U.S. Constitution and the ADA. Mr. Takas is supposed to be paid by the county treasury or by Mauricette but in court transcripts, Mr. Takas appears to believe that James' daughter owes him some \$20,000 to \$30,000 for his legal fees.

Although case law shows that the court appointed Guardian Ad Litem (GAL) should be paid by the county treasury or Mauricette, it was James' daughter whom the court ordered to pay the \$5,000 to the GAL. All of James medical care is paid for by insurance and yet the court ordered James' daughter to pay \$4,000 to Nurses Case Management, an R.N., instead of paying it out of the county treasury or out of James' estate.

Enclosed is a list of other elder guardianship cases in which the Bexar County Probate Court may have infringed upon the Constitutional and ADA rights of elderly citizens and/or their advocate family members due to a conflicts of interest on the part of Judges, Court appointed attorneys, court appointed Guardian Ad Litems, Court appoint Guardians and Monitors.

From what I can tell, modifications have not been made. As a result, the guardianship system continues to violate the ADA and Section 504 and the Supreme Court of Texas has not exercised its authority to ensure that litigants and parties with disabilities receive access to justice as contemplated by these federal laws.

Ensuring access to justice, protection and quality of care, medical care, and dental care is extremely important in guardianship proceedings for elderly people who may be blind or who may have cognitive and communication disabilities but is no easy task. Some might even think of it as "mission impossible." But with good will and unwavering determination, it can be done.

Pursuant to its administrative authority, this court should take appropriate actions to bring the legal services component of the guardianship system in Bexar County Probate Court into compliance with federal law.

The purpose of this complaint is to prompt administrative action by the court to move the system in that direction.

Some areas of concern include but are not limited to:

- (1) the conflict of interest that exists in the manner in which court appointed attorneys are paid or expect to be paid;
- (2) the failure of Judges, GAL and court appointed attorneys to advocate for the elderly
- (3) the failure of Judges, GAL and court appointed attorneys to protect the elderly and act with reasonable diligence
- (4) the failure of the court to designate ADA representatives for every proposed and actual ward who is elderly and disabled either cognitively or physically;
- (5) the failure of the judiciary to adopt ADA-compliant performance standards for Judges and court appointed attorneys;
- (6) the failure of the court to hold court appointed attorneys and Judges accountable for receiving training on the ADA so that they can effectively communicate with people who have cognitive and communication disabilities, constitutional rights of guardianship respondents, etc.;
- (7) the grief that elderly persons and their family members feel when they are alienated from one of another when the Court appoints a guardian who is not neutral and when the Court requires an elderly person reside in a hostile facility that is often locked and substandard
- (8) the financial hardship that adult children experience when the Court requires them to pay to visit their elderly parents
- (9) the conflict of interest that exists in the manner that GAL are paid;
- (10) the danger that exists when the family member whom the Court appoints as guardian is elderly themselves or has demonstrated patterns of neglect and abuse towards the Ward;
- (11) the failure of the court and the State Bar to make complaint/grievance procedures regarding ineffective assistance of counsel and violations of rules of professional conduct accessible to people with cognitive and communication disabilities or to adopt alternative methods to minimize deficient advocacy and defense services in guardianship proceedings.

- (12) Lack of respect for human rights by the Judges, court appointed attorneys and guardians
(13) The conflict of interest that exists for court appointed Monitors who receive money from a relative who desires to visit an elderly person under court appointed guardianship.
(14). The conflict of interest that exists when a court appointed Monitor demands more money from a family member than is written into a court order for visiting an elderly person under guardianship and the conflict of interest that exists when a court appointed monitor threatens to withdraw visits if a family member declines to pay more than what is written into a court order.


I trust that the court will place this complaint on its administrative docket and process it in accordance with procedures consistent with Section 35.107 of the ADA Title II Regulations.

I would appreciate being informed where I can find more information about the grievance procedures adopted by the Supreme Court pursuant to Section 35.107

Respectfully submitted,

Juliette Fairley

/e/


JulietteFairley@gmail.com

646-709-7828

cc: Civil Rights Division, United States Department of Justice (information)
State Courts Administrator by snail mail and email
The Texas Bar by snail mail and fax

Enclosures:

- Section 35.107, ADA Title II Regulations
- Application of ADA Regulations to Bexar County Probate Court Proceedings Involving James Fairley with Appendix of Exhibits A1 through A65
- Excerpts from ADA Title II Regulations Issued by the Department of Justice
- List of Other ADA Non Compliant Elder Guardianships in the Bexar County Probate Court

Juliette Fairley
Get Published
P.O. Box 1497
New York, NY 10276

March 7, 2018

County Judge Nelson W. Wolff
Commissioners Court
101 West Nueva, 10th Floor
San Antonio, Texas 78205
Fax: 210-335-2926

Re: Complaint of ADA Noncompliance by the Bexar County Probate Court Section 504 of the Rehabilitation Act

To The Honorable County Judge Nelson W. Wolff and Commissioners:

The Bexar County Probate Court is not complying with the Americans with Disabilities Act. The accompanying materials explain how the county is out of compliance pursuant to Section 35.107 of ADA Title II Regulations. A copy of that section is enclosed along with Excerpts.

Bexar County and its probate court are public entities with responsibilities under Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973.

This complaint is to inform you of the systemic and continuing violations of the ADA – in policy and practice – by the Bexar County Probate Court.

A list of prior cases that took place in the Bexar County Probate Court along with information about James' Fairley's case pending in the Bexar County Probate Court (2011PC1068) is being shared with you in order to provide a specific example of how an ADA noncompliant system can adversely affect a specific individual. It is very unfortunate that a former guidance counselor and school teacher who worked at Oliver Wendell Holmes High School, Anson Jones Middle School and who is also a 22 year veteran of the U.S. Air Force who served in Vietnam, Korea and World War 2 is being denied access to protection, justice, unfettered visits with advocate family members, nutritious meals, and quality medical/dental care by the Bexar County Probate Court.

Because of James' disability (legally blind and elderly), he is not able to understand that he is being victimized nor can he write letters on his own behalf. Instead, he must rely on his court appointed attorney Stephen Takas and court appointed guardian 82 year old Mauricette Fairley. Both the court appointed attorney Mr. Takas and the court appointed guardian Mauricette Fairley are agents of the public entity that is violating James' ADA violations.

As a result, James relies upon his daughter, the author of this letter, to advocate and protect his rights under the Americans with Disabilities Act and the U.S. Constitution.

James' court appointed attorney Stephen Takas complains in court transcripts that he has not been paid while James' court appointed guardian Mauricette Fairley has denied James medical/dental care, prescription medication and visits with advocate family members. When Mauricette takes him outside and it's cold or breezy, James complains that he does not have a scarf or coat on, which puts him at risk for pneumonia. Mauricette manages some \$7,000 of James' pension money and yet James is lodged in a retirement home where James is afraid to eat because he thinks he has to pay for tasty nutritious meal all while the U.S. Department of Veteran Affairs pays \$2,600 to cover James' lodging and meals in this retirement home. James complains of hunger and often misses meals because he is legally blind and cannot find his way to the dining room of the retirement home from his room. James requires a staff member to escort him to the dining room and reassure him that his meals are covered by the VA. James may require a higher end retirement home that can accommodate the blind.

Mauricette classified James as hospice, claiming that he is dying. That was two years ago and yet she files paper work with the Bexar County Probate Court stating that James is well. If James has been classified as hospice for two years, why aren't his family members being allowed to spend time with him? There have been no criminal charges or protective orders filed against James or his family members.

. The Bexar County Probate Court appointed Stephen Takas to represent James and his services are funded by the county treasury or James' estate however, according to court transcripts, Counselor Takas has not been paid by either James' guardian who is also his wife or the county treasury.

Presumably because Mr. Takas has not been paid, it appears that Mr. Takas is not advocating for James disability rights or Constitutional rights. Thus, Mr. Takas has a conflict of interest and cannot effectively advocate. In court transcripts, Mr. Takas appears to believe that James' daughter owes him his legal fees and not the county treasury or Mauricette as James' guardian.

Although case law shows that the court appointed Guardian Ad Litem (GAL) Nancy Ortiz should have been paid through the county treasury or Mauricette as James' guardian, it was his daughter, the author of this letter, whom the court ordered to pay the \$5,000 to Ms. Ortiz who quit after overcharges of \$500 were brought to the attention of her employer Sage Care. All of James medical care is paid for by insurance and yet the court ordered James' daughter, the author of this letter, to pay \$4,000 to Nurses Case Management, an R.N., instead of paying it out of the county treasury or out of James' estate through his guardian/wife Mauricette.

Enclosed is a list of other elder guardianship cases in which the Bexar County Probate Court may have infringed upon the fiduciary, Constitutional and ADA rights of elderly citizens of Bexar County and San Antonio.

From what I can tell, modifications have not been made. As a result, the Bexar County Probate Court continues to violate the ADA and Section 504.

Ensuring access to justice, protection, nutritious and tasty meals as well as quality medical/dental care is extremely important in guardianship proceedings involving elderly people who may be blind or who may have cognitive and communication disabilities but is no easy task. Some might even think of it as "mission impossible." But with good will and unwavering determination, it can be done.

Pursuant to its authority as the overall managing/governing body of Bexar County, the County Judge and/or the Commissioner's Court should take appropriate action to bring the legal services component of the Bexar County Probate Court into compliance with federal law and the ADA.

The purpose of this complaint is to prompt action to move the system in that direction.

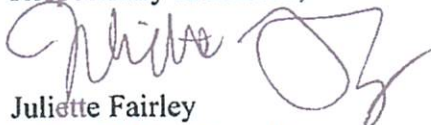
Some areas of concern include but are not limited to:

- (1) the conflict of interest that exists in the manner in which court appointed attorneys are paid or expect to be paid;
- (2) the failure of Judges, GAL and court appointed attorneys to advocate for the elderly
- (3) the failure of Judges, GAL and court appointed attorneys to protect the elderly and act with reasonable diligence
- (4) the failure of the court to designate ADA representatives for every proposed and actual ward who is elderly and disabled either cognitively or physically;
- (5) the failure of the judiciary to adopt ADA-compliant performance standards for Judges and court appointed attorneys;
- (6) the failure of the court to hold court appointed attorneys and Judges accountable for receiving training on the ADA so that they can effectively communicate with people who have cognitive and communication disabilities, constitutional rights of guardianship respondents, etc.;
- (7) the grief that elderly persons and their family members feel when they are alienated from one of another when the Court appoints a guardian who is not neutral and when the Court requires an elderly person reside in a hostile facility that is often locked and substandard
- (8) the financial hardship that adult children experience when the Court requires them to pay to visit their elderly parents

- (9) the conflict of interest that exists in the manner that GAL are paid;
- (10) the danger that exists when the family member whom the Court appoints as guardian is elderly themselves or has demonstrated patterns of neglect and abuse towards the Ward;
- (11) the failure of the court and the State Bar to make complaint/grievance procedures regarding ineffective assistance of counsel and violations of rules of professional conduct accessible to people with cognitive and communication disabilities or to adopt alternative methods to minimize deficient advocacy and defense services in guardianship proceedings.
- (12) Lack of respect for human rights by the Judges, court appointed attorneys and guardians
- (13) The conflict of interest that exists for court appointed Monitors who receive money from a relative who desires to visit an elderly person under court appointed guardianship.
- (14). The conflict of interest that exists when a court appointed Monitor demands more money from a family member than is written into a court order for visiting an elderly person under guardianship and the conflict of interest that exists when a court appointed monitor threatens to withdraw visits if a family member declines to pay more than what is written into a court order.

I trust that the County Judge and/or the Commissioners Court will place this complaint on its agenda and process it in accordance with procedures consistent with Section 35.107 of the ADA Title II Regulations. I would appreciate being informed where I can find more information about the grievance procedures pursuant to Section 35.107

Respectfully submitted,



Juliette Fairley

JulietteFairley@gmail.com

646-709-7828

Cc: Veronica Guevara, Bexar County Risk Management Coordinator
Seth McCabe, Director of the Bexar County Risk & Finance Division
Department of Justice, Civil Rights Division

Enclosures:

- Section 35.107, ADA Title II Regulations & Other Excerpts from ADA Title II Regulations Issued by the Department of Justice
- Application of ADA Regulations to Bexar County Probate Court Proceedings Involving James Fairley
- List of Other Bexar County Probate Court Elder Guardianship Cases That May be ADA Non Compliant
- Letters from Judge Rickhoff and Judge Polly Jackson Spencer's insurance companies in response to Notices of Claims

Application of ADA Regulations to Bexar County Probate Court Proceedings Involving James Fairley with Appendix of Exhibits A1 through A65.

1. James Edgar Fairley is an 89 year old, legally blind World War 2, Korea and Vietnam military veteran. He prefers to be called "Jim".
2. On or about April 18, 2010, James was rushed by ambulance to Wilford Hall Medical Center's ICU with three broken ribs, renal failure, malnutrition and dehydration. At that time, Dr. Shaw at Wilford Hall Medical Center informed his daughter who resided out of state that James would not be returned to the Fairley family home at 1103 Old Lake in San Antonio or to the care of his 82 year old wife Mauricette (also known as Sophie) Fairley.
3. In a March 2013 agreement before Bexar County Probate Judge Tom Rickhoff, Mauricette was ordered to stop asking dentists to extract James' teeth and instead to fill the 13 cavities that James had developed from being fed too much candy (A21, A37, A40)
4. After medical records were subpoenaed, it was discovered that the delivery of James' medication, which lowered his blood pressure, was delayed for some 10 days on more than one occasion, which was brought to the attention of the Bexar County Probate Court on or about January 28, 2016. (A48, A61).
5. In addition to high blood pressure, James has several on going medical conditions for which he requires frequent monitoring by various specialty physicians. When his daughter requested that Mauricette provide James with this life sustaining medical care, Mauricette refused, which is why she moved the Bexar County Probate Court to require that Mauricette provide James with specialty medical care for glaucoma, heart disease, pulmonary/COPD and gastro issues. (A30)
6. In August 2014, Mauricette through her attorney Bill Leighner sought to deny James medical care he desperately needed by presenting letters to the Court stating that James did not need care when in fact while under his advocate daughter's care, James' New York physicians, including cardiologist Nicholas DuBois, pulmonologist Diego Diaz, eye specialist Natasha Nayak and gastroenterologist Dr. Borchich stated that James did in fact need care for on going medical issues. (A37, A40)

7. Judge Rickhoff dismissed Juliette Fairley's application to be her father James' caregiver and stated in a September 2014 Order that James did not need a guardian all while being informed that Mauricette, as power of attorney, was refusing to provide James with specialty medical care. (A36)

8. Since guardian proceedings had been dismissed, James was a free man and could travel anywhere without restriction. That's when James relocated to New York City for specialty medical care that Mauricette denied James in Texas. The court, specifically Judge Spencer and Stephen Takes are well aware that James relocated to New York with his daughter to receive medical care. (A30, A37, A40)

9. Although Judge Rickhoff stated in his September 2014 Order that James did not need a guardian, three months later in December 2014 Judge Burwell imposed a temporary guardianship upon James after his return to Texas. (A13, A36)

10. The Court used false documents issued by Dr. Marc Prange at the VA Audie Murphy Hospital to lock James up at Lakeside Memory Care in Room 505 (8627 Lakeside Parkway. Dr. Prange, as medical director of Lakeside, stated to the Court in December 2014 that he had never treated James when in fact, Dr. Prange had issued a letter at the request of Mauricette in September 2014 stating that James did not need medical care. James requires on going medical care in order to stay alive.

11. James remains in danger while under the care of the 82 year old Mauricette as guardian whose behavior disqualifies her to act as guardian and James remains defrauded of his rights under the ADA and the U.S. Constitution. Mauricette's disqualifying behavior is well documented with the Court. (A1, A3, A5, A13, A21, A30, A37, A40, A61)

12. The Court knew or should have known about Mauricette's history of denying James specialty medical care, ordering the painful extraction of James' teeth instead of filling his cavities and, among many other behaviors, not ensuring, for ten days at a time, that James' blood pressure medication is on hand to prevent a stroke.

13. Appointing Mauricette as James' guardian is a violation of the ADA because the Bexar County Probate Court, a public entity within the meaning of Title II of the Americans with Disabilities Act, is a service provider. The service

provided by the Bexar County Probate Court is the administration of justice and once an elderly, disabled person is placed under an order of guardianship, the court must provide the additional service of protection. Instead of protecting James, the Court, when it appointed Mauricette James' guardian, endangered James' life.

14. The lack of reasonable diligence by Judge Spencer, Judge Rickhoff and Judge Burwell in these proceedings, and the actions of the court-appointed attorney violated James' rights under the Americans with Disabilities Act because the ADA requires that people with disabilities receive access to justice in judicial proceedings – both inside and outside of the courtroom. The ADA requires that courts take reasonable steps to ensure that people with disabilities have meaningful participation in their cases. The ADA requires courts to modify normal practices and procedures, if necessary, to ensure ADA compliance.

15. The court should explain to the litigant the right to present written communications to the court, or other written documents, and to have the assistance of someone to submit such communications. The judge in the guardianship proceeding in James' case failed to obey these "effective communication" requirements of the ADA.

16. James was not given an opportunity, at the beginning of the proceedings, to communicate directly with the judge. At his guardianship hearing, James was not called up to the counsel table like other participants because he was not present. James was locked up in a memory care unit where his advocate daughter could not pick him and drive him to court proceedings. As per the ADA, effective communication in court proceedings requires that a litigant with disabilities be present in court where the court should explain to the litigant the right to present written communications to the court, or other written documents, and to have the assistance of someone to submit such communications. The judges in the guardianship proceeding in James' case failed to obey these "effective communication" requirements of the ADA.

16. Once placed under an order of guardianship, the Judge isolated James from his advocate friends and family members by ordering that he remain in the locked unit of Lakeside Memory Care where no one can enter unless their name is on a list. An attorney named Wayne Ramsay attempting to speak with James about his legal rights was not only turned away by Lakeside at the request of Mauricette but falsely accused of making a scene. (A13)

17. There was no court-appointed guardian ad litem to ensure that James received effective communication or access to justice in the November 2015 proceedings because after Guardian Ad Litem attorney Nancy Ortiz, R.N. resigned Judge Spencer did not assign a new GAL. Although the GAL RN Nancy Ortiz recommended to the Court in her report that James should be allowed unlimited access to his healthcare advocate daughter, Judge Spencer and the court appointed attorney Stephen Takes ignored these recommendations. (A10)

18. Although the court appointed attorney Stephen Takes and the court appointed guardian are both guilty of ADA violations – as are the judges who signed the orders and isolated James– the public entity that is primarily responsible for all ADA violations in James’ case is the Bexar County Probate Court, which conducted the guardianship proceedings, entered an order placing James into a guardianship and appointed a guardian (Mauricette “Sophie” Fairley) who has a history of abusing James and demonstrated a pattern of neglect and continues to neglect and isolate James by banning visits with James.

19. Most recently, Mauricette through her attorney Bill Leighner inquired with the Teacher Retirement System about cancelling James' health insurance while James is alive and reportedly “well” residing at Lakeside Memory Care located at 8627 Lakeside Parkway in San Antonio, Texas. Although Mauricette classified James as hospice two years ago, she files documents with the Court stating that James is well and files Motions to bar James’ daughter from visiting him. (A18)

20. The Judges who continue to isolate James from his advocate daughter are doing so without inquiring of James as to his wishes. Although recordings of James requesting visits with his daughter were brought to the Court’s attention on April 21, 2017, Judge Polly Jackson Spencer declined to respect James’ wishes and the GAL RN’s recommendations to grant expanded, unfettered visits. The court was also informed that the court appointed monitor of visits had been obstructing and interfering with visits and failed to address it.

21. On April 19, 2018, it will be a year since James’ advocate daughter has been allowed to visit James safely and without obstruction by the costly Court Appointed Monitor who interfered with James’ visits with his daughter intentionally.

22. The Bexar County Probate Court cannot escape responsibility for ADA violations committed by those who were appointed by Judge Polly Jackson Spencer to act on behalf of the state, namely, the actions of the guardian ad litem, court appointed attorney Stephen Takas, court appointed monitors of visits Robert Augsburger and JR Cantu as well as the court appointed guardian Mauricette Fairley.

23. Because of James' age, a speedy inquiry is essential in order to ensure that James receives redress in a timely manner.

24. Because of James' disability (legally blind and elderly), he is not able to understand that he is being victimized nor can he write letters on his own behalf. Instead, he must rely on his court appointed attorney Stephen Takas and court appointed guardian Mauricette Fairley. Both the court appointed attorney Mr. Takas and the court appointed guardian Mauricette Fairley are agents of the public entity that is violating James' ADA violations.

25. James's case shows that such violations are currently occurring. Advance notice is also being provided to the United States Department of Justice in Washington D.C. and the United States Attorney's Office for the Western District of Texas. Federal intervention should not be necessary.