



## Disability and Guardianship Project

2100 Sawtelle • Suite 204 • Los Angeles, CA 90025  
(818) 230-5156 • [www.spectruminstitute.org](http://www.spectruminstitute.org)

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November 8, 2017

Ms. Rebecca Bond  
U.S. Dept. of Justice  
950 Pennsylvania Avenue N.W.  
Washington, DC 20530

Re: Information about ADA complaint to Washington Supreme Court

Dear Ms. Bond:

Today we submitted a complaint to the Washington Supreme Court pursuant to Section 35.107 of ADA Title II Regulations. (<http://disabilityandabuse.org/whats-new.htm>) The complaint follows more than two years of efforts by our organization in that state advocating for the mandatory appointment of counsel for guardianship respondents as a necessity of federal due process and a function of the access-to-justice requirements of the Americans with Disabilities Act.

Christina Baldwin, an advisor to our Disability and Guardianship Project, has been a member of WINGS since April 2015. WINGS was created by the Washington Supreme Court. Using materials developed by Spectrum Institute, Ms Baldwin has attempted to secure the endorsement of WINGS for the mandatory appointment of counsel for all guardianship respondents and for performance standards and training programs when an attorney is appointed. So far, her efforts have not been successful. Although the national WINGS committee is promoting the right to counsel for guardianship respondents, the Washington WINGS group has not taken a position on the issue.

Although the leadership of Washington WINGS has not weighed in yet, another state agency has stepped forward. The Office of Administrative Hearings has connected the legal dots and has formally recognized the appointment of an advocate as a necessity under the ADA for people who have serious disabilities and cannot effectively represent themselves in administrative hearings. The rationale for the new rule adopted by OAH would apply by analogy to court proceedings involving guardianship respondents with significant cognitive and communication disabilities.

We are sending you a copy of our complaint to the Washington Supreme Court for informational purposes only at this point. We will keep the DOJ apprised of the court's response to our complaint and any action the court may take to fulfill its duties under Title II of the ADA.

Very truly yours:

Thomas F. Coleman  
Legal Director, Spectrum Institute

cc: United States Attorney's Office, Western District of Washington



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November 8, 2017

Annette L. Hayes  
United States Attorney  
700 Stewart Street, Suite 5220  
Seattle, WA 98101

Re: Information about ADA Complaint to Washington Supreme Court

Dear Ms. Hayes:

Today we filed a complaint with the Washington Supreme Court for failing to fulfill its responsibilities as a public entity under Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973. This complaint was filed with the court pursuant to Section 35.107 of ADA Title II Regulations.

A copy of that complaint and supporting exhibits that were sent to the Department of Justice in Washington DC and to the U.S. Attorneys Office in Seattle are for informational purposes only. At this time, we are not filing a formal complaint against the court with the DOJ, nor are we seeking a federal investigation of these alleged violations of the ADA and Section 504. We are hoping that the court will take active steps to cure these violations and that we will not have to seek federal intervention. However, we feel it is appropriate to alert the DOJ to the problem in Washington State.

These violations of federal law occur because thousands of adults with cognitive and communication disabilities are involuntarily required by the state to participate in guardianship proceedings. The courts know that these individuals have significant disabilities which preclude them from defending their rights. The court should be appointing advocacy attorneys to ensure that individuals with disabilities have access to justice in these cases. The ADA and Section 504 would require such an appointment to ensure meaningful participation in the proceedings by these litigants.

Our research indicates that advocacy attorneys are not being appointed in a *majority* of guardianship cases. Information on this issue is found at page 9 of *The Justice Gap* – a [report](#) we submitted to the Supreme Court in March 2016. Furthermore, in the cases where attorneys are appointed, they lack performance standards and training – both of which are needed for ADA compliance.

We will keep your office apprised of the Supreme Court's response to our complaint.

Very truly yours,

Thomas F. Coleman  
Legal Director, Spectrum Institute  
[tomcoleman@spectruminstitute.org](mailto:tomcoleman@spectruminstitute.org)