

Project Activities

Conferences

Conservatorship Reform – conducted a conference in 2014 in Los Angeles resulting in publication of a report “Justice Denied: How California’s Limited Conservatorship System is Failing to Protect the Rights of People with Developmental Disabilities” – cited extensively by the Compassionate Care Coalition in a report – *Thinking Ahead Matters* – calling for reform of the limited conservatorship system.

Voting Rights – conducted a conference in 2014 in Los Angeles stimulating the passage of new laws to protect the voting rights of conservatees in 2014 (AB 1311) and 2015 (SB 589) and an investigation by the United States Department of Justice of alleged voting rights violations by the judicial branch in California.

Washington State

Special Report – submitted a report in March 2016 to the state Supreme Court titled “The Justice Gap: The Judicial Branch Has a Duty to Appoint, Train, and Supervise Attorneys to Effectively Represent Respondents in Guardianship Cases.” It documents the failure of judges to appoint attorneys in a large majority of cases and the lack of performance standards and training for the attorneys who are sometimes appointed.

WINGS – submitted *The Justice Gap* report to the Working Interdisciplinary Network of Guardianship Stakeholders at its conference in March 2016, with a request that WINGS endorse the appointment of attorneys for respondents in all guardianship cases.

State Supreme Courts

Outreach Project – we are writing to supreme courts in all 50 states to remind them of their duty, under Title II of the ADA, to ensure access to justice for guardianship respondents, especially access to the effective advocacy services of an appointed attorney. So far, we have written to courts (and bar associations) in California, Colorado, Indiana, Michigan, Nevada, Ohio, Oregon, Pennsylvania, South Dakota and Washington.

California Judicial Council

Proposed New Rules – submitted a framework for new court rules for court-appointed attorneys in limited conservatorship cases in 2015, including performance standards, qualifications, and training to ensure ADA-compliant advocacy services. The Judicial Council approved a two-year plan to review our proposals with a target date of January 1, 2018 for any new rules to become effective.

U.S. Department of Justice

White Paper – submitted a report in 2015 titled “Due Process Plus: ADA Advocacy and Training Standards for Appointed Attorneys in Guardianship Cases” to provide national standards for effective advocacy services that are compliant with due process and the Americans with Disabilities Act.

Complaint – submitted a complaint against the Los Angeles Superior Court in June 2015 (later expanded to include the state judiciary) for alleged violations of Title II of the ADA for the failure of the courts to ensure effective advocacy services by court-appointed attorneys representing adults with developmental disabilities in conservatorship cases. An audit of a sample of cases was submitted to show a pattern and practice. As of April 2016, the complaint is still under review by the DOJ.

Bar Associations

Outreach Project – we are writing to the state bar associations in all 50 states to remind them of their duty, under Title II of the ADA, to modify complaint procedures to ensure access to justice for guardianship respondents who may receive ineffective assistance of counsel. Random audits of cases may be necessary to accomplish this.

TASH

Endorsement – an international organization that advocates for the human rights of people with significant disabilities has endorsed our Access to Advocacy Outreach Project that promotes the appointment and monitoring of trained attorneys for respondents in all guardianship cases.