



Disability and Guardianship Project
Disability and Abuse Project

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November 30, 2015

Honorable Tani Cantile-Sakauye
Chief Justice, California Supreme Court
350 McAllister Street
San Francisco, CA 94102

Re: Request for Modification (Section 504) and Accommodation (ADA)

Dear Chief Justice:

I am not writing to you in your capacity as Chairperson of the Judicial Council of California. Also, I am not writing to you in connection with any specific case. Rather, I am writing to you as the presiding judge of the court that oversees the State Bar of California. This letter is sent to you, as representative of the Supreme Court, in an administrative capacity.

This is a follow up to my letter to the Supreme Court on October 26, 2015. In that letter I brought to the court's attention systemic problems of ineffective assistance of counsel stemming from a lack of training and performance standards for court-appointed attorneys who represent involuntary litigants with intellectual and developmental disabilities in limited conservatorship proceedings.

Due to their cognitive and communication disabilities, these individuals are not able to file complaints against their attorneys with the State Bar of California. Likewise, they are not able to file appeals to challenge ineffective assistance of counsel. Furthermore, as a class they are not able to petition the government for redress of grievances.

Because their disabilities preclude them from seeking relief through normal legal and political procedures or venues, the Supreme Court should – on its own motion – initiate modifications and accommodations through the State Bar or otherwise to inquire into the myriad problems that have been thoroughly documented by Spectrum Institute. As the government entity overseeing the State Bar and its Rules of Professional Conduct, MCLE credit process, and complaint procedures, the Supreme Court has an obligation to ensure that modifications and accommodations are adopted to give this class of litigants access justice so their complaints, as a class, are addressed by the State Bar and by the Supreme Court as its oversight agency. Perhaps a Task Force on Access to Justice would be the first step to verify the validity of these complaints and initiate a remedial process.

Respectfully submitted:

Thomas F. Coleman
Legal Director, Spectrum Institute

cc: Ms. Elizabeth Rindskopf Parker
Executive Director, State Bar of California

Enclosure: Essay on California Supreme Court as a venue of last resort.