



## Disability and Guardianship Project

9420 Reseda Blvd. #240, Northridge, CA 91324  
(818) 230-5156 • [www.spectruminstitute.org](http://www.spectruminstitute.org)

---

February 8, 2016

Mary McQueen, President  
National Center for State Courts  
300 Newport Avenue  
Williamsburg, VA 23185

Re: ADA and the Right to Counsel in Adult Guardianship Proceedings

Dear Ms. McQueen:

State supreme court justices and court administrators look to the National Center for State Courts for information and advice on how to address pressing issues affecting the administration of justice. The Center is a reliable source on which justices and administrators can rely as they make decisions in their capacity as managers of the judicial branch of government.

State courts have been presented with many difficult management decisions in the past two decades pertaining to issues involving effective assistance of counsel, guardianship reform, and access to justice for people with disabilities. These issues are difficult enough when they arise alone, but when they are presented in combination the challenges are amplified considerably.

Our organization has initiated an Access to Advocacy Outreach Project through which we are requesting the supreme courts in all 50 states to take action to ensure that guardianship respondents – involuntary litigants with cognitive and communication disabilities – receive access to justice. We are reminding the courts of their duty to ensure that these litigants have access to effective advocacy services as a matter of federal due process and under Title II of the Americans with Disabilities Act. (<http://spectruminstitute.org/outreach/> and <http://disabilityandabuse.org/whats-new.htm>)

Justices and administrators may turn to the National Center for State Courts for advice on these issues. If and when this happens, we want the Center to be aware of our research and publications addressing these issues in a thorough and thoughtful manner. For example, see: (1) a proposal to the Judicial Council of California (<http://spectruminstitute.org/attorney-proposals/>); (2) complaints to the United States Department of Justice (<http://spectruminstitute.org/doj/>); and (3) a White Paper to the DOJ offering training and performance standards. (<http://spectruminstitute.org/white-paper/>)

We are sending this letter to staff in divisions of the NCSC whose responsibilities may include these issues. We invite you, or them, to contact us if we may be of assistance to the NCSC in any way.

Very truly yours:

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

cc: Daniel Hall, Court Consulting Services  
John Meeks, Institute for Court Management  
Jesse Rutledge, External Affairs  
S. Kay Farley, Government Relations