



Disability and Guardianship Project

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April 15, 2016

Honorable Barbara A. Madsen
Chief Justice, Washington Supreme Court
P.O. Box 40929
Olympia, WA 98504-0929

Re: Reply to your letter dated April 7, 2016

Dear Chief Justice:

Thank you for responding to our letters to the Supreme Court of the State of Washington. Your letter affirms that “The Supreme Court does indeed supervise the judicial branch” This affirmation is important, as it confirms that we have brought these serious ADA issues to the attention of the appropriate Title II public entity in Washington State.

We appreciate that the Supreme Court must rely on the Administrative Office of the Courts and advisory committees such as WINGS to assist the court in fulfilling its duties under Title II of the ADA and in promulgating statewide court rules pursuant to General Rule 9.

Although Washington has a decentralized judiciary, the Supreme Court has the authority to adopt rules for statewide governance of court procedure and practice. Under the Supremacy Clause of the United States Constitution, and considering that Washington courts are public entities subject to the provisions of Title II of the ADA, the Supreme Court has a duty to ensure that court procedure and practice conform to the requirements of Title II and that court rules ensure that guardianship respondents receive access to justice, including access to effective advocacy services.

We appreciate your suggestion that we contact the Superior Court Judges’ Association to open a conversation with its members about our concerns. We will follow up on that suggestion.

As for communications with WINGS, we have been doing that for many months. Our Washington State Advisor, Tina Baldwin, is a member of WINGS. She has been communicating with various committees of WINGS about the need for court-appointed attorneys for *all* guardianship respondents, as well as the need for performance standards, trainings, and monitoring mechanisms to ensure that such respondents truly receive access to justice in these cases. We will continue our interaction with WINGS as it develops specific proposals on these issues.

Again, thank you for writing to us. Your attention to these issues is very much appreciated.

Respectfully submitted:

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