



Disability and Guardianship Project

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

February 11, 2016

Chief Justice and
Associate Justices
Washington Supreme Court
P.O. Box 40929
Olympia, WA 98504-0929

Re: Amendment to Request for Modifications (Per ADA and Section 504)
Access to Effective Advocacy in Guardianship Proceedings

To the Court:

The Disability and Guardianship Project of Spectrum Institute sent a letter to this court, dated January 15, 2016, requesting that appropriate modifications be made to ensure access to justice for guardianship respondents, especially access to effective advocacy services.

We made two requests. First, that guardianship respondents should be represented by counsel in all cases. If a respondent does not appear with privately retained counsel, the judge should appoint an attorney to represent the respondent. Second, that this court adopt ADA-compliant training and performance standards for such attorneys as well as effective implementation mechanisms to ensure that guardianship respondents are receiving effective assistance of counsel.

When we wrote to the court, we thought that the lack of counsel for respondents in all cases was the result of legislative policy. We believed that the failure of every judge to ensure that every guardianship respondent had an attorney stemmed from faulty statutory language. We have since been enlightened that legislative policy actually requires counsel in virtually all cases. We now believe that the lack of counsel for all guardianship respondents has two sources: (1) the failure of judges to implement the relevant statute; and (2) the lack of any monitoring mechanism to track compliance with the law and to alert a judge or an administrator that counsel has not been provided in a specific case or to advise this court of a pattern and practice of noncompliance with the law.

An essay on the subject and a copy of RCW 11.88.045 are enclosed. We hope this information will assist the court in evaluating compliance of the judicial branch with this law and with the ADA.

Respectfully submitted:

Thomas F. Coleman
Legal Director, Spectrum Institute
tomcoleman@spectruminstitute.org