



Presentation of Thomas F. Coleman

to the California Judicial Council

Sacramento / September 24, 2019

I would like to thank staff attorney Corby Sturges and members of the Probate and Mental Health Advisory Committee for developing the new training requirements for court-appointed attorneys in conservatorship proceedings.

As members of the bench and bar, we all have a duty to make sure these trainings result in effective advocacy for seniors and people with disabilities. That is not likely to happen without: high quality training programs; the adoption of performance standards; and new monitoring mechanisms.

There is a role for the Supreme Court and the State Bar in this implementation process. Please refer to an [op-ed article](#) in last Wednesday's edition of the Daily Journal for more details on this.

Now I want to pivot to a different, but related issue: ADA noncompliance by the entire judicial branch.

Rule 1.100 on disability accommodations, and educational materials of the Judicial Council, are misinforming judges of their *sua sponte* duties under the ADA. This rule and these

materials are premised on a misunderstanding that requests for accommodations must be made.

The current message is: *no request = no accommodation*. That is contrary to [federal law](#).

Spectrum Institute has submitted a [report](#) to the Judicial Council on this subject with a request that it take immediate steps to advise judges and the public that courts do have a duty to provide accommodations for *known* disabilities that interfere with effective communication or meaningful participation in a court proceeding, even without a request. This is especially important in probate conservatorship proceedings where all of the respondents have *known* cognitive or developmental disabilities.

I offer my assistance to work with your ADA coordinator, and with the Fairness and Access Advisory Committee, to remedy this problem.

Thomas F. Coleman is the legal director of Spectrum Institute. He can be contacted at: tomcoleman@spectruminstitute.org