

Activities of ADA Judicial Compliance Project Summer 2021

By Maria Reyes Olmedo

GRIEVANCE PROCEDURE PROJECT

Throughout the process described below, I updated the “ADA Coordinator List” PDF Tom provided me with at the beginning of the Grievance Procedure Project. I included the updated list in the Google Drive Folder I shared with Tom. Furthermore, I charted the status of various superior courts in a Word document titled “Status re Grievance Procedures,” and at Tom’s request, I also created a Word document titled “Summary re Status of Project (Superior, Appellate, and Supreme Cts),” listing the status of the project. The “Summary” Word document provides the most condensed list of courts that (a) had a grievance procedure in place prior to our outreach, (b) adopted the grievance procedure following our outreach, (c) agreed to provide a grievance procedure but have not done so, (d) did not respond, or (e) refused to adopt a grievance procedure.

Approximately every two weeks I followed up with superior courts. I checked the courts’s webpages, and in the instances where the courts had adopted an ADA Grievance Procedure and published it on their webpage, I emailed them thanking them for their cooperation. Otherwise, I emailed them asking for an estimated timeline for the adoption of the grievance procedure.

The first email regarding the ADA Grievance Procedure requirement was sent on June 7th, and the follow-up email was sent on June 11th. I sent the emails to the ADA coordinators listed in the “ADA Coordinator List” PDF Tom provided me with.

Superior Courts

We learned that the Los Angeles Superior Court was the only court that had a grievance procedure prior to our outreach. Phu Nguyen provided the Los Angeles County Superior Court grievance procedure, which was adopted on June 11, 2019.

In total, 27 courts created a grievance procedure at our request. Twenty-two of the courts were required to adopt the grievance procedure since they have 50 or more employees, while five of them adopted the grievance procedure voluntarily. The Mendocino County Superior Court was the first of the five courts with less than 50 employees that agreed to adopt a grievance procedure even though it was not required to do so. The email in which the ADA Coordinator for Mendocino County agreed to adopt the grievance procedure was then forwarded to other courts, and it successfully persuaded them to do the same or consider doing the same.

Some county courts replied to our emails and expressed willingness to adopt a grievance procedure, but due to their small number of employees and sporadic court meetings, they have not done so as of July 30th. There were nine courts that have 50 or more employees, or with an unclear number of employees, which have yet to provide a grievance procedure: Alameda, Butte, Contra Costa, Humboldt, Monterey, Riverside, San Diego, Ventura, and Yolo.

There are also nine counties with less than 50 employees which said they would consider adopting a grievance procedure although they are not required to do so: Amador, Lake, Lassen, Mariposa, Modoc, Siskiyou, Tehama, Trinity, and Tuolumne.

There were 10 courts that were not responsive to our various emails. Several court employees were constantly out of the office and thus, we received approximately 50 automatic replies from June 1st to July 22nd. The 10 nonresponsive courts are: Colusa, Kern, Madera, Marin, Orange, Plumas, Riverside, Sacramento, San Diego, Sonoma, and Tuolumne. The “ADA Coordinator List” and the “Status re Grievance Procedures” documents include the contact information for the 10 courts listed above.

There were 4 courts with less than 50 employees which said that they would not adopt a grievance procedure since they were not legally obligated to do so: Alpine, Glenn, Inyo, and San Benito.

Various of the superior courts’s coordinators, including the ADA coordinator for Yuba County Kim McBride, were unaware of the difference between a complaint procedure and a grievance procedure. We explained that a complaint procedure would be used by an individual if they requested an accommodation in a specific case and were denied the accommodation. Meanwhile, a grievance procedure focuses on general policies and practices that

allegedly violate the ADA. Furthermore, a grievance can be filed by anyone who perceives such deficiencies, not only the person who requested an accommodation (as is the case with a complaint procedure).

After I sent our follow-up email on June 11th, various courts started replying with a standard response that appears to have been provided by Judicial Council, stating that “The court has always followed the standards set forth in the California Rules of Court, rule 1.100.” For example, Lisa Jenkins from Shasta County replied: “The court has always followed the standards set forth in California Rules of Court, rule 1.100, including the complaint procedures outlined in that rule. The court has developed its own specific ADA Grievance Procedure, which is found at this link, <http://www.shasta.courts.ca.gov/General-Info/ADA.shtml>, and is planning to update this procedure consistent with the model provided by the Judicial Council.”

When ADA Coordinators emailed me the link to a PDF of their court’s grievance procedure, I made sure that said procedure was accessible through the court’s ADA webpage, such that any internet user could find the document. Generally, the links to access the grievance procedures are small in font and are not placed in visible locations. It almost seems like the courts do not want the users to find these documents.

On July 27th, I sent a final request to the courts that had not provided grievance procedures and those that had not been responsive. The email was titled “Final Request – ADA Grievance Procedure” and included the following verbiage:

“As my summer internship with Spectrum Institute comes to an end, I am sending a final request for you to provide our organization with your court’s adopted ADA grievance procedure, since we note that your court has failed to adopt a grievance procedure as of the date of this email.

Spectrum Institute is preparing a report regarding the responsiveness of the California superior courts as to various aspects of the ADA. We will send this report to Judicial Council and the Chief Justice in the coming weeks, and we would prefer to list your court as complying with the grievance procedure requirement, as opposed to “failed to adopt grievance procedure” or “failed to reply.”

At Spectrum Institute’s request, twenty-five courts adopted a grievance procedure. Five of these courts adopted the grievance procedure voluntarily

although they were not required to do so because they less than 50 employees.

I urge you to respond to this email with your court's intentions as to the adoption of an ADA Grievance Procedure so that Spectrum Institute can accurately characterize your court's responsiveness in the report to Judicial Council and the Chief Justice.”

As of July 27th, the 9 courts that had not responded were: Colusa, Kern, Madera, Marin, Orange, Plumas, Sacramento, Sonoma, and Tuolumne. Following the Final Request email, Tuolumne's Hector Gonzalez replied that the Tuolumne Court has less than 50 employees, but it will adopt a grievance procedure. Thus, the “Summary” Word document was updated to reflect this change.

The 10 courts that had replied and had 50 or more employees, or an unknown number of employees, but had not provided a grievance procedure where: Alameda, Butte, Contra Costa, Humboldt, Monterey, Riverside, San Diego, San Francisco, Ventura, and Yolo. Contra Costa was not emailed the message above since Matt Malone had agreed to provide the grievance procedure by August 6th. Humboldt was not contacted because Debra Rogers had requested a 14-day extension, with August 3rd as the date of production. Monterey was not contacted because on July 21st, Annette Putnam replied that the court was working on adapting the Santa Clara grievance procedure, and she would contact Spectrum Institute once the process was finalized. Shortly after I emailed Alameda's Adam Byer, he replied “The Court will likely adopt its own ADA Grievance Procedure in the near future. I've been working on it this morning.” Similarly, Ventura's administration replied “We expect to complete our adoption of the ADA grievance procedure very shortly. We will advise you that we have done so.” Furthermore, Stanislaus adopted their grievance procedure following the Final Request email.

On July 28th, San Francisco's Megan Filly provided the link to a document labeled as a grievance procedure. However, the document resembles a complaint procedure. When I emailed Ms. Filly to explain the difference between those two documents, she stated:

“The complaint procedure is the Court's policy on grievances of the nature that you referenced in your email, ‘general policies and practices that allegedly violate the ADA.’

On the Court's policy document it states the following, under the "When to complain" section, 'This complaint process is for general complaints about accessibility for people with disabilities in the court system, such as court policies, facilities, forms, filing systems, or other court services.'

This is not intended for complaints on specific ADA claims. We allow for the complainant to include a case number, if applicable, if the general policy problem they are submitting the complaint is in reference to a specific case."

Per Tom's instruction, the document Ms. Filly provided serves as a grievance procedure.

On July 29th, Contra Costa's Matt Malone stated that our request for that court's grievance procedure "has made the Court aware that its website does not reference the grievance procedure, and we will update it to do so for public notice in compliance with the requirements of the ADA."

The 9 courts that have fewer than 50 employees but have stated they will consider adopting a grievance procedure are the following: Amador, Lake, Lassen, Mariposa, Modoc, Siskiyou, Tehama, Trinity, and Tuolumne. I sent the Final Request email to all of these courts. Regarding Lassen, on July 14th, Kim Gallagher stated that the Lassen Court would be adopting an ADA grievance procedure. However, as of July 27th, the court had not published said document on its website. Thus, I emailed this final request to Ms. Gallagher as well.

As of July 30th, the breakdown of the grievance procedure adoption is as follows: 22 required courts adopted it, 5 courts voluntarily adopted it, 9 required courts said they will adopt it but have not done so, 9 courts said they will voluntarily adopt it but have not done so, 8 courts have not responded, and 4 courts said they would not adopt it voluntarily.

The "ADA Coordinator List" and the "Status re Grievance Procedures" documents include the contact information for all courts listed above.

Appellate Courts and Supreme Court

On June 11th, I emailed each appellate court and the supreme court individually. Judicial Council replied June 21st stating that those emails were forwarded to the Public Access to Judicial Administrative Records (PAJAR) team,

and PAJAR was responding on behalf of the appellate courts and the supreme court.

Six of the courts (five appellate courts and the supreme court) were developing their own ADA grievance procedures, and the seventh court—the Court of Appeal, Sixth Appellate District—had fewer than 50 employees and was exempt, but it was exploring the possibility of adopting a grievance procedure as well.

On June 28th, PAJAR sent a follow-up email providing a link to the grievance procedure found in the California Judicial Branch website. <https://www.courts.ca.gov/45533.htm> This grievance procedure applies to the six appellate courts and the supreme court.

RECORDS REQUEST #1 - ADA Coordinators Training and Accommodation (6.30)

On June 30th, I emailed 10.500 records requests to the superior courts with the following verbiage:

“Copies of documents regarding training of ADA coordinators on providing accommodations to litigants with cognitive disabilities. Documents showing how many ADA accommodation requests were processed in the superior court in 2020 in general, and in conservatorship proceedings in particular.”

The Word document titled “10.500 Records Sent 6.30 re ADA” includes a list of the counties that receive record requests via email (“Emmi Emailed - 25 counties”), online forms (2 counties – San Francisco and Stanislaus), PDF forms that need to be mailed in (5 counties), and counties that require the request to be mailed in and do not provide a form (26 counties). This document is color-coded, showing the counties that have responded in green. We are still waiting for responses from all of the requests sent via mail, as well as from the following counties that were contacted via email: Orange, San Joaquin, Imperial, San Bernardino, Sonoma, Tulare, Marin, Ventura, and San Francisco (submitted PDF through website).

I created a Word document titled “Chart – ADA Training and Accommodation Requests,” which can be found in the “Responses From Courts”

folder. This chart includes the names of the courts that have responded, as well as their response for Request 1 and Request 2.

Immediately following some records request submissions, I received automatic responses from various courts confirming receipt. After some days, courts including Alpine, Lake, and Riverside responded that the requested documents do not exist. Calaveras responded that (regarding Request 1) their ADA coordinator has not received specific training on accommodations to litigants with cognitive disabilities, and (regarding Response 2) their court had zero ADA accommodation requests in 2020. This response is illustrative of the average reply: the coordinators receive little training on accommodations to litigants with cognitive disabilities, and there is generally not a proper log of ADA accommodations requests kept, nor ADA accommodations provided. Please note that all records provided by the courts are included in the Google Drive folders.

On July 12th, I also emailed Judicial Council following responses from Monterey County and Shasta County. The request sent to Judicial Council regarding Monterey County reads as follows: “Attached please find records provided by Monterey County Superior Court titled "Monterey - ADA Training – CJER.pdf. Request: Access to the videos and documents listed in the attached PDF.” That same day, Judicial Council provided a link through which one can access the relevant records and videos: <http://www2.courtinfo.ca.gov/cjer/492.htm>.

Regarding Shasta County, Judicial Council replied: “We estimate that we will be able to notify you of our determination about whether we have responsive records that are disclosable by or before August 5, 2021.”

Please note that record requests submitted to San Francisco County through its website have been assigned to Megan Filly (mfilly@sftc.org).

RECORDS REQUEST #2 – Legal Services for Indigents (Shared Project with Ben, 7.8)

On July 6th, Benjamin Dishchyan emailed Tom and I a Word document titled “Counties we are unaware of how legal services are provided.” There was a total of 19 courts listed in the document.

On July 8th, I emailed requests to the following courts: Alpine, Humboldt, Lake, Lassen, Mono, Riverside, San Bernardino, San Francisco (submitted form through court’s webpage), Shasta, and Tulare. Ben was CC’d in these emails as

these requests overlap with his project. That same day, I emailed Tom the requests for the courts that required requests to be mailed in. Those courts are: El Dorado, Fresno, Glenn, Mendocino, Modoc, Plumas, Tehama, Trinity, and Tuolumne.

The records requests contained the following verbiage:

“Each county provides legal services for indigents in probate conservatorship cases in one of three ways: (1) a county department of public defender; (2) a private law firm acting as contract public defender; or (3) court appointed counsel panel operated by the superior court.

Request #1. We request copies of documents (or information) showing which of these methods are used for cases in your superior court.

Request #2. If it is a court-appointed counsel panel, we request copies of documents (or information) showing: (a) how many attorneys are on the panel; (b) how attorneys are recruited for the panel; (c) qualifications to be on the panel; (d) guidelines for payment for their services; (e) quality assurance controls for their services; (f) criteria for removal from the panel; (g) methods to receive and process complaints against such attorneys by clients or others; (h) performance standards for the attorneys pursuant to local rule or administrative directive; (i) who assigns an attorney to a specific case; and (j) whether appointments are made by lottery, in rotation, or other method.”

Alpine County and Glenn County replied that they have no responsive documents. As of July 22nd, the only county that has provided responsive documents for this request is Riverside.

On July 8th, Lake County, via Ms. LeVier, stated that said county handles representation for indigent individuals in conservatorship cases. On July 13th, I sent the following follow-up records request:

“Request #1: What method does Lake County use to assign attorneys to a specific case? Are appointments made by lottery, in rotation, or another method?”

Request #2: Who is the contact person in Lake County who manages or coordinates the program that provides legal services for indigent individuals in conservatorship cases?”

On July 19th, Ms. LeVier replied that the court appoints attorneys on a rotation basis, if there is more than one attorney available. Regarding Request #2, she did not know who manages or coordinates said program. That same day I sent the following request:

“Per Ms. LeVier's email on July 19th, in cases involving indigent individuals in conservatorships, ‘the court appoints attorneys on a rotation basis, if there is more than one available.’

Request #1: Is there a list available of attorneys on the panel from which names are selected on a rotational basis? Furthermore, who manages the panel? Is it the judge, the clerk, a probate examiner? Please advise.”

On July 23rd, Ms. LeVier replied that there were no responsive records. Furthermore, she stated that attorneys are appointed through Lake County’s public defender contract, and there is currently only one attorney appointed in these cases. I replied that day with a follow-up request, inquiring about that attorney’s name and contact information. She replied shortly thereafter with the following link: <http://members.calbar.ca.gov/fal/Licensee/Detail/220907> . The attorney’s name is Mary Margaret Heare Amodio.

On July 13th, Humboldt County stated that they appoint the public defender. That same day Shasta County stated: “Indigents are represented by the Public Defender. If it is determined there is a conflict, an alternate Public Defender is appointed.” That day I sent a follow-up email to Shasta County requesting: “Documents (or information) showing who provides legal services for conservatees and proposed conservatees who are not indigent and/or who have assets. Does the Shasta County Superior Court operate a panel of attorneys who it appoints to these cases?”

On July 14th, Ms. Jenkins stated “Shasta County Superior Court does not provide legal services for conservatees or proposed conservatees who are not indigent.” The following day, I replied with a second follow-up request:

“How does the Shasta County Superior Court proceed if the proposed conservatee who is not indigent needs legal representation? Does the court have a panel of attorneys from which it appoints attorneys? Is there any method in Shasta County for appointing attorneys for nonindigents under Probate Code Section 1471, such as adults with developmental disabilities when a petition for a limited conservatorship is filed?

On July 19th, Ms. Jenkins replied: “Pursuant to Probate Code Section 1471, Shasta County Superior Court appoints legal counsel to nonindigent conservatees. The court currently has one attorney on the panel.” That same day I replied with a third follow-up request:

“Request #1: Per Ms. Jenkin's email on July 19th, the Shasta Court currently has one attorney on the panel that oversees the appointment of legal counsel for nonindigent conservatees. Please provide that attorney's name.

Request #2: Who oversees or manages the program that oversees the appointment of legal counsel for nonindigent conservatees? Is it a judge, a clerk, a probate examiner? Please advise.”

On July 21st, Ms. Jenkins responded: “Per your request dated July 19th, the attorney that is currently on the list for nonindigent conservatees is Margarita Vienneau. Court Administration manages the program that oversees the appointment of legal counsel for nonindigent conservatees.”

On July 8th, Lassen County requested an extension until July 22nd to provide responsive documents. On July 26th, Ms. Gallagher stated that the court appoints a sole practitioner law firm acting as a contract public, and the court requires that appointed counsel in conservatorships meet the qualification and educational requirements under California Rules of Court 7.1101.

Similarly, on July 15th, San Francisco County emailed me asking clarification as to what type of conservatorship Spectrum Institute was inquiring about, and I replied that we were inquiring about traditional probate conservatorships. On July 28th, San Francisco’s Megan Filly emailed me a letter with a detailed response to this records request, stating that the court maintains a panel for court appointments, and this panel is currently comprised of 28 attorneys.

On July 13th, Riverside County provided two documents: “Probate Court Appointed Attorney List 2021 – 2022,” and “Probate Response 071321.” There are 15 attorneys listed in the Attorney List, and the Probate Response document stated that “Brown, White, & Osborn, a private law firm, presently holds a contract with the County of Riverside to perform the duties of the public defender in probate conservatorship cases.”

Overall, it appears that courts run the probate conservatorship programs with little to no oversight and appoint and remove public defenders from cases at the sole discretion of the court. Thus, the courts are free to do as they please with little risk for consequences should there be ethical issues. The court decides the

qualifications to be on the public defender panel, and the payment for those services are arbitrary. Also, the methods to submit a complaint are not formulated with accessibility towards individuals with disabilities in mind. For example, Riverside County's "Probate Response 071321" stated that "The court approves payment of a reasonable fee[,] an attorney is removed from a the panel at "[t]he discretion of the court[,] and concerns must be raised in the conservatorship case "...by pleadings, reports filed by the court investigator, communications received under CRC 7.10, or at hearings."

The responses to these record requests will be useful in proving the need for more surveillance regarding the administration and management of programs geared towards providing indigent individuals with legal assistance.

RECORDS REQUEST #3 -Accommodation Without Request to Litigant With Disabilities (7.19)

On July 19th, I sent 10.500 record requests to the superior courts with the following verbiage:

"Federal ADA law requires public entities, including courts, to make modifications or provide accommodations to users of its services who have obvious or known disabilities that may preclude effective communication or meaningful participation in the service. (See attachment)

In the case of the superior court, this would apply to judicial proceedings involving litigants with cognitive or developmental or other disabilities. Such disabilities are obvious or known to the court in probate conservatorship proceedings, for example.

Please provide access to any documents or records that show the policy of the court to provide accommodations for known or obvious disabilities, even without request – especially where the nature of the disability precludes a litigant from making such a request."

Tom provided the attachment mentioned ("cal-vs-fed.pdf"), which contrasts Judicial Council's erroneous statement that "If no request for an accommodation is made, the court need not provide one" against citations from the California Government Code, the Department of Justice, and various circuit courts's rulings.

I created a Word document titled “Chart – Request re Accommodations for Known Disabilities – Sent 7.19” which lists the requests I emailed (along with the email to which I sent the requests), the requests that had to be submitted through online forms on the court’s website (two courts - San Francisco and Stanislaus), the courts that require PDF forms to be mailed in, and the courts that require requests to be mailed in but do not provide forms. On July 19th, I emailed Tom the PDFs that needed to be mailed in, as well as a Word document containing the requests that needed to be mailed in for which no PDF was provided.

Based on the county courts’s responses, it appears that most courts do not have a policy in place regarding the provision of accommodations to litigants whose disabilities are obvious and who cannot make a request for accommodations. Courts are conveniently interpreting Rule 1.100 as narrowly as possible to shield their lack of initiative and justifying them not providing accommodations without a request, while still claiming to comply with the ADA. Judicial Council could help solve this issue by instructing the courts on their responsibility to provide accommodations for individuals in conservatorship proceedings, since the nature of said proceedings put the courts on notice that the litigants have cognitive disabilities that limit their ability for meaningful participation in the legal proceeding.

Various courts, including Calaveras, Marin, Merced, Monterey, Nevada, San Joaquin, and Shasta, provided the same response: “In offering accommodations to court users under the Americans with Disabilities Act, the court follows the requirements of California Rules of Court, rule 1.100.” This points to the superior courts asking for advice from Judicial Council on how to respond to this records request. Furthermore, it illustrates how the courts are using Rule 1.100 to limit the accommodations they need to provide. Tom pointed out that “Each superior court is a separate public entity with a responsibility under Title II of the ADA. What the Judicial Council does is not an excuse to disobey federal law.”

On July 20th, Sonoma County stated that “Due to the magnitude of your request, the Court will extend the time period to respond by an additional 14 calendar days. The Court will provide a response by or before August 12, 2021.”

On July 21st, Marin County and Nevada County stated that they do not have responsive records. Lake County and San Joaquin County provided the same response on July 23rd. Merced echoed the response on July 26th, Shasta did the same on July 27th, and Monterey County followed on July 28th. Calaveras emailed the same verbiage on July 29th.

Also on July 29th, Placer’s Jake Chatters emailed me a letter stating that the court has always followed the standards set forth in CRC Rule 1.100, pointed to their recent adoption of an ADA Grievance Procedure, and provided links to Placer’s ADA webpage and the court’s local rules. Per Tom’s instruction, I replied pointing out that Rule 1.100 pertains to accommodations in response to requests, while our request inquired about the court’s policy to provide accommodations without requests. That same day, Alameda’s Adam Byer emailed me a letter in response to our request, stating that Alameda County Superior Court’s website “includes relevant information, and links to the applicable form and rule of court.” Furthermore, “[j]udges may also consider accommodations for litigants as needed based on their interpretation of the applicable law.”

Also on July 29th, Contra Costa’s Media Information Center stated that they follow the procedures of Rule 1.100, and “the Court maintain an internal policy and procedure concerning the handling of ADA accommodation requests, including where an individual might not themselves initiate a request, which is attached. The Court is currently reviewing this procedure for consistency with current law and the model provided by the Department of Justice.”

On July 30th, both El Dorado and Sierra County courts stated that they comply with Rule 1.100 and have no responsive records.

Per Tom’s request, on July 22nd, I sent San Diego another records request regarding Rule 4.18.10 (“Appointment of Counsel for Conservatee or Patient - The court will appoint counsel for the person who is the subject of a conservatorship petition as required by law or for good cause.”). The request read as follows:

“Records regarding the policies and practices in implementing Rule 4.18.10, including how attorneys are recruited for the panel, required trainings, fee schedules, performance standards, and other matters pertaining to the operations of the appointed counsel program operated by the San Diego County Superior Court.”

As of July 30th, the San Diego County Court has not responded.

EMAIL TO JUDGES’S ASSOCIATION

On July 2nd, I emailed Nicole Virga Bautista, executive director and CEO of the California Judges Association (CJA). The purpose of this outreach was to

inform Ms. Bautista and CJA about what member judges could do to improve access for people with cognitive disabilities involved in conservatorship proceedings. This email shared a link to Spectrum Institute's webpage. We informed Ms. Bautista about relevant contents of the Spectrum website, including a webinar detailing the obligations that judges and judicial staff have under the ADA, and a guidebook of reference materials.

The email requested that Ms. Bautista share this information with the CJA members. On July 22nd, I re-sent the email and asked Ms. Bautista to confirm receipt. She replied shortly thereafter: "Thank you very much for resending. I was out of the office when you sent this originally."

EMAIL TO PRESIDING JUDGES

On June 16th, I contacted the ADA Coordinators asking them to forward an email to the presiding judges for their respective superior court.

However, due to the various links and images included in the email, most courts marked our message as spam. I tried altering the email by removing the Spectrum Institute logo image, the image with Tom's signature, the link to the Spectrum Institute website, and the link with Tom's email. This allowed for some courts to receive the email. However, most courts continued to mark the email as spam.

I receive a "Message Delivery Failure" email from the following courts: Colusa, Fresno, Glenn, Humboldt, Kern, Kings, Lassen, Madera, Nevada, San Bernardino, and Yolo. I called the courts above to ask why our email was still being marked as spam. However, due to COVID, many courts were understaffed, and most voicemail boxes were full.

As for the small number of courts that did not mark our email as spam, most of those ADA Coordinators had arranged for automatic responses stating they were out of the office. I received automatic responses from the following courts: Inyo, Los Angeles, Mendocino, Sacramento, Santa Barbara, and Yuba.

Only three counties provided a response that wasn't automatic or a message of delivery failure: Imperial, Modoc, and Tehama. Imperial confirmed receipt of the email, and Modoc and Tehama replied to the email for the presiding judge with their response to the grievance procedure question regarding the number of employees the court has.

APPELLATE COURT WEBINAR

On June 9th and 10th, Tom provided me with various documents that will be used in an appellate court webinar. This webinar is meant to address the lack of policies and procedures for expeditiously appointing counsel for probate conservatees when their cases are on appeal, and advocate for reforms to make it easier to compile a record on appeal. Furthermore, this webinar will highlight the systemic obstructions that make it impossible for appellants and respondents with cognitive disabilities to have equal and full participation in the appeal process.

While reading the resources Tom provided me with (17 PDFs in total), I took notes in a Word document titled “Notes on Resources for Appellate Webinar.” This document is included in the Google Drive folder I shared with Tom. Document 1 (“Legal System Without Appeals Should Raise Eyebrows”) highlights the importance of individuals being able to appeal, both on a micro (individual) level, and macro (legal field) level. Furthermore, Document 1 presents “Gregory’s Law,” which is not yet enacted but by presenting it in an informative webinar, Spectrum Institute can bring awareness to it and help increase its support.

Document 2 (“Appeals by limited conservatees is rare”) emphasizes the importance of appeals to hold courts accountable. The current lack of accountability also allows for attorneys to not be properly trained on how to handle conservatorship cases.

Document 4 (“Appointed Counsel is an ADA Necessity in Limited Conservatorship Appeals”) focused on the fact that the simple nature of a conservatorship proceeding puts a court on notice that the individual for whom a conservatorship is being sought has significant disabilities. While the “floodgates” issue is commonly brought up as an excuse to not expand benefits or availability of accommodations, appointment of counsel for a limited conservatorship appeal will not be an undue burden on the court since these proceedings are so rare.

Document 10 (“Ex-parte Notice of Need for ADA Accommodation for Katherine Dubro”) shows the importance for individuals to be able to appeal, since this document’s credibility and strength is bolstered by its citations to precedent.

Document 12 (“CA Probate Code § 1470”) clearly shows that the court can appoint legal counsel without a need for request (*sua sponte*). This section

successfully debunks the argument that courts do not have to provide legal counsel unless it is explicitly requested.

The “Exhibit H – Materials on Standing - Liberal Standing Rules” document is informative in that it presents broad rules by the Department of Justice regarding the ADA which state that persons other than the direct victim of discrimination can file a complaint on behalf of the victim. These rules include Probate Code § 1820, the “next friend” rule, and California Rules of Court 7.10.

While completing this reading, I was surprised by the way in which laws are deliberately interpreted to make the appeal process more difficult for appellants in general, but especially for those with disabilities. As an undocumented immigrant, it was extremely difficult for me to navigate the United States legal system. Although I eventually became a citizen, the statistics presented in the resources Tom shared demonstrate how difficult it is for individuals with disabilities to appeal a conservatorship ruling in a legal system where all the cards are stacked against them.



María de los Ángeles Reyes Olmedo, a legal summer intern, is a second-year law student attending Loyola Law School in Los Angeles. María was born in Guanajuato, Mexico, and they are a non-binary Mexican immigrant and first-generation higher education student. María attended Cal Poly Pomona for their undergraduate studies, majoring in Gender, Ethnic, and Multicultural Studies, with a focus on Latinx/Chicanx Studies, and minoring in Spanish. They enjoy conducting research and writing, and presented their original research titled “*Existimos porque resistimos: Lyrics of Revolution and Resistance in Latin America*” at the National Association for Chicana and Chicano Scholars Conference in 2017. Growing up as an undocumented immigrant exposed María to the difficulties experienced by those who live in underserved communities and form part of disenfranchised groups. María is passionate about becoming an active advocate for underserved people and will pursue a policy and advocacy-oriented public interest career post-graduation. To watch a short video of this intern's experience with Spectrum Institute, [click here](#).