



Disability and Guardianship Project

1717 E. Vista Chino A7-384 • Palm Springs, CA 92262
(818) 230-5156 • www.spectruminstitute.org

September 26, 2022

Supreme Court of Missouri
Custodian of Records / Clerk
207 W. High Street
Jefferson City, MO 65101

Re: Administrative Records Request / Court Operating Rule 2

To the Clerk / Custodian of Records:

This request for administrative records of the Supreme Court of Missouri is made pursuant to Court Operating Rule 2.

The Supreme Court is a public entity within the meaning of Title II of the Americans with Disabilities Act. It is also a recipient of federal funds within the meaning of Section 504 of the Rehabilitation Act of 1973. The Supreme Court has more than 50 employees.

Request 1: Documents on ADA Policies

Section 35.106 of Title II Regulations specifies that a public entity such as the Supreme Court of Missouri shall make available to interested persons information regarding the ADA and its applicability to services, programs, and activities of the public entity.

We hereby request copies of any documents showing the ADA policies of the Supreme Court regarding services, programs, and activities of the Supreme Court.

Request 2: Documents on Self-Evaluation

Section 35.105 of Title II ADA Regulations specifies that a public entity such as the Supreme Court of Missouri shall evaluate its services, policies, and practices, and the effects thereof, that do not or may not meet the requirements of the ADA, and modify them if necessary to make them ADA compliant.

We hereby request copies of any documents showing the process and results of any self-evaluation done by the Supreme Court regarding policies and practices of the court in adult guardianship proceedings or any other type of judicial proceeding.

Request 3: Grievance Procedure

Section 35.107 of Title II ADA regulations specify that a public entity with 50 or more employees, such as the Supreme Court of Missouri, shall adopt and publish grievance procedures for prompt and equitable resolution of complaints alleging any action that would be prohibited by the ADA.

We hereby request copies of any documents showing the grievance procedures adopted by the Supreme Court for receiving, processing, and resolving complaints that policies or practices of the Supreme Court violate the ADA, and the name of the agent or employee designated to receive such grievances.

Attached you will find information about the ADA regulations mentioned above.

We look forward to receiving your response to this request for records.

Respectfully submitted:

A handwritten signature in blue ink that reads "Thomas F. Coleman". The signature is written in a cursive style with a large initial 'T'.

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

p.s. We went through a similar process with the California Judicial Council. When that entity learned that it did not have a grievance procedure, it moved promptly to adopt one. Materials regarding our interactions with the Judicial Council are attached as they may be helpful to this Court if it finds that it is in a similar situation.

Americans with Disabilities Act Title II Regulations

Part 35

Nondiscrimination on the Basis of Disability in State and Local Government Services
(as amended by the final rule published on August 11, 2016)

§ 35.107 Designation of responsible employee and adoption of grievance procedures

- (a) *Designation of responsible employee.* A public entity that employs 50 or more persons shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under this part, including any investigation of any complaint communicated to it alleging its noncompliance with this part or alleging any actions that would be prohibited by this part. The public entity shall make available to all interested individuals the name, office address, and telephone number of the employee or employees designated pursuant to this paragraph.
- (b) *Complaint procedure.* A public entity that employs 50 or more persons shall adopt and publish grievance procedures providing for prompt and equitable resolution of complaints alleging any action that would be prohibited by this part.



Disability and Guardianship Project
Disability and Abuse Project

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

May 1, 2017

Honorable Tani Cantil-Sakauye
Chairperson
Judicial Council of California
350 McAllister Street
San Francisco, CA 94102

SECOND REQUEST
sent on May 30, 2017
No response received
to first request as of
May 28, 2017

Re: Request for Information

Dear Chief Justice:

I am writing to obtain contact information for the employee designated by the Judicial Council to receive and investigate complaints of noncompliance by the Judicial Council with its obligations under Title II of the Americans with Disabilities Act.

I would also like to know where I can obtain, or find online, the grievance procedures that may be used by persons wishing to complain to the Judicial Council that its policies or practices do not comply with the requirements of Title II.

I reached out to Ms. Linda McCulloh for this information last week but did not receive a response. Therefore, I am hoping that you, as Chairperson of the Judicial Council, can provide this information.

Respectfully submitted:

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

Spectrum Institute

Subject: String of emails on the need for ADA grievance procedures at the Judicial Council

From: Thomas F. Coleman [mailto:tomcoleman@earthlink.net]
Sent: Tuesday, July 18, 2017 11:17 AM
To: 'Barnett, Amber' <Amber.Barnett@jud.ca.gov>
Subject: RE: Letter to Thomas Coleman

Thank you for the update.

I will look for the materials on the website tomorrow when they are posted there.

From: Barnett, Amber [mailto:Amber.Barnett@jud.ca.gov]
Sent: Tuesday, July 18, 2017 11:05 AM
To: 'tomcoleman@spectruminstitute.org' <tomcoleman@spectruminstitute.org>
Subject: RE: Letter to Thomas Coleman

Good afternoon Mr. Coleman,

I received an update regarding our agency's ADA required grievance procedure. The Judicial Council of California staff have been working to reduce delays in implementation of a grievance procedure. The matter will be on the Judicial Council's consent agenda during the July 27-28 meeting.

The agenda and materials for the July Council meeting will be posted on July 19. We will continue to keep you updated on the implementation on a grievance procedure.

Thank you,

Amber Lee Barnett, Principal Manager
Judicial Council and Trial Court Leadership | Leadership Services Division
Judicial Council of California
2860 Gateway Oaks Drive, Suite 400, Sacramento, CA 95833
916-263-1398 | amber.barnett@jud.ca.gov | www.courts.ca.gov

From: Barnett, Amber
Sent: Thursday, June 08, 2017 11:47 AM
To: 'Spectrum Institute' <tomcoleman@spectruminstitute.org>
Subject: RE: Letter to Thomas Coleman

Good afternoon Mr. Coleman,

I have received your email below and will provide responses to your questions as soon as possible. I am coordinating with the appropriate offices in our organization, and we will get back to you soon.

From: Spectrum Institute <tomcoleman@spectruminstitute.org>
Sent: Thursday, July 20, 2017 7:14 AM
To: 'Thomas F. Coleman'
Subject: California Judicial Council is adopting a grievance procedure for complaints regarding ADA non-compliance
Attachments: chief-justice-letter-ada-2.pdf; ada-regs-part-35.pdf; judicil-council-emails.pdf

The letter sent by Spectrum Institute to the Chief Justice on May 1, 2017 (attached) prompted officials at the Judicial Council to realize that the agency did not have a grievance procedure to receive and process complaints about ADA non-compliant policies and procedures. To its credit, the Judicial Council is considering a proposal to delegate authority to its Administrative Director to develop and implement such procedures as required by the ADA and by implementing regulations of the United States Department of Justice (attached). Such a proposal is on the consent agenda at the July 28, 2017 meeting of the Judicial Council. (See below.)

The lack of procedures at the state level in California raises the question of how many local Superior Courts in the state with 50 or more employees do not have such a procedure in place – or for that matter how many large judicial branch entities or state bar associations in other states have failed to adopt such procedures.

The letter to the Chief Justice and the DOJ regulations are attached, as is a string of emails between a Judicial Council representative and attorney Thomas F. Coleman at Spectrum Institute.



Judicial Council of California

455 Golden Gate Ave.
San Francisco, CA
94102-3688

Meeting Agenda

Judicial Council

Requests for ADA
accommodation
should be directed to
JCCAccessCoordinator
@jud.ca.gov

*Open to the Public Unless Indicated as Closed
(Cal. Rules of Court, rule 10.6(a))*

*Meeting materials are now only available electronically
through the hyperlinked reports on this agenda.*

Friday, July 28, 2017

8:30 AM

San Francisco

CONSENT AGENDA

A council member who wishes to request that any item be moved from the Consent Agenda to the Discussion Agenda is asked to please notify Roma Cheadle at 415-865-7640 at least 48 hours before the meeting.

17-121

Judicial Council: Delegation to Administrative Director for Approval of Americans with Disabilities Act Grievance Procedure (Action Required)

Summary:

Judicial Council staff recommends that the Judicial Council delegate authority to the Administrative Director to approve and maintain a grievance procedure drafted pursuant to the Americans with Disabilities Act (ADA) in order to reduce delays in implementing this required procedure. Consistent with the requirements of the ADA, the grievance procedure will provide members of the public with information about how to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the Judicial Council, as well as procedures for Judicial Council staff to resolve such complaints.

Judicial Council of California
Americans with Disabilities Act Grievance Procedure

This Grievance Procedure is established in accordance with the requirements of the Americans with Disabilities Act of 1990 (ADA). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the Judicial Council.

1. The complaint should be in writing and contain the complainant's name, address, and phone number, as well as a detailed description of the incident or condition, and the location, date, and time of any incident. Upon request to the Judicial Council's ADA Coordinator (contact information provided below) complaints may be filed in another format, such as in person or by telephone, that accommodates the complainant.
2. The complaint should be submitted by the complainant and/or his/her designee as soon as possible, but no later than 60 calendar days after the incident occurred, to the Judicial Council's ADA Coordinator:

ATTN: ADA Coordinator
Judicial Council and Trial Court Leadership Office
455 Golden Gate Avenue
San Francisco, CA 94102
Telephone: (415) 865-7737
JCCAccessCoordinator@jud.ca.gov

3. Upon receipt of a complaint, the ADA Coordinator or designee will investigate the complaint. The ADA Coordinator may, at his or her discretion, discuss the complaint or possible resolution of the complaint with the complainant, or seek additional information from the complainant. The complainant's failure to respond to a request for additional information may be deemed an abandonment of the complaint. The ADA Coordinator or designee may, in his/her discretion, seek assistance from other sources in responding to the complaint.
4. Within 30 calendar days of receiving the complaint, the ADA Coordinator or designee will respond in writing to the complainant. The response will explain the position of the Judicial Council, and if applicable, offer options for resolution of the complaint. Upon request to the ADA Coordinator, responses may be presented in another format, such as in person or by telephone, that accommodates the complainant. If more than 30 days is required to respond to the complaint, the ADA Coordinator will promptly notify the complainant of the expected date that a written response will be provided.
5. If the complainant and/or designee is dissatisfied with the response by the ADA Coordinator or designee, the complainant may request reconsideration of the response within 20 calendar days after the date of the response.

6. Requests for reconsideration should be in writing, and include the complainant's name, address, and phone number, a copy of the original complaint, a copy of the Judicial Council's response, and a description of issues for reconsideration. Upon request to the ADA Coordinator, requests for reconsideration may be filed in another format, such as in person or by telephone, that accommodates the complainant. Requests for reconsideration must be submitted to:

ATTN: ADA Administrator
Judicial Council and Trial Court Leadership Office
455 Golden Gate Avenue
San Francisco, CA 94102
Telephone: (415) 865-7737
JCCAccessAdministrator@jud.ca.gov

7. The ADA Administrator will review the initial complaint, written response of the ADA Coordinator or designee, and the request for reconsideration, and may at his or her discretion, discuss the complaint or possible resolution of the request for reconsideration with the complainant, or seek additional information from the complainant. The complainant's failure to respond to a request for additional information may be deemed an abandonment of the request for reconsideration. The ADA Administrator or designee may, in his/her discretion, seek assistance from other sources in responding to the request for reconsideration.
8. Within 30 calendar days of receiving the request for reconsideration, the ADA Administrator will respond in writing to the complainant with a final resolution of the complaint. Upon request to the ADA Administrator, the response may be presented in another format, such as in person or by telephone, that accommodates the complainant. If more than 30 days is required to respond to the request for reconsideration, the ADA Administrator will promptly notify the complainant of the expected date that a written response will be provided.
9. All written complaints, requests for reconsideration, and responses will be retained by the Judicial Council for at least three years.

This Grievance Procedure is not intended to resolve employment-related complaints of disability discrimination or harassment. The Judicial Council's Equal Employment Opportunity Policy; Policy Against Harassment; and/or Discrimination, Harassment, and Retaliation Complaint Resolution Policy govern employment-related complaints.

This document may be made available in alternate formats as a reasonable accommodation upon request.