RESOLVED, That the American Bar Association supports efforts to make the state and territorial judicial systems more responsive to the needs of the elderly and persons with disabilities and to that end adopts and urges implementation of the Recommendations of the National Conference on the Court-Related Needs of the Elderly and Persons with Disabilities held February, 1991 under the joint sponsorship of the Association's Commissions on Legal Problems Elderly and on the Mentally Disabled and the National Judicial College, with funding provided by the State Justice Institute and the Administration on Aging of the United States.
Demographic trends indicate that for the remainder of this century and well into the next, the number and proportion of the elderly and persons with disabilities will continue to grow. Court actions will directly affect these Americans in a number of different capacities — as plaintiffs and defendants in civil suits, subjects of guardianship and commitment actions, grantors and beneficiaries in probate proceedings, victims or witnesses of crime, jurors, attorneys, court personnel, and volunteers in court. In addition, the sheer number of cases involving the elderly and persons with disabilities may rise markedly, especially in several specific areas including Medicaid, long term care, guardianship, mental commitment, health care decision-making, housing, and rights of persons with disabilities.

Thoughtful planning is essential for the judicial system effectively to serve these growing population groups, and afford them an equal opportunity for justice. Thus, in February 1991, the ABA Commissions on Legal Problems of the Elderly, and on the Mentally Disabled, and the National Judicial College jointly sponsored a national Conference on Court-Related Needs of the Elderly and Persons with Disabilities, funded by the State Justice Institute and the U.S. Administration on Aging. The Conference included close to 200 judges, court managers, judicial educators, attorneys, and representatives of the aging and disability networks. The conferees were drawn from every state, and were carefully selected because of their expertise. The Conference objective was to examine the barriers to the judicial system for the elderly and persons with disabilities, and to establish an agenda for overcoming these barriers. As the result of thorough advance planning, the preparation of background papers and intensive participation by the conferees in small group and plenary sessions, the Conference produced a truly visionary set of recommendations, with two over-arching, cross-cutting themes. The first is the concept of "universal access or universal design," in which the challenge would be to fashion a judicial system which best meets the needs of all users without stereotyping or stigmatizing categories of people, and that maximizes the independence of all individuals. The second theme is that of "linkage" or ongoing cooperative relationships between the judicial system and the aging and disability networks. Within this fundamental framework, the recommendations are divided into eight sections:

**Linkage.** The recommendations urge that the judicial system work cooperatively with the "aging network" under the Older Americans Act (state and area agencies on aging, as well as service providers) and the "disability network" (state protection and advocacy agencies, state developmental disability councils, etc). Each state's highest court should convene an "interdisciplinary coordinating committee" drawn from all of these systems.
Access. The recommendations call for a judicial system which is "a model of accessibility" and which affords "a barrier-free and technologically enhanced environment". They urge that each local judicial district make "an assessment of barriers" and then develop an "accessibility plan" in which compliance with the Americans with Disabilities Act of 1990 is "only one step in a continuing process of barrier removal."

Avoidance of Stereotypes. The recommendations charge the justice system to "commit itself to the removal of ["ageist" and disability] attitudinal barriers." Further, they urge the legal system to provide leadership in empowering individuals, and in eradicating any stereotyping behavior and practices within the judicial system through educational efforts.

Determination of Capacity and Surrogate Decision-Making. The recommendations provide for the development of standards, definitions, procedures and ethical guidelines in determining capacity; methods of reducing the need for guardianship; and effective guardianship practices and monitoring procedures generally consistent with existing ABA policy.

Alternative Dispute Resolution. The Conference recommendations urge that each state or local jurisdiction should have "the means to screen, refer, and provide alternative dispute resolution in appropriate cases," and state explicitly that dispute resolution professionals and volunteers should be "specially trained" in aging and disability issues, needs and resources.

Judicial Administration. The Conference participants proposed that a national committee be convened to address issues of court data. The Conference recommendations also call for the courts to develop 'methods for early identification of special case processing needs to accommodate participants who are elderly or have disabilities,' and point out how the judicial process should be more 'user-friendly' for all.

Victim/Witness Assistance. The recommendations urge that each jurisdiction have an adequately-funded 'victim/witness assistance program that is responsive to elderly persons and persons with disabilities and is coordinated with specialized advocacy services and appropriate service providers.'

Education. The conferees recognized that their objectives could not be achieved without 'comprehensive public and professional education.' Therefore, the recommendations provide that 'interdisciplinary coordinating committees and/or the judiciary, aging and disability networks, bar groups, and others jointly should develop education and training programs and materials.'
The Conference recommendations relate to and are generally consistent with existing ABA policy in the area of civil rights, courts/judges, guardianship, criminal law procedures, family law, health and mental health, and legal services.

In conclusion, the Conference recommendations are a valuable blueprint for the future. They outline how the judicial system can best serve the ever-growing needs of the most vulnerable segments of our society -- the elderly and persons with disabilities. They should be approved by the Association so that the Association can urge the various states to implement them.

August, 1991

Respectfully Submitted,

Ruth Luckasson
Chair
Commission on the Mentally Disabled

John H. Pickering
Chair
Commission on Legal Problems of the Elderly
The justice system should commit itself to the removal of attitudinal barriers and serve as a model of accessibility based on the principle of "universal design," which requires a barrier-free and technologically enhanced environment in which what is needed by one is available to all.

Federal, state, local, and private funders should provide sufficient resources to ensure that this model is achieved.

I. Linkage of the State Judicial Systems with the Aging and Disability Networks

The justice system should work with the aging and disability networks to enhance access to effective legal representation and judicial support services; effect appropriate referrals to related community services; provide knowledgeable people who understand the needs of all; and resolve every dispute in an appropriate forum and in a timely fashion.

A. Interdisciplinary Coordinating Committee

1. The chief justice of each state's highest court should convene an interdisciplinary coordinating committee* to identify and address the court-related needs of elderly persons and persons with disabilities.

2. The interdisciplinary coordinating committee should include, among others: judges, court management personnel, accessibility coordinators, representatives of the aging and disability networks (especially agencies on aging and protection and advocacy agencies), elderly persons, persons with disabilities (representing all ages and a broad spectrum of physical, sensory, and mental disabilities), social and medical services providers, governmental agency personnel including policy and budget decision-makers, legislators, representatives of the bar association and legal services agencies, experts in alternative dispute resolution, architects with expertise in access, technological experts, and persons with expertise in cultural diversity.

3. The interdisciplinary coordinating committee should:

   a. Assess the physical and communications barriers for persons with impairments that currently exist in courthouses and related court facilities, and formulate an accessibility plan that complies with and expands upon the guarantees and protections of the Americans with Disabilities Act;
b. Designate an accessibility coordinator to enhance access to the judicial system by elderly persons and persons with disabilities;

c. Establish a single site for information on the court-related needs of elderly persons and persons with disabilities;

d. Create a system to screen, refer and provide alternative dispute resolution in appropriate cases involving elderly persons and persons with disabilities;

e. Review court rules and procedures, statutes and constitutional provisions in order to make the judicial process more accessible and understandable;

f. Develop a plan to provide victim assistance services;

g. Address issues of the confidentiality, relevance, necessity and timeliness of court data on age and disability;

h. Improve knowledge of and access to advance directives and services that reduce the need for guardianship;

i. Develop programs and materials for education about the needs of elderly persons and persons with disabilities in the judicial system; and

j. Encourage regular interaction among the judicial system, the practicing bar, and the aging and disability networks to provide education, open lines of communication, support and assistance on technical issues, and community resources; and to create alliances to improve access to the judicial system.

4. The chief justice should obtain funding for the mission of the interdisciplinary coordinating committee, and make appointments in a timely manner.

B. Aging/Disability Networks

1. Organizations involved with elderly persons and persons with disabilities should assist the court system in developing specific steps to enhance access to the judicial system. The Older Americans Act, the Rehabilitation Act, and the Protection and Advocacy Act should require that these agencies develop action plans at local and state levels to address the court-related needs of elderly persons and persons with disabilities.

C. Single Informational Site

1. The interdisciplinary coordinating committee in each state should establish a single place where courts, aging and disability groups, consumers, and the general public can receive information and assistance on resources and strategies for resolving specific court-related problems of elderly persons and persons with disabilities.
2. The interdisciplinary coordinating committee should develop a resource directory and/or hotline. Advanced technology should be used when feasible.

D. Dissemination of Information on Successful Programs

1. Successful programs and successful funding efforts for addressing the court-related needs of elderly persons and persons with disabilities should be documented and compiled for wide distribution to judicial systems, the bar, and the aging and disability networks.

2. National and state judicial organizations, bar associations, and members of the aging and disability networks should collaborate to gather and disseminate the information widely through the media, organizational newsletters and other publications.

E. Interdisciplinary Conferences

1. Conferences on the court-related needs of elderly persons and persons with disabilities should be held at national, state and local levels, with participation by members of the executive and legislative branches.

2. Possible sources of funding for such conferences -- including state bar IOLTA (interest on lawyers' trust account) funds, Older Americans Act funds, and other public and private grantors -- should be explored.
II. Access to the Court System

A. Accessibility Plan

1. In each judicial district, there should be:
   a. An assessment of barriers for persons with disabilities in courthouses and court-related facilities; and
   b. Development of an accessibility plan.

2. The assessment of barriers and the accessibility plan should involve presiding judges, court managers and others responsible for the provision of legal and judicial services, in cooperation with constituent groups.

3. Each accessibility plan should incorporate design principles that improve access to and effective use of the judicial system by everyone. The accessibility plan should be guided by the principle that compliance with the Americans with Disabilities Act is only one step in a continuing process of barrier removal. The plan should include timelines for compliance.

4. The assessment of barriers and the accessibility plan in each judicial district should be provided to and compiled by the state interdisciplinary coordinating committee, which should report them to the highest court of the state. This court should oversee implementation of the plans and local priority setting based on factors that include: need, cost-effectiveness, degree of current and potential utilization, long-term flexibility, and positive effect on public awareness.

5. The courts in each judicial district should seek adequate funding to implement the accessibility plan.

B. Physical Access

1. The accessibility plan should ensure appropriate, non-stigmatizing access; and should include physical design, use of technology to enhance physical access, social services related to court access, and use of attendant services for persons with physical disabilities.
C. Communications Access

1. The accessibility plan should address the communication needs of elderly persons and persons with disabilities by providing environments with all necessary technological and physical arrangements. The judicial system should promulgate rules and procedures to accommodate persons with communication impairments and should provide expert assistance and support such as sign language interpreters, readers for persons with visual impairments, and cognitive disability experts.

2. Funding for communications assistance should be sought separately from funding for the judicial system.

D. Accessibility Coordinator; Ombudsman

1. The interdisciplinary coordinating committee should designate an accessibility coordinator to facilitate effective use of the judicial system throughout the state by elderly persons and persons with disabilities.

2. The accessibility plan in each judicial district should designate an ombudsman to assist individuals to gain access to the courthouse and other court-related facilities.

E. Americans with Disabilities Act (ADA)

1. In accordance with ADA objectives, and as provided in the accessibility plan, all court operations should afford full and equal access for persons with disabilities including judicial and non-judicial court personnel, job applicants, lawyers, litigants, victims, witnesses, jurors and members of the public. Such access should include communication technology and services, architectural accessibility, transportation services, alternative hearing sites, and employment opportunities (including "reasonable accommodations" to secure such opportunities).

2. The state interdisciplinary coordinating committee and the accessibility coordinator should assist judicial districts to ensure that the accessibility plans comply with and expand upon the ADA's guarantees and protections.
3. Each state should adopt legislation and policies, and should secure funds to ensure that resources for court access and protection from discrimination within the judicial system are sufficient to achieve statewide compliance with the ADA.

4. A national clearinghouse should be created to encourage education, training and technical assistance concerning requirements of the ADA, related laws, regulations, and methods of compliance. The clearinghouse should assist with curriculum development, training of faculty, and incorporation of the latest knowledge and developments relevant to ADA compliance by the judicial system.

III. Avoidance of Stereotyping in the Judicial System

A. Elimination of Stereotyping Behavior

1. To challenge harmful stereotyping of elderly persons and persons with disabilities and to ensure that these persons have meaningful representation and are able to participate fully in the judicial process, the judicial system should eliminate irrelevant and intrusive barriers and unprofessional behaviors.

B. Interdisciplinary Approaches

1. To challenge harmful stereotyping of elderly persons and persons with disabilities, the legal system should provide leadership in integrated and interdisciplinary approaches that empower individuals and protect their rights to independence, self-direction, and inclusion through such efforts as educational programs, development of community resource materials and linkages, and chapters in judicial benchbooks.

C. Publicizing of Judicial Activities

1. The judiciary should publicize its efforts in educational activities to end stereotypes in order to ensure full inclusion of elderly persons and persons with disabilities.
IV. Determinations of Capacity and Surrogate Decisionmaking

All adults should have the right to make their own life choices and to place themselves or their property, but not others, at risk.

Judicial review of such decisions should be limited to ensuring that the person has decision-specific capacity; that the decision is informed and voluntary; and that the individual is aware of the possible consequences.

A. Decision-Specific Capacity

1. Capacity is not a matter of one-time global assessment. Measures of capacity should reflect the fact that individuals vary enormously in functional ability, and situations demand different levels of capacity. Individuals should be assessed to determine their functional ability for specific tasks, i.e., decision-specific capacity.

B. Uniform Definition and Standards

1. National legal organizations concerned with problems of elderly persons and persons with mental disabilities should develop uniform standards, definitions and procedures for determining decision-specific capacity.

2. State and federal legislation and regulations should incorporate these standards, definitions and procedures.

C. Ethical Standards in Determining Capacity

1. Standards defining the ethical responsibility of all persons engaged in the determination or review of incapacity, and those standing in a fiduciary relationship to one who may have an incapacity, should be adopted.

2. The legal community, health care providers, and advocacy groups should cooperate in developing and disseminating these ethical standards.

3. These organizations should individually and jointly establish committees, hold conferences, and develop manuals focusing on these ethical standards.
Reducing the Need for Guardianships

1. The interdisciplinary coordinating committees, courts, legislatures, and the aging and disability networks should aggressively develop culturally sensitive, community-based resources and mechanisms that reduce the need for guardianships, yet ensure swift access to the courts in the event of serious dispute or abuse.

2. These entities should encourage the use and mandate recognition of advance directives such as durable powers of attorney (including durable health care powers of attorney) and living wills.

Implementing Guardianships

1. Consistent with the doctrine of the least restrictive alternative, legislatures, courts, or the executive branch, as appropriate to that particular jurisdiction, in consultation with the aging and disability networks, should mandate standards and procedures to ensure that:

   a. The guardian files a guardianship plan that includes a statement of the ward's views and preferences, and a plan for restoring or maximizing the ward's mental and physical capacities;

   b. The guardian files annual reports on the personal status of the ward, as well as the status of the estate, and that these reports are reviewed by qualified personnel;

   c. Individuals are designated to investigate the ward's circumstances, including, at a minimum, conducting a personal observation of the ward; verifying that the guardianship plan is in effect and appropriate; determining that the least restrictive alternative is in effect; and making recommendations to the court;

   d. The guardian's responsibilities are enforced through a tickler, notice, and sanctioning process;

   e. The court reviews the guardianship if these monitoring efforts demonstrate a substantial deviation from the guardianship plan or recommendations for change.
F. Judicial Review

1. Courts and legislatures, in consultation with the aging and disability networks, should establish procedures to ensure meaningful access to the court by the ward, or anyone with knowledge of a specific decision adversely affecting the ward, to seek court review of the decision.

V. Screening, Referral and Alternative Dispute Resolution

A. Provision of Alternative Means of Dispute Resolution

1. The interdisciplinary coordinating committee should work to ensure that each state/local jurisdiction has the means to screen, refer, and provide alternative dispute resolution in appropriate cases involving elderly persons and persons with disabilities, including the availability of specially trained dispute resolution professionals and volunteers. In appropriate cases, judges should be empowered to require litigants to attempt mediation or other relevant alternative dispute resolution options.

B. Support for Alternative Dispute Resolution

1. Appropriate judicial, court administration, bar and aging and disability organizations should adopt resolutions affirming the importance of court-related, agency and community-based alternative dispute resolution efforts in the area of aging and disability issues, and should call upon public, private, and corporate funding sources to support major projects in this area. Special effort should be made by the interdisciplinary coordinating committees and by all these relevant groups to increase understanding of client concerns, empower client groups, and disseminate information through newspaper, radio, television and other outlets concerning the relevance of alternative dispute resolution for elderly persons and persons with disabilities.

C. National Clearinghouse

1. A national clearinghouse should be established to collect data on issues related to alternative dispute resolution, sponsor research on the effectiveness of such procedures, create ethical standards, and develop training materials for alternative dispute resolution professionals and volunteers.
VI. Judicial Administration

A. Case Management

1. Case flow management systems should be designed and administered to:
   a. Collect data on the needs of participants who are elderly or have disabilities;
   b. Reduce delay generally; and
   c. Identify at the earliest possible processing point cases involving participants who are elderly or have disabilities that either: (1) require some form of special processing, or (2) should be diverted to an appropriate alternative forum of dispute resolution or referred to an appropriate social service agency for resolution.

2. Judges and court managers, with input from the aging and disability networks and bar groups, should develop methods for early identification of special case processing needs in a given case, such as questionnaires to be completed at the time of filing or answering, comprehensible notices or summons, and early scheduling conferences with parties and/or attorneys.

3. The judicial systems should administer and revise these case flow management systems as necessary in light of the data collected to accommodate the individual needs of participants who are elderly or have disabilities. Scheduling of case events should take into consideration factors such as the likelihood of imminent death or illness, time-of-day considerations, the need to bring persons to assist or interpret, the length of time an individual can remain in court on a given day, the length of time needed for preparation, and other individual needs.

B. Court Rules and Procedures

1. The interdisciplinary coordinating committee should ensure that court rules and procedures, statutes and constitutional provisions are periodically reviewed in order to develop a plan for their revision that would make
the judicial process more accessible and understandable to participants generally and to elderly persons and persons with disabilities in particular.

2. The judicial system should develop a mechanism for this review process that would include consultation with legislators, bar groups, and the aging and disability networks so that recommended revisions of the judicial process may be implemented by the appropriate body.

C. "User Friendly" Judicial System

1. The judicial process should be made "user friendly" by:
   a. Training court staff and volunteers to explain and "de-mystify" case processing and answer questions about it;
   b. Developing explanatory written, audiovisual, and electronic materials;
   c. Using simplified forms that contain a clear explanation of their purpose; and
   d. Notifying the parties that if they are elderly or have disabilities, they may be entitled to reasonable accommodation and help from various social service agencies, depending on the nature of the proceeding.

D. Pro Se Litigation

1. Pro se litigants who are elderly or have disabilities should receive assistance when needed with filing, answering, processing, and trying cases.

2. Court staff should provide assistance throughout the life of a case, including captioned video and audio instruction materials, referral to legal assistance programs and other advocacy agencies, and simple instructions on court forms.

3. State and local bar associations, in cooperation with judges, court managers, and members of the aging and disability networks, should develop programs to assist pro se litigants who otherwise cannot obtain representation.
E. Court Data

1. Organizations such as the American Bar Association, the National Judicial College and the National Center for State Courts should convene a national committee composed of judges and court managers; elderly persons and persons with disabilities; advocates and self-advocates for elderly persons and persons with disabilities; social, medical and legal service providers; disability consultants; legislators; persons with expertise in cultural diversity; and others deemed necessary by the convenors.

2. The national committee should take the findings of this Conference and decide what court data are useful and necessary to implement the Conference recommendations.

3. The national committee should establish uniform definitions of data elements and determine to whom the definitions and data should be distributed.

4. The national committee, in conjunction with state interdisciplinary coordinating committees, should develop data systems that address confidentiality issues and the relevance, necessity and timeliness of the data. The national committee and state interdisciplinary coordinating committees should conduct periodic reviews of the systems.

5. Each chief justice should implement the recommendations of the national committee and the state interdisciplinary coordinating committees regarding court data.

VII. Victim/Witness Assistance

A. Adequately Funded Program

1. Each judicial system should have within its jurisdiction a comprehensive victim/witness assistance program that is responsive to elderly persons and persons with disabilities and is coordinated with specialized advocacy services and appropriate service providers.

2. The interdisciplinary coordinating committee should survey existing programs, analyze the needs and develop a plan to provide victim assistance in each jurisdiction.
3. State and local governments, including the judiciary, the legislature, the administration, and the chief law enforcement officer, should ensure adequate funding and program development to implement the program.

B. Procedures to Provide Assistance

1. Judges, prosecuting attorneys, and law enforcement agencies should establish procedures that support the ability of crime victims and witnesses who are elderly and/or have disabilities to achieve justice. These procedures should:
   a. Recognize early in the process the special needs of victims and witnesses who are elderly or have disabilities;
   b. Accommodate the needs of victims and witnesses, including their ability to testify and participate in the process; and
   c. Require thorough investigation and screening of crimes involving victims with special needs.

2. Victims and witnesses who are elderly and/or have disabilities should have access to high quality legal advocacy, personal assistance, and social support networks to facilitate justice.

VIII. Education

Individual justice for all requires that there be such comfort with and respect for human diversity that questions of access and discrimination are no longer at issue. To achieve this goal, all professions, including the bar and judiciary and the social service and medical communities, as well as the schools and media, should provide comprehensive public and professional education.

A. Program Development

1. Interdisciplinary coordinating committees and/or the judiciary, the aging and disability networks, professional continuing education groups, bar associations, consumers, relevant public agencies, and relevant experts jointly should develop initial and continuing education and materials.
These educational efforts should promote recognition of individual integrity and potential; foster understanding of the aging process and physical, sensory, and mental disabilities; and challenge professionals to advocate for the autonomy of individuals.

2. All such educational efforts should address, at a minimum:
   a. The aging process and the nature of disabilities;
   b. The requirements of the Americans with Disabilities Act and related case and statutory law, regulations and methods of compliance;
   c. The principles of equal access and accommodation;
   d. The utilization of community resources; and
   e. The avoidance of stereotypes through a focus on people's individual abilities, support needs and inherent individual value.

3. In addition, as appropriate, such efforts might focus on one or more of the following important topics:
   a. Substantive areas of law concerning the needs of elderly persons and persons with disabilities;
   b. Barriers to physical access and how to overcome them;
   c. Communication needs of elderly persons and persons with disabilities, and the technology available to provide full accessibility;
   d. Duties and responsibilities of guardians, guardians ad litem, attorneys and court personnel in guardianship proceedings;
   e. Standard definitions and procedures for determining incapacity, standards for surrogate decision-making, and the doctrine of the least restrictive alternative;
f. Improved understanding of the dispute resolution perspective and process generally, how it applies specifically to issues of elderly persons and persons with disabilities, and dispute resolution resources available in the jurisdiction;

g. The impact of victimization, civil and criminal court proceedings, preservation of evidence, and other matters that may assist in the ability to prosecute appropriate criminal cases;

h. Information about successful programs and successful funding efforts for addressing the court-related needs of elderly persons and persons with disabilities.

C. **Audiences**

1. Educational efforts, as appropriate, should be directed towards:
   
a. Judges, court managers and staff;
   
b. The organized bar, legal services providers, law students, prosecuting attorneys, public defenders;
   
c. Law enforcement personnel;
   
d. Guardians, guardians ad litem, assessment team members, health and service providers;
   
e. Aging and disability network members;
   
f. Alternative dispute resolution professionals and volunteers;
   
g. Legislators, executive branch officials;
   
h. Architects, builders, public works departments, technological experts;
   
i. Elementary, secondary and college students; and
   
j. Consumers, the public.
D.  **Educational Forums**

1. Educational initiatives should use a variety of available forums, including:
   a. Public schools, colleges and universities;
   b. Law school and post-secondary school curricula, including clinical programs on aging and disability issues;
   c. Initial and continuing education and training programs;
   d. Core curricula of judicial education providers;
   e. Desk manuals for lawyers, judges and court personnel;
   f. Newspapers, organizational newsletters, videos, radio and television;
   g. Conferences at the national, state and local levels, including those sponsored by groups such as the American Bar Association, the American Association of Retired Persons, the National Judicial College, the State Justice Institute, the Conference of Chief Justices, and others.

E.  **Incorporation into Existing Legal/Judicial Curricula**

1. Existing law school and continuing education programs for judges, attorneys, and court support staff should be required to include information about the needs of elderly persons and persons with disabilities as related to the substantive area of law addressed.

F.  **Faculty**

1. Educational programs should include elderly persons and persons with disabilities as faculty.

G.  **Funding**

1. Funding will be required. Currently available resources should be reallocated to support some of these educational efforts. Where necessary, grants should be sought from appropriate national, state and local organizations for implementation and dissemination.
1. **Summary of Recommendation.**

Recommendation urges that ABA adopt the Recommendations of the February 1991 national Conference on the Court-Related Needs of the Elderly and Persons with Disabilities, and support efforts to make the state justice system more responsive to these populations.

2. **Approval by Submitting Entity.**


3. **Previous Submission to the House or Relevant Association Position.**

No previous submission; but Conference recommendations relate to and are generally consistent with existing ABA policy in a number of areas (see Report).

4. **Need for Action at This Meeting.**

Early action would allow the Association to encourage efforts by state judicial systems to enhance access and services for these populations, and to comply with the Americans with Disabilities Act.

5. **Status of Legislation.** (If applicable.)

Not applicable.
6. Cost to the Association. (Both direct and indirect costs.)
   No cost to Association.

7. Disclosure of Interest. (If applicable.)
   Not applicable.

8. Referrals. (List the entities to which the Report has been referred, and give the date of the referral.)

   Simultaneously with this submission and by overnight mail, referred to Judicial Administration Division, National Conference of Special Court Judges, National Conference of State Trial Judges, Family Law Section, Section of Real Property, Probate and Trust Law, Section of Individual Rights and Responsibility, Senior Lawyers Division and Young Lawyers Division

9. Contact Person. (Prior to meeting.)

   Erica F. Wood, Associate Director, Commission on Legal Problems of the Elderly, (202) 331-2397; and Jeanne Dooley, Commission on Mentally Disabled, (202) 331-2240.

10. Contact Person. (Who will present the report to the House.)

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