

Memorandum

WSP-RC Received & Distributed on 1/4/07
By Thomas P. Gaines, Executive Assistant

Date : January 3, 2007

To : Associate Directors, Division of Adult Institutions
Wardens
Americans With Disabilities Act Coordinators
School Principals
Litigation Coordinators

Subject : **INMATE REQUEST FOR ASSISTANCE FROM THE COURT**

File # 3-07

This memorandum introduces the letter for an inmate to request assistance from the court of competent jurisdiction over a case he or she wishes to prosecute. This letter applies whether an inmate is working on a pending court case; or requesting to file a new case in court. The range of assistance the inmate may request varies from obtaining large print materials to assignment of counsel. This letter is intended only for inmates who claim to have a disability or impairment that substantially limits reading, writing or understanding the legal process or legal material needed to file their specific case. **NOTE:** Staff are not required to verify the alleged disability for the purpose of this letter.

This is a letter from the requesting inmate to the clerk of the court; therefore, California Department of Corrections and Rehabilitation (CDCR) stationery shall not be used. An employee, e.g., Library Technical Assistant (LTA), Librarian, or Correctional Counselor shall assist the inmate, as needed, with the preparation of the letter to the court. The assistance may include reading, scribing, and/or explaining the process or document.

The inmate should explain in the letter that he or she is claiming to have a disability covered under the ADA, and the disability makes it difficult for him or her to read, write, and/or understand the process or legal material regarding the case. The inmate should be specific about the reasonable accommodation or assistance he or she is requesting. The inmate should sign the letter and enter his or her CDCR number.

At the bottom of the letter (below the portion where the requesting inmate signs his/her name and CDCR number), the employee providing the assistance shall draft a standard statement using only applicable language from the attached sample letter. The language shall be verbatim from the paragraph on the attached sample letter (below the inmate's name and CDCR number). **Please do not use the attached sample letter as a form with the blanks filled-in.** The employee shall refrain from providing legal advice. The employee shall also ensure the letter includes all necessary return address information, e.g.: inmate's name, CDCR number, housing information, institution name, and mailing address of the institution.

NOTE: Do not use CDCR codes for disability program designations or level of care in the Mental Health Services Delivery System, as these codes have no meaning to the courts.

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Wardens
Americans With Disabilities Act Coordinators
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Litigation Coordinators
Page 2

The employee providing the assistance shall forward a copy of the letter to the Inmate's assigned caseworker. The caseworker shall route the copy of the letter to the Records Office for placement in the Miscellaneous Section of the Central File. The inmate shall mail the letter pursuant to institution procedures. This letter meets the criteria for confidential correspondence.

Wardens shall ensure all Correctional Counselors, LTAs, Librarians, appropriate records personnel, and other impacted staff receive training regarding the provisions of this memorandum. Wardens shall fax written confirmation of compliance with the training requirement to their respective Associate Director no later than 45 days from the date of this memorandum.

If you have any questions regarding this matter, please contact either Alberto F. Caton, Facility Captain, Court Compliance Team at (916) 323-4297, June Sturchio, Staff Counsel, Office of Legal Affairs at (916) 445-3179, or Rick Wells, Correctional Counselor II, Court Compliance Team at (916) 323-4295.



SCOTT KERNAN
Director (A)
Division of Adult Institutions



FRANK RUSSELL
Director
Division of Education, Vocations &
Offender Programs



KATHLEEN KEESHEN
Chief Deputy General Counsel
Office of Legal Affairs

Attachment

cc: Chuck D'Arcy
Janet Rodriguez
Donna Seifert
Sherie Lozano

Alberto Caton
June Sturchio
Don Salz
Michael Johnson

Patricia Miller
Raul Romero
Rick Wells

Inmate name, CDCR #
Cell and Bed #
Prison
City, State, Zip Code

Clerk of the Court
Court Name
City, State, Zip Code

Date

I am an inmate currently housed at (name of Prison).

_____ I have a case pending in your court (Case name and number).

_____ I would like to file a case in your court regarding (Fill in reason filing case).

I claim to have a disability covered under the Americans with Disabilities Act. This disability makes it hard for me to read, write and/or understand material regarding my case. I ask the Court to provide me with _____ so I can proceed with my case.

Respectfully,

Inmate name and CDCR #

This inmate was assisted in writing this letter by (Staff name and position). This assistance was given to satisfy obligations of the California Department of Corrections and Rehabilitation and under the terms of two court ordered remedial plans. Armstrong v. Schwarzenegger and Clark v. California are federal civil rights actions brought pursuant to the Americans with Disabilities Act (ADA). Under the terms of the remedial plans, the Department of Corrections and Rehabilitation is obligated to advise the court that the above inmate is claiming a disability and is requesting a reasonable accommodation under the ADA. This letter satisfies the Department's obligation. The above inmate may be unable to effectively communicate with the court or fully prosecute this action due to their claimed disability.

INMATE'S CLAIMED DISABILITY: Low cognitive function, Visually impaired
(these are examples)

INMATE'S REQUESTED ACCOMODATION: Assignment of Counsel, Large Print
(these are examples)

Signature of Staff
Printed Name and Title