



Supreme Court of Pennsylvania
ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS
Pennsylvania Judicial Center
P.O. Box 61260
Harrisburg, PA 17106-1260
(717) 231-3326
www.pacourts.us

GEOFF MOULTON, ESQ.
COURT ADMINISTRATOR
OF PENNSYLVANIA

February 23, 2022

Rebecca B. Bond
Chief, Disability Rights Section
Civil Rights Division
U.S. Department of Justice

**Re: The United States' Findings and Conclusions Based on Its
Investigation of the Unified Judicial System of Pennsylvania
under Title II of the Americans with Disabilities Act, DJ#204-
64-170**

On behalf of the Unified Judicial System (UJS) of the Commonwealth of Pennsylvania, please accept this letter as the firm representation and assurance of the Pennsylvania courts' commitment to comply fully with the requirements of Title II of the Americans with Disabilities Act (ADA) and its implementing regulations.

As stated in Rule of Judicial Administration (RJA) 250, "[i]t is the policy of the Unified Judicial System (UJS) to prohibit discrimination against any individual with a disability, as defined by the [ADA], 42 U.S.C. §§ 12131 et seq., in accessing or participating in judicial proceedings or other services, programs, or activities of the UJS." RJA 251 states that "[t]hese rules shall apply to each UJS entity." As described more fully below, the judicial branch of the government of the Commonwealth of Pennsylvania assures the U.S. Department of Justice's Civil Rights Division (Division) that it currently meets, and will continue to satisfy, the requirements of Title II relating to treatments courts and permitting prescribed medication for treatment of Opioid Use Disorder (OUD). Accordingly, in our view, there is no basis for injunctive relief.

As we have discussed, each judicial district in Pennsylvania has an ADA coordinator, an ADA policy, and a grievance procedure. *See* RJA 252. Further, the Administrative Office of Pennsylvania Courts (AOPC) has a Coordinator for Court

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Access who regularly provides training to the judicial districts on the ADA. AOPC has informed all of Pennsylvania's president judges of the ADA's requirements relative to the use of Medication-Assisted Treatment (MAT) by court-supervised individuals suffering from OUD. AOPC's Problem Solving Courts Coordinator regularly provides training to treatment court team members about ODD and MAT. There are numerous training opportunities for Pennsylvania's court administrators and treatment court team members this year. We will use those occasions to continue to train on ADA access, grievance procedures for litigants who need an ADA accommodation, best practices in treatment courts, and how to best inform treatment court participants about the availability of using MAT for OUD.

Although we have differences in terms of the Division's claims of past violations, we have highlighted the added measures that have been taken to enhance awareness in the few, discrete judicial districts involved. We also renew our invitation, from our discussion with Division attorneys on February 15, for the Division to specifically itemize recoverable damages that it contends have been sustained by treatment court participants. Similarly, we repeat our request for the Division to advise us of any particular training materials or best practices that it believes we should share with the judicial districts.

If the Division has another proposal for resolution short of a tolling agreement and consent decree, we remain open to discussion. Further discussion will likely lead to a more cost-effective and expeditious resolution than litigation in federal court. And, again, we ask the Division to recognize the considerable, ongoing efforts of the Pennsylvania Supreme Court and AOPC to assist Pennsylvania's judicial districts in maintaining statewide compliance with the ADA and other governing legal requirements.

Sincerely,

A handwritten signature in black ink, appearing to read "Geoff Moulton". The signature is fluid and cursive, with the first name "Geoff" and last name "Moulton" clearly distinguishable.

Geoff Moulton

Court Administrator of Pennsylvania

Cc: John Witherow, AOPC Chief Legal Counsel
Geri St. Joseph, AOPC Assistant Chief Legal Counsel-Litigation
Robert J. Krandel, AOPC Counsel