

The Honorable MARSHA J. PECHMAN

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

CASSIE CORDELL TRUEBLOOD, next
friend of A.B., an incapacitated person, et al.,
Plaintiffs,

v.

THE WASHINGTON STATE
DEPARTMENT OF SOCIAL AND HEALTH
SERVICES, et al.,

Defendants.

NO. C14-1178 MJP

ORDER ADOPTING (IN PART)
THE PARTIES' MEDIATED
SETTLEMENT AGREEMENT

Having reviewed the Joint Motion to Adopt the Mediated Settlement Agreement, Dkt. # 389, and discussed the proposed agreement with all Parties at the status hearings held on March 21, 2017 and April 18, 2017, the Court partially adopts the Agreement of the parties, and ORDERS that the prior orders of the Court are MODIFIED in the following manner:

1. Outreach: The Parties will jointly generate outreach documents to inform state courts of their statutory obligations to provide orders for competency services within twenty-four hours, as well as to inform the state courts of a summary of the Trueblood litigation and injunction. The Parties will jointly request the opportunity to present to Washington State judicial education programs and other outreach that the Parties jointly deem necessary to ensure third Parties are aware of their obligation to timely provide orders for competency services.
2. Deadline for in-jail evaluations: DSHS shall complete in-jail competency evaluations within the shorter of either a) 14 days from receipt of order or

b) 21 days from signature of order. Both sets of data will continue to be tracked in DSHS' monthly reports.

3. Deadline for in-patient evaluation and restoration services: DSHS shall admit class members for either inpatient competency evaluation or restoration within the shorter of either a) 7 days from receipt of order or b) 14 days from signature of order. Both sets of data will continue to be tracked in DSHS' monthly reports.
4. Receipt of Order: When sent electronically, orders are deemed received as of the time they are electronically transmitted to the Department.
5. Trigger Point for Notice to Plaintiffs' Counsel: If at any point in the future the percentage of orders received within 3 days of signature drops below the table 1 benchmarks for two consecutive months, the Parties shall meet and confer within 30 days to determine if there are factors within Defendants' control that are causing delays in order transmission that can be changed and/or if there are factors beyond the Defendants' direct control that the Parties can collaborate to influence in the direction of faster transmission of orders.

Table 1. Percentage trigger for orders received within 3 days of signature

Jail-based evaluation orders	93
Inpatient competency orders	85

6. Data Collection: Defendants will continue to track the data referenced in paragraphs 2, 3, and 5, above, and currently reflected in Appendix A of DSHS' Monthly Reports. Additionally, when DSHS issues its monthly reports, it will simultaneously provide the data from Appendix A in Excel format to Plaintiffs.

The Court ORDERS that from this point forward, calculation of compliance with the Court's Injunction, Dkt. #131, calculation of compliance with the Modified Injunction as to In-jail Evaluations, Dkt. #303, calculation of contempt under the Order of Contempt, Dkt. #289, and any other aspect of the Court's prior rulings that are not consistent with the Agreement text set forth above, are MODIFIED to be in conformance with this Order.

1 DATED this 26th day of __April__, 2017.



Marsha J. Pechman
United States District Judge

2
3
4 Presented By:

5
6 ACLU OF WASHINGTON FOUNDATION

ROBERT W. FERGUSON
Attorney General

7 s/ La Rond Baker

8 La Rond Baker, WSBA No. 43610
9 Margaret Chen, WSBA No. 46156
10 900 Fifth Avenue, Suite 630
11 Seattle, Washington 98164
(206) 624-2184
lbaker@aclu-wa.org
mchen@aclu-wa.org

s/ Nicholas Williamson

Sarah J. Coats, WSBA No. 20333
Amber L. Leaders, WSBA No. 44421
John K. McIlhenny, WSBA No. 32195
Nicholas A. Williamson, WSBA No. 44470
Office of the Attorney General
7141 Cleanwater Drive SW
P.O. Box 40124
Olympia, WA 98504-0124
(360) 586-6565
Sarahc@atg.wa.gov
Amberl1@atg.wa.gov
JohnM5@atg.wa.gov
NicholasW1@atg.wa.gov

12 CARNEY GILLESPIE ISITT PLLP

13 s/ Christopher Carney

14 Christopher Carney, WSBA No. 30325
15 Sean Gillespie, WSBA No. 35365
16 Kenan Isitt, WSBA No. 35317
17 315 Fifth Ave South, Suite 860
18 Seattle, Washington 98104
(206) 445-0212
Christopher.Carney@CGILaw.com
Sean.Gillespie@CGILaw.com
Kenan.Isitt@CGILaw.com

Attorneys for Defendants

19
20 DISABILITY RIGHTS WASHINGTON

21 s/ Emily Cooper

22 David R. Carlson, WSBA No. 35767
23 Emily Cooper, WSBA No. 34406
24 315 Fifth Avenue South, Suite 850
25 Seattle, WA 98104
(206) 324-1521
davidc@dr-wa.org
emilyc@dr-wa.org

26 **Attorneys for Plaintiffs**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26