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DRW Disappointed in Wisconsin Supreme Court's Dismissal of Important Case about the Right to an ASL Interpreter in a Mental Health Commitment Proceeding

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DRW was disappointed to learn Thursday that the Wisconsin Supreme Court had dismissed *Waukesha County v. J.J.H.*, an important case regarding a deaf individual's right to effective communication during a mental health probable cause hearing. DRW first became involved with this case months ago when we filed a brief with the Supreme Court in collaboration with several other advocacy organizations supporting *J.J.H.'s* petition asking the Supreme Court to hear her case because of the important issues it presented, and we were gratified when the Court agreed to hear it.

DRW again collaborated with these advocacy organizations, including the National Association for the Deaf, to file a friend of the court *Amicus* brief giving the Court insight into the significant challenges and barriers faced by a deaf individual caught up in the legal system without access to an interpreter or other effective communication supports. After the case was fully briefed and oral argument completed the Supreme Court chose to dismiss the appeal as "improvidently granted" with no further explanation.

This dismissal leaves in place the Appellate Court's earlier determination that *J.J.H.'s* case was moot because the court orders on which it was based had expired and a situation like hers was not likely to happen again. Unfortunately, this is not an uncommon result in mental health commitment cases. However, even short-term orders can have a serious collateral consequences for individuals that raise legal issues that demand review. In this case, the both the state Appellate and Supreme Court refused to weigh in on the right of a deaf individual to have ability to communicate and understand what is going on in a legal proceeding that could result in the loss of their liberty. Contrary to the position of the appellate court, the extreme shortage of services for individuals who are deaf and hard of hearing, including access to certified ASL interpreters, makes the situation that J.J.H. found herself in all too likely to occur again and again.

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