

Capacity, Supported Decision-Making, and ADA

# CONSULTING



Thomas F. Coleman provides consulting services and strategic advice to attorneys for litigants in civil and criminal cases involving issues of **legal capacity**. For example:

\* Coleman was retained as a consultant by a criminal defense attorney in a case involving prosecution for the sexual assault of a woman who allegedly lacked the legal capacity to **consent to sex**. He suggested strategies to raise a reasonable doubt on the issue of incapacity.

\* Coleman was hired as consultant by a law firm representing a trust beneficiary who allegedly lacked the **capacity to litigate**. He helped develop a variety of challenges in state and federal court to the ruling appointing a **guardian ad litem** in the probate proceeding. He was hired in another trust case to assist a firm representing a trustor whose **capacity to amend the trust, capacity to litigate, and capacity to retain counsel** were challenged.

\* Coleman has provided research materials and advice to attorneys and litigants in several probate **conservatorship** cases involving a variety of legal capacity issues, such as the capacity to **retain an attorney**, to **marry**, to make **social decisions**, to manage **finances**, and to **vote**.

\* Coleman has also advised attorneys and litigants on how to raise issues under the **Americans with Disabilities Act** in conservatorship and guardianship cases in order to ensure meaningful participation in the proceedings by a litigant with cognitive disabilities and to lay the groundwork for a potential appeal requiring an automatic reversal due to structural error under the ADA.

Coleman has studied capacity assessment issues extensively, publishing **commentaries and reports** identifying deficiencies in legal policies and clinical practices dealing with capacity assessments. He has written articles, conducted seminars, and provided consultations on the use of less restrictive alternatives, such as **supported decision-making**, to enhance the legal capacity of an adult in order to avoid the need for a conservatorship or guardianship.

Thomas F. Coleman has nearly five decades of experience in civil rights advocacy.

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