



# Reports

## Legal Capacity

Title: Capacity Assessments in California Conservatorship Proceedings: Improving Clinical Practices and Judicial Procedures to Better Protect the Rights of Seniors and People with Disabilities. (2020) Comment: This [report](#) was the result of 15 months of research and analysis. Prior to publication, it was sent to a panel of 25 capacity assessment workgroup members for review. It was submitted to the Governor, Chief Justice, and Legislature.

## Capacity to Love

Title: Marriage Rights: Legal Authorities and Current Practices. (2023) Comment: This [report](#) explains the legal basis for the freedom to marry for adults with developmental disabilities. It also makes recommendations on how the State of Missouri can assist such adults in making that right become a reality. Although this report focuses primarily on Missouri, it contains information that would be relevant to any state.

Title: Sexual Rights: Annotated Bibliography. (2023) Comment: This [bibliography](#) of academic and professional literature contains references to policy statements, reports, and articles on the sexual rights of adults with developmental disabilities.

Title: Sexual Rights: Legal Authorities. (2023) Comment: This [report](#) – a companion document to the bibliography on sexual rights – explains the legal authorities supporting the freedom of intimate association guaranteed by the constitution to consenting adults, including those who have developmental disabilities.

Title: Social Rights of Adults with Developmental Disabilities. (2023) Comment: This [report](#) explains the legal basis for the rights that such adults have in connection with their social decisions, activities, and relationships. It focuses on provisions in the constitutions of the United States and the State of Missouri, as well as various federal and state statutes. The report is written for the benefit of self-advocates, parents, service providers, and state agencies charged with protecting the rights of people with developmental disabilities. It is also intended to educate judges, court-appointed attorneys, and guardians involved in adult guardianship proceedings.

Title: Capacity to Consent to Sex: Legal Standards & Best Practices for Adult Protective Services. (2020) Comment: This [report](#) was prepared for the benefit of the National Adult Protective Services Association and was sent to protective services agencies in all 50 states.

Title: With Liberty and Justice for All: The Sexual Rights of Adults with Developmental Disabilities. (2014) Comment: This [report](#) was prepared for self-advocates and supporters.

## **Medical Rights**

Title: Basics of Medical Decision Making. (2023) Comment: This [report](#), developed for members of the Missouri Medical Rights Workgroup provides stakeholders in the delivery of medical services information on the basics of medical decision making by adults with developmental disabilities, with the intention of building a consensus of how to best protect those rights.

Title: Discrimination on the Basis of Disability by Federally Funded Health Care Providers. (2023) Comment: This [report](#) comments on a proposed rule by the federal Health and Human Services Department clarifying prohibitions on disability discrimination by hospitals, doctors, dentists, and other health care providers who receive federal funds. The rule affirms the rights of adult patients with mental or developmental disabilities and specifies the duties of providers with respect to this patient population. The report will help providers to comply with federal law. It also provides guidance to patients and their families or other supporters who may want to file complaints with HHS for any noncompliance.

Title: Guidance for Patients, Families, and Providers on Medical Decision-Making. (2023) Comment: This [guidebook](#) on the medical decision-making rights of adult patients with developmental disabilities has information for patients, families, health care providers, state agencies, and professional associations. The book includes an annotated bibliography of relevant state and federal statutes, regulations and court cases.

Title: Transitioning to Adulthood: Resources for Patients, Parents and Medical Providers. (2023) Comment: This [annotated bibliography](#) directs readers to a variety to resources to help patients with developmental disabilities have an effective and meaningful relationship with doctors, clinics, and hospitals. While some materials are helpful to patients of any adult age, most of them are geared for teens who are preparing to assume primary responsibility for their medical care once they become adults. The bibliography has four sections: For Patients, For Parents, For Providers, and Research.

Title: Medical Decision Making Options for Adults with Developmental Disabilities. (2023) Comment: Comment: This [report](#) on decision-making options for patients with developmental disabilities was sent to medical associations and disability rights stakeholders in Missouri. The report explains that such decision making should not be an all (independent) or nothing (guardianship) proposition. Other options exist for medical professionals to receive informed consent for medical services and medications. The report contains a summary of legal and medical references for health care providers, patients, and families.

Title: Health Care Proxies for Adults with Developmental Disabilities. (2023) Comment: This [proposal](#) argues that medical decision-making is not one-size-fits-all situation for adults with developmental disabilities. Some can make their own medical decisions without help. Others need supported decision-making. Some have the capacity to delegate decision-making authority to others through a standard medical power of attorney. But these

tools are not practical for some adults with developmental disabilities who have limited capacity to give informed consent for medical procedures. And yet, despite having diminished mental abilities, such adults may have capacity to designate a trusted person to act as a surrogate for medical decision-making. We suggest that new legislation be developed in Missouri authorizing health care proxies for adults with developmental disabilities, such as has been done in Utah and Vermont.

## **Supported Decision-Making**

Title: Supported Decision-Making: Options for Missouri. (2023) Comment: This [report](#) promotes the use of supported decision-making (SDM) as an alternative to adult guardianships in Missouri. The report provides a framework to stimulate conversations among stakeholders and strategic planning by advocates for new legislation in Missouri to make SDM and other less restrictive alternatives to guardianship for people with mental and developmental disabilities a viable and practical reality rather than a theoretical possibility. The report surveys SDM statutes adopted in 24 other states.

Title: Supported Decision-Making: A Critical Analysis – What Public Officials, Professionals, Advocates, and Families Need to Know. (2016) Comment: This [report](#) was prepared to help those contemplating the use of supported decision-making arrangements to reduce the risk to people with disabilities and to minimize their own potential liability.

## **California Conservatorships**

Title: Civil Rights Agencies MIA for Conservatees with Developmental Disabilities: A Report to the Governor. (2021) Comment. This [report](#) asks the governor of California to direct civil rights enforcement agencies under his jurisdiction to allocate resources to protect the rights of conservatees and proposed conservatees with developmental disabilities.

Title: Public Funding of Legal Services in Conservatorship Proceedings. (2021) Comment: This [report](#) proposes that the time has come for officials to provide checks and balances for conservatorship legal services – just as they have done for adults and juveniles accused of crimes and for children and parents whose family relationships are placed in jeopardy. Seniors and people with disabilities also deserve zealous and competent legal defense services. Changes need to be made now to provide adequate funding, impose caseload limits, adopt performance standards, and implement quality assurance controls. Without significant improvements, access to justice in conservatorship proceedings may continue to be nothing more than an illusory promise for tens of thousands of seniors and people with disabilities.

Title: Fulfilling Duties and Reducing Risks: Zealous Advocacy Standards for Legal Service Providers in Conservatorships. (2021) Comment: This [guidebook](#) explains the constitutional, statutory, and regulatory duties of public defenders and court-appointed attorneys in California conservatorship proceedings, and the risks for attorneys and the public entities that employ, appoint, or fund them.

Title: Jury Instructions for Probate Limited Conservatorship Cases. (2020) Comment: This jury instruction [guidebook](#) assists public defenders and appointed counsel who represent proposed conservatees in California's probate courts. The initial edition of the guidebook focuses on adults with developmental disabilities who must respond to petitions seeking a limited conservatorship of the person.

Title: Access to Justice Through the Right to Counsel. (2019) Comment: This [report](#) supports a proposal to amend Probate Code Section 1471 to ensure the right to counsel for all adults who become litigants in probate conservatorship proceedings. It argues that the right to counsel in such cases is required not only as a matter of due process but also as a requirement under the Americans with Disabilities Act.

Title: Proposals to Use FEHC Authority to Protect the Civil Rights of People with Disabilities in Conservatorship Proceedings. (2019) Comment: This [report](#) was submitted to the Fair Employment and Housing Council in connection with its rule-making authority to implement Government Code Section 11135 which is the state's equivalent of Title II of the federal Americans with Disabilities Act.

Title: Access to Justice Through the Right to Counsel: A Bill to Amend Section 1471 of the California Probate Code. (2019) Comment: This [report](#) was submitted to members of the judiciary committees of both houses of the California Legislature as well as members of the Assembly Select Committee on Intellectual and Developmental Disabilities.

Title: The Path Forward to Justice in Conservatorships. (2019) Comment: This [report](#) was submitted to Alameda County Supervisor Nate Miley.

Title: A Call to Action: A Call to Disability Rights California to Join the Emerging and Growing Conservatorship Reform Movement. (2019) Comment: This [report](#) was submitted to the executive director and the board of directors of Disability Rights California – a nonprofit organization operating with subsidies from federal and state funds to protect the rights of people with disabilities, including those in conservatorships.

Title: Probate Conservatorship Data: The Need to Improve Collection & Reporting. (2019) Comment: This [report](#) to the Judicial Council documents deficiencies in essential data regarding conservatorship cases and calls for improvements in data collection and reporting so that the judicial branch may better manage these cases in accord with statutory and constitutional mandates.

Title: The Domino Effect: Judicial Control of Legal Services. (2018) Comment: This [report](#) was submitted to the California Supreme Court. It contains recommendations to clarify the Code of Judicial Ethics.

Title: Administrative Steps to Improve the California Conservatorship System. (2018)

Comment: This [report](#) was submitted to the Chief Justice of California.

Title: Regional Center Conservatorship Assessments: The Need for Guidance and Oversight from the Department of Developmental Services. (2017) Comment: This [report](#) was submitted to the California Department of Developmental Services (DDS) and the Secretary of the Health and Human Services Agency – the cabinet member to whom DDS reports.

Title: Justice & Equality: Improving the Functions of the California Department of Developmental Services in Limited Conservatorship Proceedings. (2017) Comment: This [report](#) to the California Department of Developmental Services (DDS) highlights deficiencies in oversight by DDS of regional centers and proposes ways to improve such oversight.

Title: Proposals to Modify the California Rules of Court: Qualifications, Continuing Education Requirements and Performance Standards for Court-Appointed Attorneys in Limited Conservatorship Cases. (2015) Comment: This [report](#) was submitted to an advisory committee of the Judicial Council. New training requirements became effective in 2020.

Title: Limited Conservatorships: Systematic Denial of Access to Justice. (2015) Comment: This [report](#) was submitted to the Judiciary Committee of the California State Senate.

Title: Gregory’s Law: A Bill to Reaffirm “Next Friend” Advocacy for People with Developmental Disabilities. (2015) Comment: This [report](#) was prepared for legislative advocates for the rights of people with intellectual and developmental disabilities.

Title: Elusive Justice/False Advocacy: A Case Study of Social Rights for Limited Conservatees Reveals a Larger Problem of Defective Legal Representation. (2015) Comment: This [report](#) was submitted to the United States Department of Justice in connection with an administrative complaint alleging that the Los Angeles Superior Court and its court-appointed attorneys have been violating the ADA by delivering deficient legal services to people with cognitive disabilities – deficiencies that would not occur if they were representing clients without disabilities.

Title: Proposals to Modify the California Rules of Court. (2015) Comment: This [report](#) to the California Judicial Council contains a set of new rules on the qualifications, continuing education requirements, and performance standards for court-appointed attorneys in limited conservatorship cases in California. It resulted in the adoption of new training requirements.

Title: Strategic Guide for Court-Appointed Attorneys in Limited Conservatorship Cases: What You Don’t Know Can Hurt You – And Your Client Too. (2014) Comment: This [report](#) was prepared for the benefit of attorneys appointed by probate court judges to represent conservatees and proposed conservatees.

Title: Justice Denied: How California’s Limited Conservatorship System Is Failing to Protect



the Rights of People with Developmental Disabilities. (2014) Comment: This [report](#) was prepared for advocates and agency personnel who attended a conference focusing on deficiencies in the limited conservatorship system in California.

Title: A Missed Opportunity: Training Program Fails to Help Attorneys Fulfill Ethical Duties and Constitutional Obligations to Clients with Developmental Disabilities. (2014) Comment: This [report](#) was submitted to the Los Angeles County Bar Association and the Los Angeles Superior Court – entities that sponsor and conduct mandatory training seminars for attorneys who chose to accept court appointments to represent conservatees and proposed conservatees. The attorneys are paid for these services from the client’s assets or, if the client is indigent, from county funds.

### **Adult Guardianships**

Title: Accountability: The Key to Real Guardianship Reform. (2019) Comment: This [report](#) was distributed at a national conference for guardianship reform advocates held in Tampa, Florida in February 2019.

Title: The Justice Gap: The Judicial Branch Has a Duty to Appoint, Train, and Supervise Attorneys to Effectively Represent Respondents in Guardianship Cases. (2016) Comment: This [report](#) was submitted to the Washington Supreme Court.

### **Americans with Disabilities Act**

Title: State Bar ADA Alert: Complaint System is Inaccessible to Probate Conservatees. (2021) Comment: This [report](#) brought to the attention of the California State Bar’s Board of Trustees that the attorney complaint and discipline system is not currently accessible to clients with mental and developmental disabilities.

Title: ADA Compliance: A Request to the California Judicial Council to Clarify the *Sua Sponte* Obligations of Courts to Ensure Access to Justice. (2019) Comment: This [report](#) was submitted to the Judicial Council of California at its meeting in September 2019.

Title: The Supreme Court of Missouri Has a Duty to Ensure ADA Compliance in Guardianship Proceedings. (2017) Comment: This [report](#) was submitted along with an ADA complaint to the Missouri Supreme Court.

Title: Due Process Plus: ADA Advocacy and Training Standards for Appointed Attorneys in Adult Guardianship Cases. (2015) Comment: This [white paper](#) was submitted to the United States Department of Justice. Along with it was a comprehensive set of exhibits and a user’s guide to these reference materials.

Title: Efficiency vs. Justice: The deliberate bypass of legal protections has denied many limited conservatees access to justice in violation of Title II of the ADA. (2015) Comment:

This [report](#) was submitted to the United States Department of Justice in connection with a class-action administrative complaint under the ADA alleging that the Los Angeles Superior Court was allowing, indeed encouraging, court-appointed attorneys to provide deficient legal services to conservatees and proposed conservatees.

Title: What a Difference a Year Makes: Progress in Securing Voting Rights for People with Developmental Disabilities. (2015) Comment: This [report](#) documents the progress made in securing voting rights for adults in California conservatorships following a complaint to the federal DOJ resulted in an investigation and a new statute as a result thereof.

## **Disability and Abuse**

Title: Disability and Abuse: A Bibliography on Trauma and Therapy. (2020) Comment: This report was developed for Spectrum Institute for distribution to researchers, mental health professionals, guardians, conservators, and care providers. [Part One](#) lists and describes more than 60 books published over the past several years on these topics. [Part Two](#) does the same for about 45 professional journal articles and other resources.

Title: Disability and Abuse: Administering Trauma-Informed Justice in Missouri Guardianship Proceedings. (2017) Comment: This [report](#) was distributed at the Fourth Annual Educational Summit of the Arc of Missouri in September 2017 along with a set of [recommendations](#) for changes in policies and practices in the state.

Title: Abuse of People with Disabilities: Victims and Their Families Speak Out. (2013) Comment: This [report](#) was based on the responses of thousands of people with disabilities, family members, and service providers regarding abuse and bullying of people with disabilities in the United States. The report has been distributed to a national audience of advocates, family members, and service providers who are interested in this issue.

## **Commentaries**

### **Medical Rights**

Title: Medical Decision-Making Rights: What You Should Know. (2023) Comment: This [article](#) published in Helen offers advice for patients with developmental disabilities, their families, and health care providers on how to protect the medical rights of this patient population while at the same time respecting the ethical duties of medical professionals.

### **California Daily Journal**

Title: Disability and the Law: A Compendium of Commentaries – Educating California’s lawyers, judges, and lawmakers through legal analysis and persuasion. (2015-2021) Comment: Some 33 [commentaries](#) by Thomas F. Coleman were published in the Daily



Journal – California’s premier legal newspaper – over the span of the last five years. They address a variety of topics suggesting reforms to policies and practices that will help provide access to justice for seniors and people with disabilities in conservatorship proceedings.

Title: Conservatorship Training Riddled with Errors and Omissions (2021). Comment: This [commentary](#) explains that training programs for court appointed counsel in conservatorship proceedings have no guardrails. Presenters are free to include or omit what they wish with only one proviso – that the content pleases the sponsoring organization and the probate court judges who mandate the trainings. As a result, trainings are ad hoc and based on local judicial preferences.

Title: Supreme Court Can Fix Conservatorship Lawyering Mess (2021). Comment: This [commentary](#) examines deficiencies in the legal services received by Britney Spears from the court-appointed in her conservatorship case and explains that to those who have been studying the practices of court-appointed attorneys for years, the deficiencies are consistent with a general lack of zealous advocacy.

Title: Spears Conservatorship Shows Need for Stronger Right to Counsel (2021). Comment: This [commentary](#) argues that what happened to Britney Spears in her conservatorship case is a perfect example of why laws in California that theoretically protect the right to counsel have too many loopholes and need to be strengthened.

Title: Civil Rights Agencies in California are MIA for Conservatees. (2021) Comment: This [commentary](#) explains that three California civil rights enforcement agencies are effectively missing in action when it comes to protecting people with developmental disabilities whose rights are violated in probate conservatorship proceedings. The agencies are: California Department of Civil Rights (formerly Department of Fair Employment and Housing), Department of Developmental Services, and Disability Rights California.

Title: Supreme Court is Responsible for Complaint System Accessibility. (2021) Comment: This [commentary](#) explains how the complaint system of the State Bar is not accessible to litigants with developmental disabilities and how this failure is ultimately the responsibility of the California Supreme Court.

Title: Disability Terminology: The California Supreme Court Sets the Tone. (2020) Comment: This [commentary](#) asks the Supreme Court to direct the reporter of decisions to include a new section in the California Style Manual on disability terminology. When it comes to language that is acceptable in legal briefs and judicial opinions, the California Style Manual is the bible of legal lexicon.

Title: Time to End Disability Stigmas in Judicial Opinions. (2020) Comment: This [commentary](#) calls out a recent appellate opinion in California that inappropriately used a derogatory term to label a woman with cerebral palsy. The ruling was good, with one exception. The caption of the case referred to the woman as “an Incompetent Person.”

Title: Jury Trials Are an Elusive Rights for Proposed Conservatees. (2020) Comment: This [commentary](#) explores reasons why public defenders and court-appointed attorneys do not demand jury trials for their clients in probate conservatorship proceedings. The article also discusses the new guidebook on jury instructions and explains that it is being sent to the California Judicial Council with a request to develop and publish approved instructions for all four types of probate conservatorship cases.

Title: #FreeBritney Movement Calls for Conservatorship Reforms. (2020) Comment: This [commentary](#) focuses on superstar Britney Spears and tens of thousands of other conservatees whose rights are being violated by the probate conservatorship system in California. It discusses in some detail the court's denial of Britney's right to be represented by counsel of her choice in the legal proceeding.

Title: The GAL Process Raises Serious Constitutional Issues. (2020) Comment: This [commentary](#) discusses the assessment of capacity to litigate that is required before a court may appoint a guardian ad litem to take control of litigation decisions on behalf of an adult who is a litigant in a court proceeding.

Title: Conservatees Are Legally Entitled to Better Therapy Options. (2019) Comment: This [commentary](#) discusses the right of individuals with developmental disabilities to have equal access to a full range of mental health services just as people without disabilities have and the duty of guardians, conservators, and other care providers to ensure that appropriate services are provided promptly.

Title: Making the State Bar Complaint System ADA Accessible. (2019) Comment: This [commentary](#) discusses how the complaint system of the State Bar of California operates and how it is not accessible to consumers of legal services who have cognitive disabilities. It also makes suggestions on modifications to the program to ensure that such consumers are able to meaningfully participate in the system or receive its benefits despite their disabilities.

Title: Crafting Better Legal Services in Conservatorship Cases. (2019) Comment: This [commentary](#) discusses a program operated by the judicial branch at the state level for appointments of attorneys representing clients in juvenile dependency cases and how such a program should be instituted for court-appointed attorneys in probate conservatorship proceedings. Local courts should not control appointments and supervision of these lawyers.

Title: The Right to Counsel Needs a Legislative Fix. (2019) Comment: This [commentary](#) discusses the need for new legislating mandating the appointment of counsel for conservatees and proposed conservatees in legal proceedings when they have not already retained counsel, for clarification of the role of such attorneys as zealous advocates, mandatory minimum training on essential aspects of advocacy and defense, a reasonable payment system, and monitoring and supervision by an entity independent of the local judges.

Title: We Count What We Care About. (2019) Comment: This [commentary](#) discusses the

failure of the judicial branch to have administrative oversight at the state level of the policies and practices of the superior courts in all 58 counts in probate conservatorship proceedings. The Judicial Council is so lacking in oversight that it does not even know how many adults are being “protected” by the superior courts. Lack of counting equals lack of caring.

Title: Judicial Council, Teach Thyself. (2019) Comment: This [commentary](#) discusses a new mandate from the Judicial Council that attorneys in conservatorship cases receive training in the requirements of the Americans with Disabilities Act. It suggests that the Council itself needs ADA training because although the ADA requires accommodations even without request when a disability is known to a court, the Judicial Council has failed to advise courts of their ADA duties for obvious disabilities even when no request has been made.

Title: New Training Rules for California Conservatorship Attorneys. (2019) Comment: This [commentary](#) discusses a new court rule adopted by the Judicial Council requiring court-appointed attorneys in probate conservatorship cases to receive three hours of training each year on topics that are essential to providing conservatees and proposed conservatees effective advocacy services consistent with due process and the ADA.

Title: Conservatorship Reform: More Than Attorney Education is Needed. (2018) Comment: This [commentary](#) compliments the Judicial Council for adopting new training requirements for court-appointed attorneys in conservatorship cases but argues that more than training is required. Among other things, it proposes that performance standards be adopted for these attorneys and that some mechanism to monitor performance be implemented.

Title: Help Wanted: Brave Lawyers Wanted to Challenge State Guardianship Systems. (2018) Comment: This [commentary](#) discusses the need for more lawyers to get involved in guardianship and conservatorship reform. It observes: “Every successful civil rights cause has had a coalition of lawyers participating in, supporting, and leading the charge. But when it comes to the movement to reform abusive guardianship and conservatorship systems, there is an advocacy void when it comes to attorneys willing to challenge these systems – file complaints, draft legislation, write commentaries, give television interviews, etc.”

Title: Proposed Rule Aims to Improve Legal Advocacy in Conservatorship Proceedings. (2018) Comment: This [commentary](#) critiques a proposed new court rule mandating additional training requirements for court-appointed attorneys in probate conservatorship cases and offers some suggestions to improve the rule.

Title: Case Tests Limits of Right to Marry. (2018) Comment: This [commentary](#) discusses a specific conservatorship case in the Riverside County Superior Court and how the court will be deciding whether the conservatee had the capacity to marry despite is serious intellectual disability. It balances an individual’s freedom to marry with the duty of society to protect vulnerable adults from abuse and undue influence.

Title: Third-Party Standing as an ADA Accommodation on Appeal. (2018) Comment: This

[commentary](#) discusses the need for courts to allow a third party to raise issues on appeal regarding trial court violations of the rights of a litigant with cognitive disabilities. When a person with a cognitive disability cannot complain of rights violations, due to the nature and severity of his or her disability, someone else must be allowed to raise those issues. The Americans with Disabilities Act requires courts to allow for such surrogate advocacy.

Title: Elder Abuse Bills Are a Start: Reform at State and Federal Level Should Include All Vulnerable Adults. (2017) Comment: This [commentary](#) discusses Senate Bill 178, introduced by United States Senator Chuck Grassley, and explains why it should be expanded beyond elder abuse of seniors to include abuse of dependent adults with disabilities as well.

Title: Access to Justice: E(quality) = MC410. (2017) Comment: This [commentary](#) discusses a court form (MC410) and how it should be used by lawyers to make requests for modifications and accommodations when they represent a client who had cognitive disabilities. Without proper accommodations, many such clients would not have meaningful participation in their cases as is required by the Americans with Disabilities Act.

Title: Something That's Actually Rigged: The Conservatorship System. (2016) Comment: This [commentary](#) discusses serious systemic deficiencies in the probate conservatorship system in California and how these deficiencies deprive litigants with cognitive disabilities of fair procedures and a just result in these proceedings.

Title: Disability awareness all day, every day: We Need to Fix Complaint Procedures for Disabled Litigants. (2016) Comment: This [commentary](#) Noted that October is known as "Disability Awareness Month." It urges judges and lawyers to take appropriate steps to make every day of the year a "disability awareness day" as they process court cases involving litigants with disabilities, especially conservatorship cases.

Title: Delay and Denial of Voting Rights in California . (2016) Comment: This [commentary](#) discusses the passage of SB 589 in California which protects the voting rights of conservatees. It urges steps to be taken to review thousands cases where such rights were improperly taken away and to restore those rights as soon as possible.

Title: Disturbing Details Revealed at Legislative Hearing on the Ability of California Courts to Protect Vulnerable Adults. (2015) Comment: This [commentary](#) was written for Spectrum Institute in response to a hearing by the Judiciary Committee of the California State Senate.

Title: Legal Services Program Appears to Violate the ADA. (2015) Comment: This [commentary](#) discusses an audit of the court files in 43 probate conservatorship cases in the Los Angeles County Superior Court and how the review revealed a pattern of court-appointed attorneys providing deficient legal services for proposed conservatees.

Title: Deja Vu for Disability Rights at the Justice Department. (2015) Comment: This [commentary](#) discusses a new complaint filed by Spectrum Institute with the United States

Department of Justice alleging that the court-appointed attorney system in the Los Angeles Superior Court in conservatorship proceedings violates the federal Americans with Disabilities Act.

Title: Legal System Without Appeals Should Raise Eyebrows. (2015) Comment: This [commentary](#) discusses the fact that virtually no appeals are ever filed by conservatees in probate conservatorship proceedings. The lack of appeals means that appellate courts are deprived of an opportunity to review and correct errors that are frequently occurring in the trial courts in these proceedings. This lack of oversight results in illegal practices continuing to occur indefinitely.

Title: Reform Long Overdue for State Conservatorship Process. (2015) Comment: This [commentary](#) identifies a variety of systemic deficiencies in the probate conservatorship system in California and the need for reform.

## **Disability and Abuse**

Title: Clarifying Data on Disability and Crime Victimization. (2020) Comment: This [commentary](#) about information in a story produced by National Public Radio was written for Spectrum Institute for distribution to researchers, protective service workers, law enforcement agencies, advocates, mental health professionals, guardians, conservators, and service providers.

Title: Disability and Abuse: Evidence-Based Data Should Drive the Narrative. (2019) Comment: This [commentary](#) was written for Spectrum Institute for distribution to researchers, protective service workers, law enforcement agencies, advocates, mental health professionals, guardians, conservators, and service providers.

Title: Disability, Abuse, Schools, and Risk Management: So you think children with disabilities are safe at school: think again. (2017) Comment: This [commentary](#) was written for Spectrum Institute for distribution to attorneys and administrators associated with public and private schools.

Title: Elder Abuse Bills Are a Start: Reform at State and Federal Level Should Include *All* Vulnerable Adults. (2017) Comment: This [commentary](#) was published in the Daily Journal – California’s legal newspaper which is read by judges and attorneys throughout the state.

Title: A Review of the Association Between Childhood Disability and Maltreatment: Comments on a New Meta-Analysis. (2017) Comment: This [commentary](#) was written for Spectrum Institute in response to a book published in 2016 by the American Association on Intellectual and Developmental Disabilities.

## California Conservatorships

Title: County Jurisdiction in Probate Conservatorship Proceedings. (2019) Comment: This [commentary](#) was written for Spectrum Institute for distribution to Nate Miley and other members of the Alameda County board of supervisors.

Title: Compliance with the ADA Requires the Sacramento County Superior Court to Appoint Lawyers for All Proposed Conservatees. (2018) Comment: This [commentary](#) explains how the failure of the Sacramento County Superior Court to appoint attorneys to represent proposed conservatees violates the due process rights of these involuntary litigants, as well as their rights under applicable federal nondiscrimination laws.

Title: Disability Rights California Can Become a Leading Advocate for Access to Justice in Conservatorship Proceedings. (2018) Comment: This [commentary](#) was written for Spectrum Institute for distribution to members of the board of directors of Disability Rights California and other disability rights advocates.

Title: Trauma-Informed Justice: A Necessary Paradigm Shift for the Limited Conservatorship System. (2017) Comment: This [commentary](#) was written for Spectrum Institute for distribution to disability rights organizations, regional centers, judges, and court-appointed attorneys who represented conservatees and proposed conservatees.

Title: State Agency Guidance and Oversight is Needed for Conservatorship Assessments and Reports by Regional Centers. (2017) Comment: This [commentary](#) was written for Spectrum Institute for distribution to the Department of Developmental Services and regional centers.

Title: How Regional Centers Should Perform Conservatorship Assessments and How the State Should Fulfill Its Oversight Duties. (2017) Comment: This [commentary](#) was written for Spectrum Institute for distribution to the Department of Developmental Services and regional centers.

Title: Individual Program Plan (IPP) for Limited Conservatorships: An Essential Advocacy Tool for Court-Appointed Attorneys. (2015) Comment: This [commentary](#) was written for Spectrum Institute for distribution to regional centers, judges, and court-appointed attorneys who represent proposed conservatees.

Title: Expanding the Role of Regional Centers in Limited Conservatorship Proceedings. (2014) Comment: This [commentary](#) was written for Spectrum Institute for distribution to regional centers and court-appointed attorneys who represent proposed conservatees.

Title: Voting Rights of People with Developmental Disabilities: Correcting Flaws in the Limited Conservatorship System. (2014) Comment: This [commentary](#) was written for Spectrum Institute for distribution to disability rights advocates and organizations.



Title: Ten Statewide Concerns About the Limited Conservatorship System. (2014) Comment: This [commentary](#) was written for Spectrum Institute for distribution to members of the Probate and Mental Health Advisory Committee of the California Judicial Council.

## **Adult Guardianships**

Title: The Perils of Judicial Control of Guardianship Legal Services (2022). Comment: This [commentary](#) explains that court-appointed attorneys in Missouri are left to their own devices in terms of the scope and methods they use in representing clients in adult guardianship proceedings. In addition to the lack of specialized training, these attorneys are not given performance standards to guide them in zealously advocating for their clients and defending their rights. The commentary calls attention to a model legal advocacy program that has been operating in Nevada for several years -- a program that should be considered for Missouri.

Title: Dorothy Won't Surrender: Some Washington Judges Don't Care a Lot. (2021) Comment: This [commentary](#) discusses a guardianship case in Washington State in which a major injustice was done to an elderly woman, the trial court allowed it, and an appellate court failed to correct the injustice. It complimented a civil rights attorney for taking the case to the state Supreme Court.

Title: Mandatory Attorneys for Guardianship Respondents: A Historical Moment in the Disability Rights Movement. (2017) Comment: This [commentary](#) was written for distribution to members of the WINGS advisory committee to the Washington Supreme Court.

## **Supported Decision-Making**

Title: Supported Decision-Making: My Transformation from a Curious Skeptic to an Enthusiastic Advocate. (2017) Comment: This [commentary](#) was written for Spectrum Institute for use in presentations to disability rights organizations.

Title: An Analysis of Nevada Assembly Bill 128: Bill's Passage Would Diminish the Rights of People with Intellectual Disabilities. (2015) Comment: This [commentary](#) was written for Spectrum Institute and was given to the Nevada Legislature regarding a bill that purported to promote supported decision-making but in reality allowed substituted decision-making.

Title: Supported Decision-Making is a Right That Needs to Become a Reality. (2015) Comment: This [commentary](#) was written for Spectrum Institute.

Title: Framework for Model Legislation on Medical Supported Decision Making Agreements. (2014) Comment: This [commentary](#) was written for Spectrum Institute in connection with legislation being contemplated in California by a major disability rights organization.

Title: Principles of Supported Decision-Making Already Exist in California Law. (2014) Comment: This [commentary](#) was written for Spectrum Institute for distribution to disability

rights advocates and organizations.

Title: Should the Limited Conservatorship System be Improved or be Eliminated Altogether? – Some Concerns About Supported Decision-Making. (2014) Comment: This [commentary](#) was written for Spectrum Institute as a follow-up to a conference on conservatorship reform.

### **Americans with Disabilities Act**

Title: The ADA and Guardianship Courts: Excerpts from DOJ and HHS Joint Guidance to Courts in Child Welfare Proceedings, With Comments on Their Application to Adult Guardianship Proceedings. (2019) Comment: This [commentary](#) was written for Spectrum Institute for distribution to judges and attorneys involved in adult guardianship proceedings in all 50 states.

Title: The State Can Intervene When Counties Fund ADA-Noncompliant Legal Services Programs. (2019) Comment: This [commentary](#) was written for Spectrum Institute for distribution to the Department of Fair Employment and Housing in connection with its jurisdiction to investigate violations of Government Code Section 11135.

Title: What Access to Justice Would Look Like in Probate Conservatorship Proceedings if the ADA is Actually Implemented. (2019) Comment: This [commentary](#) was written for Spectrum Institute for distribution to advocates who attended an educational forum on conservatorship reform sponsored by Alameda County Supervisor Nate Miley.

Title: ADA and Section 504: Meaningful Participation and Effective Communication by a *Pro Per* Respondent in a Conservatorship Case. (2019) Comment: This [commentary](#) was written for Spectrum Institute for ADA complaint to the Sacramento County Superior Court.

Title: Access to the Courts for People with Developmental Disabilities: California Statutes and Regulations. (2019) Comment: This [commentary](#) was written for Spectrum Institute and was submitted as part of an ADA complaint to the Sacramento County Superior Court.

Title: ADA Title II Guidance from the U. S. Department of Justice is Instructive to Participants in the Limited Conservatorship System. (2018) Comment: This [commentary](#) was written for Spectrum Institute for distribution to judges and attorneys involved in limited conservatorship proceedings in California.

Title: Compliance with the ADA Requires the Sacramento County Superior Court to Appoint Lawyers for *All* Proposed Conservatees. (2018) Comment: This [commentary](#) was written for Spectrum Institute for distribution to judges in the Sacramento County Superior Court.

Title: Washington State Recognizes the Appointment of an Advocate as a Necessary ADA

Accommodation in Legal Proceedings. (2017) Comment: This [commentary](#) was written in connection with a complaint filed with the Washington Supreme Court.

Title: ADA Title II Guidance from the U. S. Department of Justice is Instructive to Participants in the Limited Conservatorship System. (2017) Comment: This [commentary](#) explains how a guidance memo from the federal Department of Justice is relevant to the duties of judges and other participants in conservatorship proceedings.

Title: Sitting Ducks: 20 States Violate Federal Law by Not Appointing Attorneys for Guardianship Respondents. (2016) Comment: This [commentary](#) was written for Spectrum Institute for distribution to chief justices in states that do not require appointment of counsel for people with disabilities who are involuntary litigants in guardianship proceedings.

Title: Adult Patients with Intellectual Disabilities: Issues of Capacity and Waiver under the ADA. (2016) Comment: This [commentary](#) was written for Spectrum Institute in connection with a presentation to doctors and staff at Kaiser Permanente of Southern California.

Title: Access to Justice for Limited Conservatees: The Buck Stops with the California Supreme Court. (2016) Comment: This [commentary](#) explains that the Supreme Court, as supervisor of the State Bar, has the responsibility to ensure that attorneys who are appointed to represent litigants with mental disabilities in conservatorship cases provide ADA-complaint legal services to their client.

Title: Limited Conservatorships and the Denial of Access to Justice: Who is Responsible under the ADA? (2015) Comment: This [commentary](#) was written for Spectrum Institute for submission to the United States Department of Justice for a class-based administrative complaint for ADA violations in the limited conservatorship system in California.

Title: New Research Exposes ADA Violations in Legal Services Program. (2015) Comment: This [commentary](#) was written for Spectrum Institute for distribution to the United States Department of Justice in connection with a class-action administrative complaint for ADA violations by the Los Angeles Superior Court in probate conservatorship proceedings.

Title: Concerns for Nevada Medical Providers: Use of AB 128 Form May Result in ADA Liability and Loss of Immunity. (2015) Comment: This [commentary](#) was written for Spectrum Institute and was submitted to the Nevada Legislature.

## **Legal Briefs**

Title: In Re Brumlik, Appellate Division of the Superior Court of New Jersey, No. A-002734-22. (2023) Comment: This [brief](#), filed by [10 organizations](#), supported the challenge by a young man with autism of a court order restricting his rights in a guardianship proceeding despite the lack of a jury trial or a legitimate finding that he was incapacitated.

The brief focused on Peter’s constitutional right to self determination, including in the context of medical decisions, and due process of law.

Title: Convening a Workgroup on Conservatorship Right to Counsel Standards. (2021)

Comment: This [request](#) was filed on the administrative docket of the California Supreme Court. It asks the court to convene a Workgroup on Conservatorship Right to Counsel Standards to address the pervasive violations of the right to counsel that occur on a regular basis throughout the state.

Title: [Conservatorship of O.B.](#), California Supreme Court, No. S254938. (2020) Comment:

This [amicus curiae brief](#) was written by Thomas F. Coleman on behalf of Spectrum Institute and other advocacy organizations in a probate conservatorship appeal. The brief educated the court on the systemic deficiencies in policy and practice in probate conservatorship proceedings and the need for heightened scrutiny on appeal when the sufficiency of evidence is challenged. The court agreed with this argument, ruling that appellate court must determine whether the record as a whole contains substantial evidence from which a reasonable fact-finder could have found it highly probable that the fact was true.

Title: Conservatorship of A.E., California Court of Appeal, No. B297092. (2020) Comment:

This [amicus curiae letter](#) was sent to the Court of Appeal to remind the court of its duty under the ADA to appoint an attorney to represent a respondent with cognitive disabilities to ensure meaningful participation in the appeal. At the time the letter was submitted, the conservatee was not represented by counsel. The court did appoint counsel who then agreed with the appellant mother that respondent’s rights were violated in the trial court. The Court of Appeal issued a [published opinion](#) reversing the order of conservatorship because respondent was not personally present during the trial proceedings.

Title: ADA Complaint to the Supreme Court of Texas. (2018) Comment: This administrative

[complaint](#) filed with the Supreme Court of Texas alleges that the state's guardianship system is operating in violation of the mandates of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973. The complaint asks the Supreme Court to investigate documented deficiencies in the guardianship system, to acknowledge that litigants with disabilities are not being provided access to justice as required by the ADA, and to make modifications to policies and practices in order to bring the state's guardianship system into compliance with these federal nondiscrimination laws.

## **PowerPoint Presentations**

### **Americans with Disabilities Act**

Title: A Webinar on the Americans with Disabilities Act for Appellate Judges and Staff.

(2021) Comment: This PowerPoint [presentation](#) explains how the ADA should be applied

to judicial proceedings in California when a litigant in a proceeding has a mental, developmental, or other disability.

## **Conservatorship Reform**

Title: Conservatorship Reform: From Complaints to Solutions. (2021) Comment: This PowerPoint [presentation](#) was made at a Guardianship Symposium sponsored by the Americans Against Abusive Probate Guardianship. The presentation identified the many parts of California's probate conservatorship system that are broken -- offering specific reform proposals and identifying the officials and agencies to whom each one should be directed. This approach could be adapted to any of the other 49 states which have guardianship or conservatorship systems that are not functioning as they should be. A [video](#) of the presentation is available.

Title: Probate Conservatorship: Flaws and Fixes. (2021) Comment: This PowerPoint [presentation](#) at a webinar hosted by the Long Beach Bar Association identifies 11 specific problems with the probate conservatorship system in California along with a suggested solution for each one of them.

## **Guardianship Reform**

Title: Accountability: The Key to Guardianship Reform. (2019) Comment: This PowerPoint [presentation](#) at a conference in Tampa, Florida sponsored by Americans Against Abusive Probate Guardianship

## **Supported Decision-Making**

Title: Supported Decision-Making: Considering Safe and Legal Alternatives to Guardianship. (2018) Comment: This PowerPoint [presentation](#) at the World Congress on Adult Guardianship held in South Korea explains the components needed for a supported decision-making agreement to be legal. It also identifies steps that should be taken to make sure that SDM arrangements are safe. When SDM is both safe and legal, it becomes a potentially viable alternative to guardianship. A similar [presentation](#) was made at the Public Policy Conference of the Arc of California in 2017 and the [video](#) of it is available online.

## **Disability and Abuse**

Title: Disability, Abuse, and Guardianship: Reducing Risk and Improving Response in Missouri. (2017) Comment: This PowerPoint [presentation](#) identifies how the guardianship system in Missouri could be strengthened to reduce the risk of abuse to adults living under an order of guardianship.

Title: The First Report: Victims and Families Speak Out. (2013) Comment: This PowerPoint [presentation](#) at a conference of the National Center for Victims of Crime

discussed the results of a 2012 national survey on abuse of people with disabilities.

## Videos

Title: Conservatorships in California: Abuses, Critiques, and Proposals for Reform. (2022) This [video](#) presents a webinar hosted by the UCI School of Medicine at which Thomas F. Coleman presented criticisms of the conservatorship system in California and offered suggestions to reform it.

Title: Interview with Barbara Buckley. (2022) Comment: In this [video](#), Thomas F. Coleman interviews Barbara Buckley, executive director of the Legal Aid Center of Southern Nevada about the standards set for its staff attorneys and their zealous advocacy practices as they defend client who have been involuntarily drawn into adult guardianship proceedings and those who are trying to escape the clutches of guardianship.

Title: Disability Discrimination by the California Judiciary in Conservatorships. (2021) Comment: This [video](#) explains how state and federal disability nondiscrimination laws apply to judicial proceedings and how judges and attorneys are ignoring them in California conservatorship proceedings. It urges the judiciary to bring state policies and practices into compliance with the ADA.

Title: Fee for All: How Judges are Raiding Assets of Seniors & Lining Pockets of Conservatorship Attorneys. (2021). Comment: In this [video](#) of a forum sponsored by the Commonwealth Club, Thomas F. Coleman and other presenters explain how the assets of seniors and people with disabilities are often drained in order to pay the fees of a variety of attorneys in probate conservatorship proceedings. With vague or nonexistent rules and a lack of accountability, judges are making ad hoc and often arbitrary orders requiring conservatees and proposed conservatees to pay unreasonable or excessive legal fees.

Title: Dr. Sam Sugar: An Iconic Warrior for Guardianship Reform. (2021) Comment: In this [video](#), Thomas F. Coleman interviews Dr. Sam Sugar about his reasons for creating Americans Against Abusive Probate Guardianships (AAAPG) and his attempts at guardianship reform over the years.

Title: The Domino Effect: My Life as an Advocate. (2021) Comment: In this [video](#), Thomas F. Coleman take a virtual walk down memory lane with his sister Diane Coleman Rogers, reminiscing about Tom's life growing up in Ferndale, Michigan, his entry into law school in Detroit, and his move to Los Angeles where he began his lifetime role as a legal advocate at Loyola Law School. They discuss the phases of Tom's advocacy for various causes -- from his focus on gay rights and sexual civil liberties in the 1970s, to privacy rights, hate crimes, domestic partner benefits and recognition of family diversity in the 1980s, and then on to the rights of single people during the next two decades . . . with an unexpected adventure for a few years exposing injustices to troubled teenagers by an industry that abducted and confined



them in private boot camps and boarding schools. This era ended with the publication in 2009 of *The Domino Effect*, a book of Tom's memoirs as an equal rights advocate.

Title: My New Challenge: Conservatorship Injustices. (2021) Comment: In this [video](#), Thomas F. Coleman describes the shift in his advocacy after his memoirs were published in 2009. He ventured into the area of abuse of people with disabilities, especially those with developmental disabilities, with the goal of promoting more effective responses to such abuse by government agencies. In the course of doing that important work, Coleman was introduced to an extremely challenging set of problems with the probate conservatorship system in California. Coleman identified many flaws with the probate conservatorship system and then set out on a journey to correct them. Through his work with Spectrum Institute, Coleman filed complaints, wrote policy reports, and published commentaries in the legal newspaper. He approached elected officials. He spoke at conferences. A documentary was created by filmmaker Greg Byers tracking Coleman and a small group of advocates as they tried to shake up the status quo. This video shows film clips from the documentary, with commentaries provided by Coleman about the relevance of each film clip to the larger effort of conservatorship reform in California and guardianship reform in states throughout the nation.

Title: Autism: From Awareness to Acceptance to Appreciation. (2021) Comment: In this [video](#) released during Autism Awareness Month, Thomas F. Coleman discusses the lives of several autistic individuals whose cases have helped to advance justice and equal rights for people with disabilities.

Title: Pursuit of Justice. (2016) Comment: This [film](#) tracks the activities of the project over several years as it advocated for guardianship and conservatorship reform in California, Oregon, Washington, Texas, Missouri, Michigan, Pennsylvania and many other states, and as it sought the involvement of the United States Department of Justice through the application of the Americans with Disabilities Act to state guardianship proceedings.

Title: Disability and Guardianship Project. (2017). Comment: This [video](#) discusses the formation of the Disability and Guardianship Project of Spectrum Institute and its goals.

Title: Lets Talk Autism with Shannon and Nancy. (2015) Comment: In this [video](#), Thomas F. Coleman discusses the Disability and Abuse Project of Spectrum Institute.