A documentary film examines the quest of a civil rights pioneer to fix broken guardianship systems.

**Background.** All 50 states have a guardianship system, although some states call it conservatorship. A guardianship proceeding is initiated by a public agency or a family member of an adult with cognitive or other disabilities that allegedly interfere with the ability of the adult to make major life decisions. A petition alleges that an incapacity is placing an adult at risk of harm – not being able to take care of basic life functions and activities. If a judge finds that the allegations in the petition are supported by clear and convincing evidence, the judge enters an order transferring authority to make some or all of these decisions – medical, financial, residential, educational, social, sexual, and marriage – from the adult and gives the power to another person. The order may also take away the right to vote. A guardianship order is a significant encroachment on the civil liberties of an adult.

There are 1.5 million adults in the United States who are under an order of guardianship or conservatorship. Many are seniors with dementia or other cognitive disabilities. Others are adults of any age who have intellectual and developmental disabilities. In California alone, there are more than 40,000 adults with developmental disabilities who are conservatee. About 5,000 new conservatorship petitions are filed each year in California.

Despite the threatened loss of liberty that a guardianship petition poses, 20 states do not give respondents (seniors or people with disabilities) the right to have an attorney appointed to represent them in these proceedings. In the 30 states where they do have the right to appointed counsel, the attorneys generally do not have performance standards, do not receive specialized training, and are paid low wages with caps on the number of hours they can put into a case. Without a qualified advocate to represent them, guardianship respondents are at a distinct disadvantage in these cases.

State guardianship systems are operated by the judiciary, with almost no oversight from the other two branches of government. Because of budget constraints and large caseloads, judges run these guardianship systems like an assembly line. Very few hearings are conducted, especially in cases involving adults with developmental disabilities. Attorneys for respondents “settle” cases expeditiously, knowing that if they demand trials they may not receive appointments in future cases from the judges who run the system. Since there are few trials, there are almost no appeals.

State judges know they have the final word in these cases. Without appeals – and because disability rights groups have not been paying attention to this broken system – assembly line “justice” continues unabated. As this documentary explains, the key to reforming these systems, and giving seniors and people with disabilities access to justice, is by making state guardianship systems responsible to a higher authority. That is why the lead character in this documentary is promoting the federal Americans with Disabilities Act as a new tool in the quest for guardianship reform.
Main Characters. The main character is Thomas F. Coleman, an attorney with more than four decades of advocacy experience in a variety of civil rights causes, such as criminal justice reform, gay rights, family diversity, singles’ rights, and child abuse. The lead supporting character is Nora J. Baladerian, Ph.D., a clinical psychologist who sent three conservatorship cases to Coleman to review and who then becomes aligned with him in pursuit of justice for guardianship respondents.

Supporting Characters. A variety of supporters became attracted to a new wave of guardianship reform being led by Coleman. Baladerian introduced many of them to Coleman.

Linda Demer, M.D. is a teaching cardiologist at the University of California in Los Angeles. Her autistic son, who is in his mid-twenties, is involved in one of the three cases that Baladerian brought to Coleman’s attention. For several years, he has been and is currently being forced by a conservatorship court to visit with his father, despite the young man’s ongoing and repeated objections. Linda’s friend, Ron Simandle, also became part of the reform team.

Teresa Thompson, Ph.D. brought the case of her autistic 19-year-old son, Stephen Lopate, to the attention of Baladerian who then referred the case to Coleman for investigation. Coleman discovered that Stephen’s court-appointed attorney was not providing him with proper legal representation and, worse yet, had recommended that Stephen should lose his right to vote – despite Stephen’s express desire to vote in the next election. Stephen’s case became the impetus for Coleman to file a class-action voting rights complaint with the U.S. Department of Justice. The complaint gained national media attention, with news of it appearing in more than 200 newspapers across the country. Jim Stream, a leader in a disability services organization known as The Arc, joined the guardianship reform team in California – making The Arc the first disability rights group to support the cause. Stream traveled with Coleman, Baladerian, Demer, Simandle, Thompson, and Lopate to San Francisco, where the team made a presentation to the Judicial Council of California – the rule-making body for the California court system – asking the Council to adopt rules to reform the conservatorship system for adults with developmental disabilities.

Greg DeGiere, Director of Public Policy with The Arc of California, participated in a press conference when Coleman filed a complaint with the U.S. Department of Justice, alleging that the state court system is violating the ADA by failing to train court-appointed attorneys, adopt performance standards, and by ignoring a pattern of deficient advocacy by these attorneys.

As word of Coleman’s advocacy efforts spread to other states, Tina Baldwin entered the picture. Baldwin, a resident of Idaho, has an adult daughter with Down Syndrome whose rights are being violated by the guardianship system in Washington State. A court has unreasonably restricted her daughter’s right to visit Baldwin. With Coleman’s support and encouragement, Baldwin became a major player in a guardianship reform movement in Washington State. She encouraged Coleman to attend a guardianship conference in Seattle, where the two of them unveiled a report documenting how the Washington guardianship system is violating the ADA rights of people with developmental disabilities there. With the help of Baldwin’s significant other, Michael Hazeltine, they distributed literature to the offices of all legislators at the state capitol in Olympia.

Angela Kaufman, a friend and colleague of Baladerian, provided encouragement and advice to Coleman throughout the advocacy journey. Kaufman is the ADA Compliance Officer for the City of Los Angeles. She provided Coleman with ongoing ADA advice and consultations.
**John Dickerson** was the Executive Director of The Arc of Indiana. He was a leader in guardianship reform efforts in that state. He spoke out in support of the efforts of Coleman and his team advocating the mandatory appointment of counsel for guardianship respondents in all cases.

**David Rector** is a 66 year-old man in San Diego who had his voting rights taken away by a judge in a conservatorship proceeding in 2011. In 2009 he had a stroke which left him with quadriplegia and a condition known as “locked-in syndrome.” He can see, hear, read, recall, and comprehend, but cannot verbally communicate. His has extremely limited use of his hand. **Rosiland Alexander-Kasparik** is his fiancee. She assists David with daily living activities and reached out to Coleman for help with David regaining his right to vote.

Another supporting character in the journey for justice was Coleman’s spouse, **Michael A. Vasquez**. He provided logistical support for press conferences and he proof read thousands of pages of documents written by Coleman over the past few years.

**Locations.** Filming was done in Los Angeles (federal courthouse, county building, superior court, Baladerian’s office, conference center in West Los Angeles, UCLA), Riverside (awards banquet of The Arc), San Francisco (Supreme Court building), San Diego (Federal building and county courthouse), Seattle (WINGS conference), and Olympia (Washington Supreme Court and the Washington Legislature).

**Story Line.** Thomas F. Coleman, a veteran of legal advocacy for a variety of civil rights causes, wrote his memoirs in 2009 and believed that his days of litigation, lobbying, and media work were over. He decided to take a part-time job working for his long-time friend and colleague Dr. Nora J. Baladerian. Coleman helped manage her thriving psychology practice and occasionally reviewed forensic reports she wrote for attorneys who had retained her in civil litigation. Baladerian’s practice is focused on abuse of children and adults with developmental disabilities. Becoming more interested in the subject of disability and abuse, Coleman became a volunteer legal director of Baladerian’s nonprofit venture known as the Disability and Abuse Project. Jim Stream agreed to participate in the Project, thus adding his expertise to this three-member team of directors. The issue of guardianships and conservatorships was not a part of the Project and was nowhere on the horizon.

In 2012, a case of abuse came to Baladerian’s attention. It implicated the conservatorship system in California. A man contacted Baladerian and asked for help for his adult brother whom he alleged was being abused by their parents who were the brother’s conservators. The alleged victim had a developmental disability. Baladerian referred the matter to Coleman who then investigated. He discovered significant problems with the county’s abuse investigation system as well as the conservatorship system operated by the superior court. Despite their best efforts to make the system work properly, the system failed and the brother died. This became the first hint to Coleman and Baladerian that the rights of conservatees were not being protected by the state’s legal system.

In 2013, a second case came to light. It involved an autistic man in his mid-twenties who was under an order of conservatorship. He was being forced by the court to visit with his father, a parent who the young man said he feared and disliked. The visitation order was challenged on appeal by Linda Demer, the mother of the young man. Coleman and Baladerian filed a letter with the California Supreme Court, asking it to overturn a Court of Appeal decision in the case where the court ruled that a parent may not advocate on appeal for the rights of her adult son. The court rejected the case.
and the forced visitation continued. This case caused further concern to Coleman that the violation of the rights of conservatees was systemic, rather than being isolated to a few cases.

Later that year, a third case presented itself. Again, Baladerian referred it to Coleman. Among a variety of other problems, the issue of voting rights was prominent. A petition for conservatorship had been filed for Stephen Lopate. His mother, Teresa Thompson, emphasized to Stephen’s court-appointed attorney, that Stephen wanted to keep his voting rights. To her surprise, the attorney said that would not be appropriate. The attorney recommended to the court that Stephen’s right to vote be taken away. When Coleman discovered this, he began to research the law governing voting rights of conservatees. He also examined dozens of court files to see if Stephen’s case was an isolated incident of the denial of voting rights. It was not. Coleman found a pattern of voting rights violations by the court and by the attorneys representing clients with developmental disabilities.

In May 2014, Coleman and Baladerian convened a conference to share their concerns about the many systemic problems with the conservatorship system in California and how it was being operated by the Los Angeles Superior Court. To their amazement, many disability rights organizations who were invited to attend either ignored the invitation or declined to attend. A few who did attend were disrespectful during the conference and one even tried to sabotage it.

In June 2014, Coleman and Baladerian convened another conference. This gathering focused on voting rights violations by the conservatorship system. There was a slightly greater interest in this conference, but there was no follow-up support from most participants. The exceptions were The Arc of California and the California Secretary of State, both of which offered to help Coleman by supporting new legislation to fix the voting rights problem in California.

Follow-up activities occurred within a few weeks of this conference. Coleman and his team held a press conference outside of the federal courthouse in downtown Los Angeles to announce the filing of a class action complaint with the U.S. Department of Justice challenging the denial of voting rights to conservatees as a violation of federal law. The Secretary of State sponsored a bill in the California Legislature to partially correct the problem. Within a few weeks, the bill was approved by both houses of the California Legislature. Legislative reports mentioned the pending complaint with the Department of Justice.

Over the course of the next few months, Coleman investigated other aspects of the limited conservatorship system (limited conservatorships are a system parallel to the general conservatorship system and are only available for adults with developmental disabilities). He filed public records requests to gather information from the Los Angeles Superior Court. Records were reluctantly provided. Some of the records showed that court investigators had huge caseloads and were not properly trained. During 2014 and 2015 he also attended training programs for court-appointed attorneys that were mandated by the court and conducted by the Los Angeles County Bar Association. The training programs were shockingly deficient.

Coleman, Baladerian, and the gradually growing team of supporters flew to San Francisco in November 2014 to make a presentation to the Judicial Council of California – the rule-making body for the California Judiciary. Coleman submitted documents showing how the limited conservatorship system was systemically defective. He made a variety of proposals for reform.
Throughout 2015, Coleman wrote commentaries for the Daily Journal, the statewide newspaper for the legal profession in California. The op-ed articles highlighted the deficiencies in the limited conservatorship system and called for reform. Reporters for the paper also wrote news stories about the advocacy efforts of Coleman and his team.

In March 2015, Tony Anderson, Executive Director of The Arc of California, provided Coleman with a forum to advocate for conservatorship reform and Baladerian with a speaking slot to discuss disability and abuse at the organization’s Public Policy Conference in Sacramento. While they were in Sacramento, Coleman and Baladerian met with the Chair of the Rules Committee of the Judicial Council. The two constantly looked for opportunities to seek reform of this broken system.

For the first year, the guardianship and conservatorship reform efforts were conducted under the auspices of the Disability and Abuse Project of Spectrum Institute. Acknowledging that this focus was distinct from disability and abuse, Coleman created a separate Disability and Guardianship Project. In March 2015, reform advocates were invited to participate as Project Advisors. One of the new advisors was Tina Baldwin, the mother of an adult woman with Down Syndrome who was under an order of guardianship in Washington State. Baldwin embedded herself into a newly formed network of guardianship reform advocates in Washington. She and Coleman formed a close alliance.

Coleman flew to Sacramento to attend a hearing of the Senate Judiciary Committee of the California Legislature to submit proposals for conservatorship reform to that committee. Legislators listened politely, but like all other elected officials in California, they took no action. It was starting to appear to Coleman that just like the disability rights organizations who were ignoring the rights violations occurring in the guardianship and conservatorship systems, elected officials would have the same reaction. Silence and inaction.

In April 2015, a new voting rights bill advanced in the California Legislature. While the previous bill made some progress in protecting the voting rights of conservatees, this bill offered a complete solution to the problem. The committee report made reference to the complaint that was filed in 2014 and which was still pending with the Department of Justice. It appeared to Coleman that the mere filing of that voting rights complaint with the DOJ was pressuring the state to fix that part of the conservatorship system. The following month the DOJ acted on the complaint and opened a formal investigation. The pending bill was quickly passed by the California Legislature and the voting rights problem was corrected. Coleman and his team could take credit for initiating a chain of political and legal events that would result in future conservatees keeping their voting rights and thousands of current conservatees having their rights restored.

In May 2015, Coleman sent formal proposals to the Judicial Council of California, asking the agency to adopt new performance standards and create training programs for court-appointed attorneys who represent limited conservatees. He advised the Council that the proposals were required by the Americans with Disabilities Act. It was at this juncture that Coleman realized that the most powerful advocacy tool for guardianship and conservatorship reform would be the ADA. Just as intractable police misconduct in cities has often changed only as a result of federal intervention, especially intervention by the Department of Justice, Coleman believed that reform of state guardianship systems would require federal intervention too. That intervention would involve use of the ADA.

In June 2015, Coleman and Baladerian decided to “follow the money” by filing a complaint with the
County of Los Angeles. The complaint alleged that because the county was the funding source of the legal services program providing attorneys for limited conservatees, the county was itself violating the ADA since the attorneys paid by the county were violating the ADA by providing deficient advocacy for their clients. Ineffective legal assistance deprived these involuntary litigants access to justice as the ADA requires. Coleman and Baladerian later withdrew the complaint because the county failed to follow its own ADA complaint procedures.

Also in June 2015, Coleman and his team held another press conference at the federal courthouse in Los Angeles. They announced a new complaint with the DOJ alleging that the court-appointed attorney system for limited conservatees violated the ADA. The failure of the state to establish performance standards for the attorneys, coupled with the failure to provide proper training, and the failure to monitor performance, deprived these litigants with disabilities of access to justice. They could not defend themselves. They could not monitor the performance of their own attorneys. They had to depend on the judicial system, and the counties that paid the attorneys, to train and monitor the legal services. Coleman submitted evidence, based on an audit of dozens of cases, of a pattern and practice of deficient performance by these attorneys, as well as proof that the judges knew or should have known of a consistent pattern of ineffective advocacy services.

In October 2015, the DOJ sent two attorneys to Los Angeles to meet with Coleman and his team at Baladerian’s office. One came from Washington D.C. The other came from Fresno – where the federal district court is located that has jurisdiction over litigation against state agencies in Sacramento. They spent seven hours listening and asking questions about the complaint against the legal services program. As of August 2016, the complaint is still pending.

In November 2015, Coleman lectured on guardianship reform at class on Autism Spectrum and Neurodiversity taught by Demer at the University of California at Los Angeles. He gave a similar lecture to another class of students in May 2016. These lectures helped to educate a new generation of potential advocates for guardianship reform. Some of the students later did work for the Disability and Guardianship Project as interns.

Also in November 2015, John Dickerson traveled from Indiana to Los Angeles for a fundraiser to support his candidacy for the United States Senate. When Dickerson was the Executive Director of The Arc of Indiana, he was a leading advocate for guardianship reform in that state. He retired from The Arc in order to run for the senate. During his campaign, Dickerson gladly spoke out in favor of mandatory appointment of counsel for all guardianship respondents as a requirement of federal ADA law, thus supporting the cause advanced by the Disability and Guardianship Project.

Coleman went to Seattle in March 2016, joining forces with Baldwin to educate and advocate for guardianship reform in Washington State. They spread the word about the ADA and how it applied to guardianship proceedings. Coleman filed a report with the Supreme Court of Washington, with details on how guardianship practices in that state were violating the ADA. The report implied that Washington could be the next state targeted with a complaint to the DOJ.

Coleman then launched a national campaign to spread the word on how the ADA applies to state guardianship proceedings. Letters were sent to the State Bar and the Supreme Court in 10 states, urging them to comply with the ADA by appointing attorneys to represent guardianship respondents in each and every case, to adopt ADA-compliant performance standards, to implement proper
training programs, and to develop ways to monitor the performance of the attorneys to ensure they are following the performance standards. Letters about how and why the ADA applies to guardianship proceedings were sent to national legal and judicial associations. With these letters, Coleman was planting the seeds of a new method of guardianship reform across the country.

Meanwhile, Coleman’s efforts to gain support from disability organizations for the right of guardianship respondents to counsel did not seem to be getting traction. However, Demer had become a member of a human rights committee of TASH – a national disability rights organization. With persistent efforts, she was able to convince her committee, and eventually the leadership of TASH to adopt a formal policy that guardianship respondents were entitled to a court-appointed attorney in each and every case. The adoption of this policy statement by a national organization gave Coleman hope that other organizations would eventually do the same.

Coleman saw another glimmer of hope when the Judicial Council approved his proposal for a project to study and develop court rules governing the performance of court-appointed attorneys representing limited conservatees in California. Coleman believed that the prior action by the DOJ in response to his voting rights complaint, and the pending DOJ complaint against the legal services program in California, gave the Judicial Council an incentive to take action. The Council has adopted a goal to have new rules, and new standards, in effect by January 2018. If the new rules and standards are ADA compliant – as they should be – they will become a model for the other 49 states.

In June 2016, the Arc of Riverside County presented Coleman with an award for being a “national rights and justice advocate for people with disabilities entering conservatorships.” In a two-minute video played at the awards reception, Coleman thanked The Arc, and recognized Jim Stream, for supporting the work of the Disability and Guardianship Project.

An unexpected opportunity occurred in August 2016, when Coleman was contacted by Roz Alexander-Kasparik about the desire of her finance to vote. David Rector was stripped of his voting rights by a judge in a conservatorship proceeding in 2011. In one week, Coleman organized a protest in San Diego, filed a complaint with the DOJ, and garnered national media attention about more than 32,000 adults with disabilities in California who needed their voting rights restored.

While the complaint is still pending with the DOJ, Coleman is working on a documentary film to share the story of his adventures on this amazing advocacy journey with Baladerian and the rest of the Disability and Guardianship Project team. Coleman believes that effective advocacy by court-appointed attorneys will be the key to such guardianship reform everywhere, and that the use of the ADA and involvement by the DOJ will be the legal tool that forces state courts to reform these crucial legal services programs.

The documentary will spread the word to judges, lawyers, and reform advocates that a new era of guardianship reform advocacy is beginning – one in which state judges, legislatures, and bar associations will be held accountable to the requirement of the ADA that guardianship respondents receive access to justice and have meaningful participation in their cases. These state officials and agencies will know that there may be consequences for their failure to comply federal law. They may have used budget concerns and case loads to justify noncompliance with state law, but such considerations will not excuse violations of federal statutory and constitutional mandates.
The full documentary will go into production when the necessary funds are raised to create the film. In the meantime, Coleman and film maker Greg Byers will work together to produce a trailer that will be used to attract donors to support the larger film project. The documentary will also be a powerful tool for education and advocacy advancing guardianship reform throughout the nation.

Although the documentary will focus primarily on adults with developmental disabilities, it will be a useful tool for those who are advocating to advance the rights of seniors who are also subjected to guardianship and conservatorship proceedings.