

Digital Law Library

on Disability and Guardianship



Reports, Articles, and Other Documents
Written by Attorney Thomas F. Coleman
Legal Director, Spectrum Institute

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updated periodically and available online at:
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Award Recipients Dr. Nora Baladerian and Tom Coleman

Thomas F. Coleman has been studying the operations of adult guardianship and conservatorship systems for several years. These are legal proceedings which are authorized by the legislative branch and operated by the judicial branch in all 50 states. The focus of his research started with the limited conservatorship system in California, then expanded to the guardianship system in Washington State, and eventually broadened to review these systems in states through the nation.

His investigation has involved the review of applicable constitutional provisions, statutes, and judicial decisions, as well as studying articles published in law reviews and other professional journals.

Coleman has had conversations with judges, lawyers, legislative staff members, litigants, and disability rights advocates. He has attended conferences focusing on guardianship reform and has

audited training programs for court-appointed attorneys. His investigative work has included an analysis of scores of individual case files and reviews of the administrative records of courts and executive branch agencies.

During the course of his research and analysis of the policies and practices involved in guardianship and conservatorship proceedings, Coleman has produced more than 220 documents – including reports, commentaries, op-ed articles, press-releases, and letters. The *Digital Law Library on Disability and Guardianship* is a collection of these materials. The documents contain the factual findings, legal conclusions, and policy recommendations which have emerged during what may be the most extensive investigation of disability and guardianship ever conducted.

The Arc of Riverside County presented awards to Tom Coleman and his colleague Dr. Nora Baladerian at its annual awards banquet in June 2016. Coleman was recognized as a *National Rights and Justice Advocate for People with Disabilities Entering Conservatorships*. He was interviewed by The Arc about his advocacy for guardianship reform, the video of which is available on [youtube](https://www.youtube.com/watch?v=...).

Disability and Guardianship Materials

The Need for Effective Legal Representation of Guardianship Respondents



2016 *In Pursuit of Justice: Creative Advocacy Advances*
[#001](#) *Guardianship Reform*

(A summary and overview of a planned documentary film that will share with a variety of audiences – judges, legislators, attorneys, service providers, government agencies, people with disabilities, seniors, family members, and reform advocates – the need for major reforms in state guardianship and conservatorship systems, telling the story from the perspective of Thomas F. Coleman and a growing group of supporters who are engaged in a “David vs. Goliath” battle to ensure that guardianship respondents receive access to justice as required by the Americans with Disabilities Act; to be produced by documentary film maker Greg Byers (left))

- 2016 *The Justice Gap: The Judicial Branch Has a Duty to Appoint, Train, and*
[#002](#) *Supervise Attorneys to Effectively Represent Respondents in Guardianship Cases*
(A report submitted to the Washington State Supreme Court and published on March 16, 2016 on the website of Spectrum Institute links to 27 references)
- 2016 *Current Law Mandates the Appointment of Counsel: Courts in Washington Just Need*
[#003](#) *to Implement It* (This commentary was submitted to the Washington State Supreme Court on February 11, 2016)
- 2016 *Statutory Right to Counsel for Adults in Initial Proceedings in Probate Guardianships*
[#004](#) (A list of states that do and do not require appointment of counsel to represent respondents in guardianship cases, based on research done by the Jenny Hatch Project)
- 2016 *Right to Counsel in Adult Guardianship Proceedings* (A chart showing which states
[#005](#) require appointment of counsel, which do not, and which are discretionary, in adult guardianship cases, based on research done by the American Bar Association)
- 2015 *Duties of Court-Appointed Counsel in Conservatorship Cases* (A transcript prepared
[#006](#) by Thomas F. Coleman of the remarks of Judge Maria Stratton at a training program sponsored by the Los Angeles County Bar Association given on May 9, 2015)
- 2015 *Proposals to Modify the California Rules of Court for Court-Appointed Attorneys*
[#007](#) (A report submitted to the Judicial Council of California on May 1, 2015 provides a framework for new rules governing qualifications, continuing education requirements, and performance standards for court-appointed attorneys representing adults with developmental disabilities in limited conservatorship cases; includes a set of 44 exhibits of more than 240 pages)



Dr. Linda Demer was denied appellate “standing” to argue for her son Greg’s rights

2015 *Gregory’s Law: A Bill to Reaffirm “Next Friend” Advocacy for People with Disabilities*
[#008](#)

(A report proposing the need for legislation in California to affirm the right of a third party to file an appeal from a conservatorship order in order to defend the rights of a conservatee who has cognitive disabilities and therefore cannot advance his or her own rights on appeal)

2015 *Gregory’s Law: Allowing a “Next Friend” to Appeal on Behalf of a Person with Developmental Disabilities*
[#009](#)

(An essay summarizing the need for legislation to affirm and clarify the need for modified rules of “standing” in appeals challenging the denial of rights of litigants with developmental disabilities by a trial court or by court-appointed counsel in a trial court)

2015 *Access to Justice for Limited Conservatees: The Buck Stops with the California Supreme Court*
[#010](#)

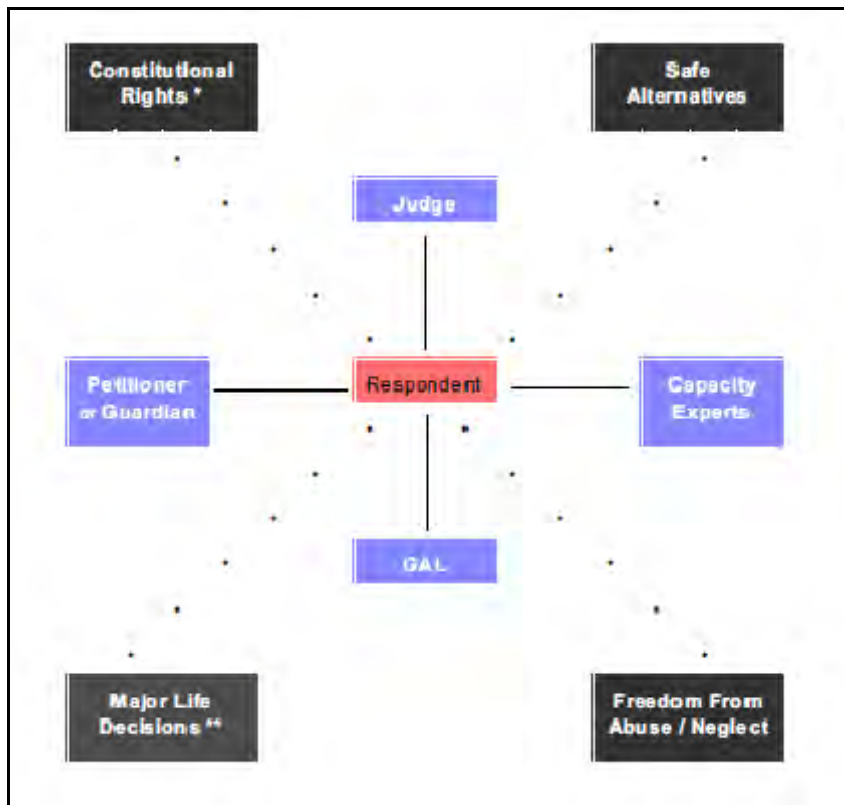
(An essay published on the website of Spectrum Institute and sent to the California Supreme Court regarding the court’s supervisory role over the performance of attorneys and its duty to ensure that limited conservatees are receiving access to justice as required by Title II of the ADA)

2014 *A Strategic Guide for Court-Appointed Attorneys in Limited Conservatorship Cases*
[#011](#)

(A guidebook designed to assist court-appointed attorneys in California to provide effective representation to clients with developmental disabilities in limited conservatorship cases was published on the website of Spectrum Institute on September 1, 2014 and made available to attorneys attending a training session mandated by the Probate Division of the Los Angeles County Superior Court.)

- 2015 [#012](#) *Individual Program Plan (IPP) for Limited Conservatorships: An Essential Advocacy Tool for Court-Appointed Attorneys* (An essay on how a clinical planning process used for identifying appropriate services for adults with developmental disabilities should be used in the conservatorship evaluation and planning process; distributed to attorneys in Los Angeles on April 28, 2015)
- 2015 [#013](#) *Limited Conservatorships and the Right to an Attorney: The Role of a Supervisor* (A document submitted to members of the Los Angeles County Board of Supervisors summarizing the actions the board can take to protect the right of limited conservatees to effective legal representation by court-appointed attorneys)
- 2014 [#014](#) *A Missed Opportunity: Training Program Fails to Help Attorneys Fulfill Ethical Duties and Constitutional Obligations to Clients with Developmental Disabilities* (A report released on September 20, 2014 which documents and analyzes deficiencies in the training program for court-appointed attorneys who represent limited conservatees. The training is mandated by the Los Angeles County Superior Court and sponsored by the Los Angeles County Bar Association.)
- 2014 [#014a](#) *Adults with Developmental Disabilities Deserve Better: The Appointed Attorney System Should be Reformed* (The first essay written by Coleman about the deficiencies in the court-appointed attorney system operated by the Los Angeles County Superior Court, containing several areas for suggested reform)

Legal Services for Guardianship Respondents Must Comply with the ADA



2016 [#015](#) *Participants and Issues in Guardianship Proceedings: Appointing Counsel is a Necessary ADA Accommodation to Ensure that Respondents with Cognitive Disabilities Have Access to Justice*

(A diagram showing the complexity of a guardianship proceeding and explaining how a respondent not represented by counsel cannot receive access to justice in such a proceeding)

- 2016 [#016](#) *Sitting Sucks: 20 States Violate Federal Law by Not Appointing Attorneys for Guardianship Respondents* (A list of states that do not require the mandatory appointment of counsel for guardianship respondents and a brief explanation of why the ADA is violated when counsel is not appointed for a litigant with a cognitive disability in a proceeding where liberty is placed in jeopardy)
- 2016 [#017](#) *ADA and the Right to Competent Counsel in Adult Guardianship and Conservatorship Cases: National Deficiencies in Policy and Practice* (A brochure announcing the availability of Thomas F. Coleman as a speaker on this topic at conferences and or seminar for judges, attorneys, or lay advocates)

Due Process Plus

At the very least, probate courts and the attorneys they appoint to represent guardianship respondents must satisfy the requirements of due process of law. But Title II of the Americans with Disabilities Act demands that extra attention and services be provided to litigants with intellectual and developmental disabilities in order to ensure they receive access to justice. Thus, "Due Process Plus" is the best way to describe the advocacy and training standards necessary for probate courts and attorneys to comply with the ADA. Nothing less will do.

- 2015 [#018](#) *Due Process Plus: ADA Advocacy and Training Standards for Appointed Attorneys in Adult Guardianship Cases* (A White Paper submitted to the United States Department of Justice on October 2, 2015 (86 pages), along with a 56-page User's Guide to Reference Materials, and 34 exhibits.) ([#018a](#) – Summary of Standards)
- 2015 [#019](#) *Limited Conservatorships and the Denial of Access to Justice: Who is Responsible Under the ADA – A Suggested Focus of Inquiry for the Department of Justice* (An essay submitted to the DOJ as a follow up to the White Paper submitted on October 2, 2015; shows how various government entities have responsibilities under Title II to ensure access to justice and how failures on their part make them liable under the ADA, including the California Supreme Court, State Bar of California, Judicial Council of California, Los Angeles County Superior Court, Los Angeles County Bar Association, Board of Supervisors of the County of Los Angeles, and the Court-Appointed Attorneys)



2015 *Efficiency vs. Justice: A deliberate bypass of legal protections has denied many*
[#020](#) *limited conservatees access to justice in violation of the ADA* (A report submitted to the United States Department of Justice on August 17, 2015, documenting the results of an audit of the practices of court-appointed attorneys representing limited conservatees in the Los Angeles County Superior Court.) (#020a - A Case Study)

2015 *Legal Services Program Appears to Violate the ADA* (A commentary in the Los Angeles
[#021](#) Daily Journal on August 17, 2015 discusses the Efficiency vs Justice report.) An updated version of this commentary was published on the website of Spectrum Institute in 2017. It argues that, as the funding source for legal services for limited conservatees, the County of Los Angeles is also responsible for these ADA violations. [#021a](#)

2015 *Deja Vu for Disability Rights at the Justice Department* (A commentary published in the Los
[#022](#) Angeles Daily Journal on June 26, 2015 regarding a complaint filed with the United States DOJ alleging that the policies and practices of California's legal services program providing court-appointed attorneys to limited conservatees systematically violated the Americans with Disabilities Act because the legal services are so deficient that they do not provide clients access to justice in these proceedings.)

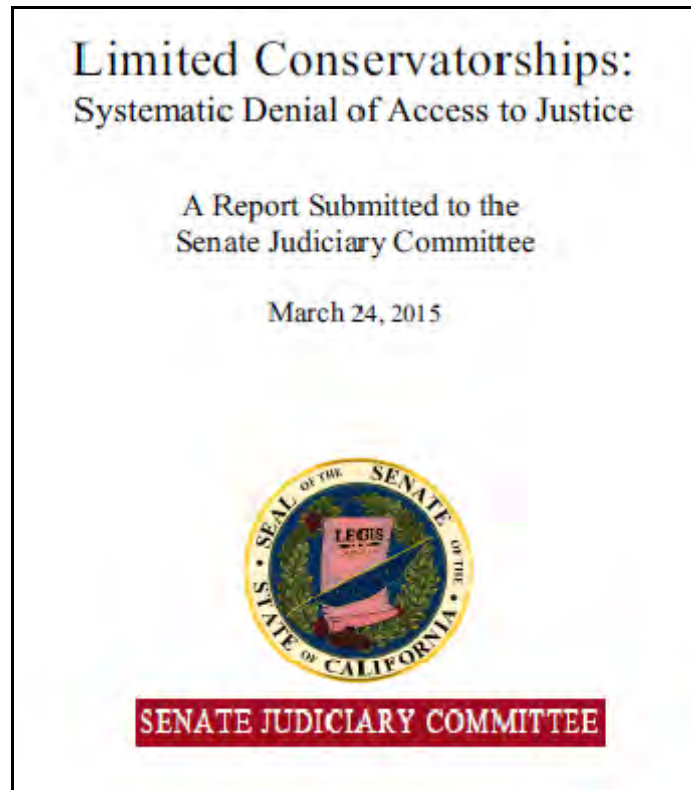
Deficiencies in California's Limited Conservatorship System

2017 *Regional Center Conservatorship Assessments: The Need for Guidance and Oversight*
[#022a](#) *from the Department of Developmental Services.* (The report focuses on the statutory and contractual provisions regulating the role of regional centers in conservatorship proceedings in California. It calls on DDS to provide necessary guidance and oversight.)

2017 *Developmental Disability Should Not Become Appellate Invisibility: a call to organizations*
[#022b](#) *to join a letter to the California Supreme Court to depublish an appellate decision denying third-party standing to appeal on behalf of a litigant with developmental disabilities.*

- [#022c](#) 2017 *Third Party Standing as an ADA Accommodation on Appeal* (A commentary published in the Daily Journal on March 13, 2017 recommends changes in law and appellate practice to allow a third party to advocate for the rights of a litigant with a cognitive disability in an appeal when the litigant is not able to advocate for himself or herself.)
- [#022d](#) 2017 *Access to Justice: E(quality) = MC-410* (A commentary published in the Daily Journal on January 6, 2017 regarding the need for attorneys to ensure that clients with disabilities are provided the accommodations they need to receive access to justice in court proceedings.)
- [#022e](#) 2017 *ADA Title II Guidance from the DOJ is Instructive to Participants in the Limited Conservatorship System* (Commentary published on the website of Spectrum Institute explains how new DOJ guidance memo applies to limited conservatorships.)
- [#022f](#) 2016 *Probate Judge's Remarks Reveal Reasons for Judicial Resistance to Conservatorship Reform* (A commentary published on the website of Spectrum Institute analyzing the remarks of the acting presiding judge of the probate department of the Los Angeles Superior Court during a training of court-appointed attorneys.)
- [#022g](#) 2016 *Something That's Actually Rigged: The Conservatorship System* (A commentary published in the Daily Journal on November 18, 2016.)
- [#022h](#) 2016 *Disability Awareness, All Day Every Day (We Need to Fix Complaint Procedures for Disabled Litigants)* (A commentary published in the Daily Journal on November 2, 2016.)
- [#023](#) 2015 *Superior Court Judges Are Protecting the County Budget, Not the Vulnerable Adults Who Depend on the Court* (Quotations taken from a report submitted by Spectrum Institute to the Judicial Council of California)
- [#024](#) 2015 *Analysis of Tentative Ruling of Judge Daniel Murphy in the Conservatorship Case of Gregory Demer: Errors, Omissions, and Inconsistencies are Abundant* (A review of a tentative ruling in an endlessly contested case in which the conservatee has been repeatedly ordered to visit with his father despite the desire of the adult son not to do so)
- [#025](#) 2015 *Why Independence Day Never Comes for Gregory Demer* (An essay written on July 4, 2015 to document how forced visitation violates the basic freedom and independence of a young man who has autism) ([#025a](#) – Essay on Right to Avoid Visits)
- [#026](#) 2015 *Exhausting State and Local Remedies for Limited Conservatorship Reform* (A list of all officials and agencies that had been contacted by Spectrum Institute about the need for reform as of June 15, 2015)
- [#027](#) 2015 *System for Appointing PVP Attorneys Needs an Overhaul* (An essay about the need to revise the procedures for selecting, training, appointing, and disciplining attorneys who are on the list of lawyers eligible for appointments to represent conservatees in the Los Angeles County Superior Court)
- [#028](#) 2015 *The Department of Developmental Services is Failing to Protect Regional Center Clients in Conservatorships* (An essay about the failure of the California Department of Developmental Services to establish statewide policies to give guidance to

regional centers in fulfilling their statutory role to advise the courts of the capacities of clients involved in limited conservatorship cases) ([#028a](#) – Number of Cases)



2015 [#029](#) *Limited Conservatorships: Systematic Denial of Access to Justice* (A report submitted to the Senate Judiciary Committee of the California Legislature on March 24, 2015, links to 72 pages of reference materials documenting deficiencies in the limited conservatorship system in California).

2015 [#030](#) *Boomerang Justice: When Pressure Tactics Backfire* (An essay written on March 25, 2015, discussing undue influence exerted by a judge and court-appointed attorney to pressure, unsuccessfully, a young adult to say that he liked being with his father)

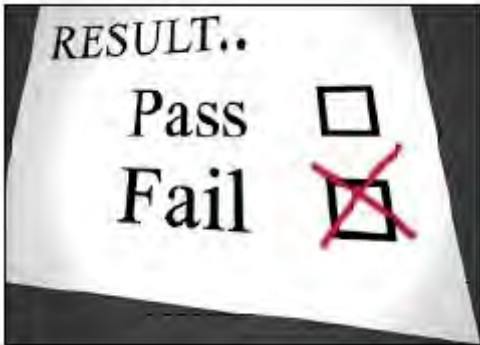
2015 [#031](#) *Senate Judiciary Committee – Last Stop Before Federal Intervention* (A press release issued prior to the presentation to the California Legislature on March 24, 2015)

2015 [#032](#) *Disturbing Details Revealed at Legislative Hearing on the Ability of California Courts to Protect Vulnerable Adults* (A commentary on the testimony of Judge Maria Stratton to the Senate Judiciary Committee; published on the website on March 27, 2015)

2015 [#033](#) *Legal System Without Appeals Should Raise Eyebrows* (A commentary published in the Los Angeles Daily Journal on February 10, 2015 exposes the fact that there are never any appeals in limited conservatorship cases, thereby depriving the Court of Appeal of the ability to oversee and correct errors and abuses by judges and deficient performance by attorneys.)

2015 *Reform Long Overdue for State Conservatorship Process* (A commentary published in the Los Angeles Daily Journal on February 5, 2015 discusses the need for systemic reforms to the limited conservatorship system.)
[#034](#)

2015 *State of Denial: Officials in California are Failing to Correct, Much Less Admit, Violations of the Rights of Limited Conservatees* (Letters to government officials asking them to protect the rights of people with developmental disabilities)
[#035](#)



2014 *Limited Conservatorship Trainings of Probate Investigators by the Los Angeles Superior Court: Trainings Deserve a Failing Grade Because Developmental Disability Issues are Virtually Ignored*
[#036](#)

(A report released on December 14, 2014 documenting the inadequacy of the training of court investigators who work for the Los Angeles Superior Court.)

2014 *Presentation by Spectrum Institute to the Probate and Mental Health Advisory Committee of the Judicial Council of California* (Transcript of a presentation by Thomas F. Coleman, Nora J. Baladerian, Ph.D., and Jim Stream in San Francisco on November 14, 2014 on the need to reform the limited conservatorship system.)
[#037](#)

2014 *Statement of Thomas F. Coleman to the Probate and Mental Health Committee of the Judicial Council of California* (A presentation on the need for new court rules and revised policies and practices in limited conservatorship proceedings; presented in San Francisco on November 3, 2014)
[#038](#)



Stephen Lopate and Tom Coleman at Judicial Council in San Francisco

- 2014 [#039](#) *Ten Statewide Concerns About the Limited Conservatorship System* (A summary of areas of concern submitted to the Probate and Mental Health Advisory Committee as a follow-up to the presentation on November 3, 2014)
- 2014 [#040](#) *Thinking Ahead Matters: Excerpts from a New Report on the Limited Conservatorship System* (A collection of excerpts from a report titled Thinking Ahead Matters published in August 2014 by the Coalition for Compassionate Care in California that calls for major reforms in the limited conservatorship system in that state)
- 2014 [#041](#) *Gregory's Case: The Tip of an Unconstitutional Iceberg of Disability Discrimination and First Amendment Violations* (An essay using a case study to exemplify how the Los Angeles County Superior Court has become an assembly line of injustices by the manner in which it processes limited conservatorship cases)
- 2014 [#042](#) *Justice Denied: How California's Limited Conservatorship System is Failing to Protect the Rights of People with Developmental Disabilities* (A report released on May 9, 2014 which was submitted to judges, state agencies, and advocacy organizations and which was reviewed by participants at a roundtable conference sponsored by Spectrum Institute on the need to reform the limited conservatorship system in California.)
- 2014 [#043](#) *Ten Is Not Enough: Probate Investigators Cannot Comply with Legislative Mandates* (An essay discussing the under staffing of investigators working for the probate division of the Los Angeles Superior Court.)
- 2014 [#044](#) *Social Rights Advocacy for Adults with Autism: Forced Socialization of Conservatees is Never Acceptable* (An essay on the First Amendment rights of limited conservatees; published on the website of Spectrum Institute on April 17, 2014)
- 2014 [#045](#) *Searching for Clues: Putting Together Pieces of the Limited Conservatorship Puzzle by Examining Court Records* (An essay describing the process of obtaining information about the limited conservatorship system from the Los Angeles County Superior Court.)
- 2014 [#046](#) *A Presentation on Self-Help Clinics Reinforces the Need for Major Reform of the Limited Conservatorship System* (An essay about a legal services program operated by a nonprofit known as Bet Tzedek to help people who do not have an attorney learn how to file petitions initiating a limited conservatorship proceeding.)
- 2014 [#047](#) *A Common Scenario of Assembly Line Justice in Limited Conservatorship Proceedings* (An essay describing how these cases are processed through the Los Angeles Superior Court with utmost efficiency and with little regard for protecting the rights of the respondents.)
- 2014 [#048](#) *Expanding the Role of the Regional Center in the Limited Conservatorship System* (An essay explaining the need for regional centers to become more involved in limited conservatorship cases.)

2014 *Limited Conservatorship Reform in California: Several Areas That Need*
[#049](#) *Improvement* (An essay identified aspects of limited conservatorship proceedings that a deficient and need to be reformed)

Supported Decision-Making as an Alternative to Guardianship

2017 *Supported Decision-Making: My Transformation from a Curious Skeptic to an*
[#49a](#) *Enthusiastic Advocate* (An essay written by attorney Thomas F. Coleman for distribution at the Public Policy Conference of The Arc of California in Sacramento. The commentary explains cautionary concerns about SDM and gives practical suggestions on how to develop *safe* and *legal* SDM arrangements and agreements. *PowerPoint presentation to The Arc on SDM as an alternative to guardianship.* [#49b](#). Video of presentation. [#49c](#).



2016 *Supported Decision-Making; A Critical*
[#050](#) *Analysis (What Public Officials, Professionals, and Advocates Need to Know – Reducing Risks and Limiting Liability*

(A special report published on the website of Spectrum Institute on March 27, 2016 links to 17 references and discusses the benefits and risks of using supported decision-making agreements, especially for vulnerable adults at risk for abuse and undue influence)

2015 *Supported Decision Making is a Right that Needs to Become a Reality*
[#051](#) (An essay supporting the concept of supported decision making as an alternative to guardianship for some adults with developmental disabilities – if it is done the right way.)

2014 *Supported Decision-Making: Implications for Seniors* (An essay that argues against
[#052](#) the repeal of guardianship laws because supported decision-making would not be a viable alternative for many seniors with cognitive disabilities.)

2014 *Supported Decision-Making: Adverse Effects on Rape Prosecutions* (An essay that
[#053](#) highlights some unanticipated consequences of creating a conclusive presumption that all adults have the capacity to make all decisions – a premise adopted by some proponents of supported-decision making who want guardianship laws to be repealed.)

2014 *The Effect that Senate Ratification of the U.N. Convention on Disability Rights*
[#054](#) *May Have on Current Guardianship Laws* (An essay discusses how the ratification of this treaty by the Senate is unlikely to require repeal of state guardianship laws.)

Medical Decision-Making

2015 *Intellectual Disability and Medical Decision-Making Bills: New Legislation May Not*
[#055](#) *Avoid the Need for Guardianships* (Announcement of an informational briefing planned for August 7, 2015 for attorneys, parent advocates, sibling advocates, and self advocates about guardianship and alternatives for medical decision-making)

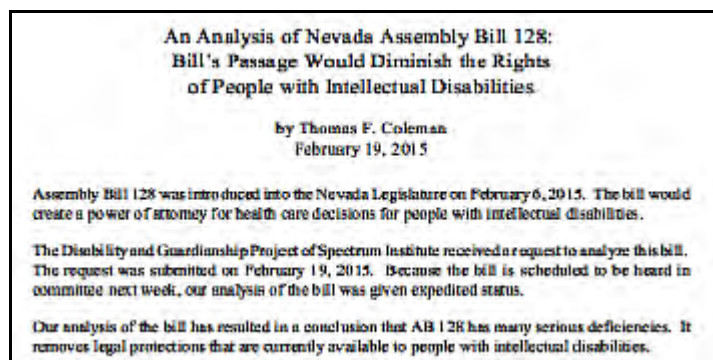
- 2014 [#056](#) *Framework for Model Legislation on Medical Supported Decision-Making* (An essay published on the website of Spectrum Institute on December 14, 2014, in response to a proposed model bill drafted by the Autistic Self Advocacy Network.)
- 2014 [#057](#) *A Review of “Model Legislation” for Supported Medical Decision-Making Agreements: The Defects are in the Details* (An essay published on the website of Spectrum Institute on July 21, 2014 that critically analyzes model legislation developed and promoted by the Autistic Self Advocacy Network. The ASAN proposal was later amended to conform to the principles contained in the framework developed by Spectrum Institute.)
- 2014 [#058](#) (Original Version of) *Model Legislation for Supported Decision-Making Violates Medical Ethics* (An essay published on the website of Spectrum Institute on July 21, 2014 analyzes model legislation developed by the Autistic Self Advocacy Network.)
- 2014 [#059](#) (Original Version of) *Model Legislation for Supported Decision-Making Violates the Supremacy Clause* (An essay published on the website of Spectrum Institute on July 21, 2014 analyzes legislation developed by the Autistic Self Advocacy Network.)

Supported Decision-Making – Focus on California

- 2014 [#060](#) *Principles of Supported Decision-Making Already Exist in California Law* (An essay published on the website of Spectrum Institute on June 20, 2014)
- 2014 [#061](#) *Should the Limited Conservatorship System be Improved or Eliminated Altogether: Some Concerns about Supported Decision-Making* (An essay published on the website of Spectrum Institute on June 14, 2014 in response to calls by some disability rights advocates for the outright repeal of guardianship and conservatorship systems, with supported decision-making agreements as an alternative.)

Medical Power of Attorney – Focus on Nevada

- 2015 [#062](#) *An Analysis of Nevada Assembly Bill 128: Bill’s Passage Would Diminish the Rights of People with Developmental Disabilities* (This report – submitted to the Nevada Legislature on February 19, 2015 – points out that the bill is a form of substituted decision-making (not supported decision-making) and raises serious concerns regarding capacity to contract and informed consent. The bill was substantially amended to address many of the concerns raised by Spectrum Institute to the Legislature.)



- 2015 [#063](#) *Clinical Concerns about AB 128: A Medical Power of Attorney for People with Intellectual Disabilities* (This essay, written by Dr. Nora J. Baladerian in consultation with attorney Thomas F. Coleman, raised serious concerns about this bill from the perspective of a clinical psychologist who provides therapy services to clients with intellectual and developmental disabilities.)
- 2015 [#064](#) *A Response to Testimony about AB 128* (This essay gives a critical review of the testimony of witnesses who testified in support of AB 128 on February 23, 2015.)
- 2015 [#065](#) *AB 128 Power of Attorney: Liability Concerns for Medical Providers* (An essay highlighting concerns about deficiencies in the bill and how the use of this medical power of attorney could pose liability issues for medical providers.)
- 2015 [#066](#) *Concerns for Nevada Medical Providers: Use of AB 128 May Result in ADA Liability and Loss of Immunity* (An essay raises additional concerns about the bill and the risks it creates for medical providers.)
- 2015 [#067](#) *AB 128 Medical Power of Attorney Form May Not be Understood by Most Adults with Developmental Disabilities* (An essay analyzing the terminology used in the power of attorney form created by AB 128 shows that many of the key words and phrases would not be understood by many people the form was intended to help.)

Modest Reforms in Indiana

- 2014 [#068](#) *Indiana Reforms Adult Guardianship System: A Statewide Task Force Prompted Several Changes* (An essay about changes in Indiana)

Protecting the Voting Rights of Guardianship Respondents

- 2016 [#069](#) *Delay and Denial of Voting Rights in California*, Los Angeles Daily Journal, August 26, 2016 (A commentary published in a statewide newspaper for judges and attorneys in California focusing on the need to restore voting rights to tens of thousands of conservatees who had them taken away by state judges in violation of federal rights and disability rights laws.)
- 2015 [#070](#) *What a Difference a Year Makes: Progress in Securing Voting Rights for People with Developmental Disabilities* (A progress report issued on June 22, 2015 – one year after Spectrum Institute convened a voting rights conference to focus on ongoing and systemic violations of the rights of limited conservatees and how to improve the situation in California.) ([#070a](#) - *Collection of Voting Rights Materials*)



Press Conference to File DOJ Complaint on June 20, 2014

2014 *Voting Rights: How California's Limited Conservatorship System is Violating the*
[#071](#) *Voting Rights of People with Developmental Disabilities* (A report for a conference
 by Spectrum Institute on June 20, 2014.) ([#071a](#) – Conference Materials) ([#071b](#) –
 Results of two audits of cases showing 90% of conservatees lost the right to vote)

2014 *If a Person Can Communicate a Desire to Vote Then the Person Has a Right*
[#072](#) *to Vote* (An essay written on May 26, 2014 for a voting rights conference conducted
 by Spectrum Institute the following month) ([#072a](#) – Essay on Arizona Case)

2014 *Voting Rights of People with Developmental Disabilities: Correcting Flaws in the*
[#073](#) *Limited Conservatorship System* (An essay included in a pre-conference report
 submitted to participants at a roundtable on voting rights convened by Spectrum
 Institute in Los Angeles in June 2014)

Complaints filed with Officials and Agencies

United States Department of Justice – Failure to Provide Effective Legal Representation



Press conference announces a new complaint to DOJ

2015 *Complaint to the United States*
[#074](#) *Department of Justice Against*
the Los Angeles County Superior
Court, on behalf of a class of
limited conservatees

(A complaint filed on June 26, 2015
 alleges that the judicial branch in
 California is violating Title II of the
 Americans with Disabilities Act by the
 way in which it provides deficient legal
 services to respondents in limited
 conservatorship proceedings)

2015 [#075](#) *Limited Conservatorships and Denial of Access to Justice: Who is Responsible Under the ADA?* (An exhibit submitted in support of the complaint to the DOJ identifying the various officers and agencies responsible for violating the ADA right of conservatorship respondents to access to justice in these proceedings, and summarizing the policies, practices, and omissions causing such ADA violations)

2015 [#076](#) *Elusive Justice – False Advocacy: A Case Study of Social Rights for Limited Conservatees Reveals a Larger Problem of Defective Legal Representation* (A report filed along with a complaint to the United States Department of Justice on behalf of Gregory Demer, a limited conservatee under the jurisdiction of the Los Angeles Superior Court) ([#076a](#) - Complaint / Plus . . . Exhibits [A](#), [B](#), [C](#), [D](#), [E](#), [F](#), [G](#))

2015 [#077](#) *Gregory’s Case: The Tip of an Unconstitutional iceberg of Disability Discrimination and First Amendment Violations* (A report documenting how the freedom of association has been systematically violated in this limited conservatorship case.)

2015 [#078](#) *Vanita Gupta, Division Chief, Civil Rights Division* (September 18, 2015) (Letter expanding the complaint against the Superior Court to include the County of Los Angeles for its role in funding the ADA non-compliant legal services program)

2015 [#079](#) *Vanita Gupta, Division Chief, Civil Rights Division* (July 8, 2015) (Letter regarding complaint against the Los Angeles County Superior Court alleging that the program operated by the court for appointing attorneys to represent limited conservatees violates Title II of the ADA and Section 504 of the Rehabilitation Act of 1973)

United States Department of Justice – Violation of Voting Rights

2016 [#080](#) *Amendment to Voting Rights Complaint filed July 10 2014* (Amendment alleges that the State of California is violating federal laws by failing to promptly restore the voting rights of thousands of limited conservatees who had them taken away in prior years in violation of the VRA and the ADA) ([#080a](#) – Examples of Violations) ([#080b](#) – People with power to make changes) ([#080c](#) – Talking Points on Restoration Project)



Gregory Demer, an autistic young man who lives in Los Angeles, had his right to vote taken away by a judge when he was 18. Neither his court-appointed attorney, the court investigator, or the judge in his conservatorship case inquired about Gregory’s desire to vote. The legal system made assumptions that he lacked the capacity to vote. In 2015, after attorney Thomas Coleman wrote an op-ed article exposing the case in the state’s legal newspaper, Los Angeles Superior Court Judge Daniel Murphy entered an order that same day restoring Gregory’s right to vote. Gregory will vote by absentee ballot in the November 2016 election and will be able to cast a ballot for the presidential candidate of his choice.

2015 *Project to Restore Voting Rights* (A collection of materials about the work of Spectrum
[#081](#) Institute to have the voting rights of thousands of limited conservatees restored in
California) ([#081a](#) – 32,000 may need rights restored) ([#081b](#) – Warning of problems)

2014 *Voting Rights: How California's Limited Conservatorship System is Violating the*
[#082](#) *Rights of People with Developmental Disabilities* (A class-based complaint against
the Los Angeles County Superior Court alleging that, through limited conservatorship
proceedings, judges are routinely disqualifying people with disabilities from voting
in violation of the Voting Rights Act of 1965 [illegal literacy test] and Title II of the
Americans with Disabilities Act [failure to modify programs and practices or to
provide reasonable accommodations] filed July 10, 2014.) ([#082a](#) – Supporting Materials)
[#082b](#) – Statement of Thomas F. Coleman at press conference prior to filing complaint)
([#082c](#) – DOJ letter to Spectrum Institute / [#082d](#) – DOJ letter to State of California)

State Bar of California – ADA Non-Compliant Training Program of County Bar

2015 *Letter to the State Bar in its capacity as administrators of continuing education*
[#083](#) *providers and issuers of MCLE credits* (Letter sent on October 20, 2015, complained
that the educational programs of the Los Angeles County Bar Association, for which
it issues attorneys MCLE credits as authorized by the State Bar, are not in compliance
with the Americans with Disabilities Act) ([#083a](#) – Attachments to Complaint) The
complaint was later withdrawn so that the State Bar could focus on pro-active measures
to improve access to justice for people with disabilities in limited conservatorship
proceedings. ([#083b](#))

County of Los Angeles – ADA Non-Compliant Legal Services Program



2015 *Access to Justice: Complaint for Violations of the Americans*
[#084](#) *with Disabilities Act by the County of Los Angeles*

(A report filed with the County of Los Angeles on June 9, 2015 which
documents deficient performance by attorneys appointed to represent
limited conservatees, deficient training programs for these attorneys, and
insufficient oversight of the legal services program by the county – a
program which is operated by the Superior Court and which is funded
by the county) (Photo: Dr. Nora Baladerian and attorney Tom Coleman
outside of the county building on the day the complaint was filed)

([#084a](#) – Summary of Complaint) ([#084b](#) – Letter withdrawing
complaint because the county failed to follow its own procedures)

Press Releases

Access to Advocacy Services and Department of Justice

2015 [#085](#) *Systematic Disability Discrimination by the Los Angeles County Superior Court is Alleged in Complaint to DOJ about Deficiencies in Legal Services Being Provided to Limited Conservatees* (A press release issued on June 26, 2015, announcing the filing of a class-based complaint with the DOJ against the Los Angeles Superior Court for its failure to provide qualified attorneys to represent limited conservatees and for failure to have ADA-compliant standards for such attorneys and to monitor their performance, all of which violates Title II of the ADA)

2015 [#086](#) *Complaint to the United States Department of Justice Against the Los Angeles County Superior Court*, on behalf of Gregory Demer – a limited conservatee under the jurisdiction of the court (A press release about a complaint filed with the DOJ alleging that the court allowed and encouraged deficient performance by the court-appointed attorney representing Mr. Demer in the limited conservatorship case, in violation of the Americans with Disabilities Act, resulting in the denial of his constitutional rights.).

California Senate Judiciary Committee Oversight Responsibilities

2015 [#087](#) *Senate Judiciary Committee Hearing is Last Stop Before Seeking Federal Intervention* (A press release issued on March 23, 2015 to announce the filing of a report to and testimony before the California Legislature’s Senate Judiciary Committee about the failure of the judicial branch to comply with Title II of the ADA in its operation of the limited conservatorship system in California)

Voting Rights and Department of Justice



2016 [#088](#) *Amendment to Voting Rights Complaint Filed with the DOJ*

(A press release issued on August 22, 2016 inviting the media to a press conference to announce the filing of an amended complaint with the DOJ alleging that the failure of the judicial branch in California to reach out to and restore the voting rights of limited conservatees is a continuing violation of the ADA and Voting Rights Act of 1965)

([#088a](#) – Media Response)

(Photo: Rally after press conference in San Diego)

2014 [#089](#) *Voting Rights Complaint Filed with the DOJ* (A press release issued on July 10, 2014, inviting the media to a press conference to announce the filing of a complaint against the

Los Angeles Superior Court with the United States Department of Justice, alleging that the Superior Court has been violating the federal voting rights of people with developmental disabilities in limited conservatorship cases by stripping litigants of their right to vote in violation of the Voting Rights Act of 1965 and the ADA) ([#089a](#) – 5-25-2015 Release)

Letters to Officials, Agencies, and Organizations

Attorney General of the United States

- 2015 [#090](#) *Letter to Loretta Lynch Sent June 26, 2015* (Cover letter for complaint against Los Angeles Superior Court for violating Title II of the ADA for failing to ensure that court-appointed attorneys representing clients in limited conservatorship proceedings are providing ADA-complaint advocacy services in order to ensure client access to justice as required by the ADA)
- 2014 [#091](#) *Letter to Eric Holder Sent July 10, 2015* (Cover letter for complaint against the Los Angeles Superior Court for violating the federal voting rights of limited conservatees)

United States Department of Justice

- 2015 [#092](#) *Letter to Elizabeth Johnson, Senior Trial Attorney, Disability Rights Section, Civil Rights Division, sent on November 2, 2015* (Follow up letter to a meeting with her and attorney Vincente Tenerrelli in Los Angeles to discuss the details of the class-complaint regarding court-appointed attorneys and the individual complaint on behalf of Gregory Demer focusing on the deficient and ADA non-compliant performance of his attorney)
- 2015 [#093](#) *Letter to Vanita Gupta, Division Chief, Civil Rights Division* (Letter sent on October 1, 2015 transmitting to her the White Paper titled *Due Process Plus* that includes a set of ADA-compliant standards for training of and performance by court-appointed attorneys who represent guardianship respondents) ([#093a](#) – White Paper Materials)
- 2015 [#094](#) *Letter to Vanita Gupta, Division Chief, Civil Rights Division* (Letter sent on September 18, 2015, asking that the original complaint filed June 26, be expanded to include violations by the County of Los Angeles as the government entity that funds the ADA non-compliant legal services program for limited conservatees)
- 2015 [#095](#) *Letter to Vanita Gupta, Division Chief, Civil Rights Division* (Letter sent on July 8, 2015 calling her attention to the fact that two boxes of exhibits were delivered to the DOJ in connection with the complaint filed on June 26, 2015)

United States Senate

- 2014 [#096](#) *Letter to Senator Barbara Boxer* (Letter sent on July 10, 2014 asking her to support our request to the Department of Justice to open an investigation into voting rights violations against limited conservatees by the Los Angeles Superior Court)

2017 Letter to Senator Amy Klobuchar (Letter sent on February 21, 2017 asking her to [#096a](#) amend S. 182 on elder abuse to include protections for all vulnerable adults.)

2017 Letter to Senator Charles Grassley (Letter sent on February 21, 2017 asking him to [#096b](#) amend S. 178 on guardianship reform to include protections for all vulnerable adults.)

Administration on Intellectual and Developmental Disabilities



2015 *Letter to Commissioner of AIDD*
[#097](#)

(A letter was sent on January 29, 2015 calling attention to the work of Spectrum Institute promoting access to justice for guardianship respondents and asking him to arrange a meeting between Spectrum Institute and the two major advocacy organizations that receive federal funds to protect the rights of people with developmental disabilities) ([#097a](#) – Follow Up Letter)

National Council on Disability

2016 *Letter to the National Council on Disability* (A letter was sent to the executive [#098](#) director on February 9, 2016, explaining to this federal agency how, through the Americans with Disabilities Act, there is a federal role in ensuring that guardianship respondents with disabilities receive access to justice in state court proceedings as mandated by the ADA)

State of California

California Legislature

2017 Letter to Assemblyman Mark Stone (Letter sent on January 20, 2017 to the Chair [#98a](#) of the Assembly Judiciary Committee regarding the need for legislative oversight of the limited conservatorship system.)

2015 *Letter to Senator Hanna Beth Jackson* (Letter sent on March 24, 2015 to the Chair [#099](#) of the Senate Judiciary Committee asking the Legislature to create a Joint Select Task Force on Access to Justice in Limited Conservatorship Proceedings in order for the Legislature to provide better oversight of the way in which the probate courts are providing protection to vulnerable adults in conservatorships)

2015 *Letter to Senator Hanna Beth Jackson* (Letter sent on March 20, 2015 to the Chair [#100](#) of the Senate Judiciary Committee asking for time on the agenda to speak at the oversight hearing scheduled for March 24, 2015)

- 2015 [#101](#) *Letter to Senator Marty Block* (Letter sent on April 15, 2015 thanking him for introducing Senate Bill 589 to help people with disabilities in conservatorship proceedings retain the right to vote and to help those who had them taken away in such proceedings to regain them)
- 2014 [#102](#) *Letter to Assemblyman Steven Bradford* (Letter sent on August 19, 2014, in support of Assembly Bill 131, sponsored by the Secretary of State, in response to the voting rights conference convened by Spectrum Institute in June 2014) ([#102a](#) – Essay Published When the Bill Was Enacted)
- 2014 [#103](#) *Letter to Assemblyman Bob Weickowski* (Letter sent on April 10, 2014, pointing out the need for a legislative audit and better oversight of the limited conservatorship system which is operated completely within the judicial branch)
- 2014 [#104](#) *Letter to Senator Hanna Beth Jackson* (Letter sent on April 9, 2014, pointing out the need for a legislative audit and better oversight of the limited conservatorship system which is operated completely within the judicial branch)

California Supreme Court

- 2017 [#104a](#) *Letter to the California Supreme Court About Rule of Professional Conduct on Lawyers Communicating with Clients* (Amendment to Rule 4.1) (Letter sent on April 20, 2017 says the rule should address communications with clients who have cognitive disabilities.)
- 2015 [#105](#) *Letter to the California Supreme Court in its administrative capacity as a public entity with duties to comply with Title II of the ADA* (Letter sent on October 26, 2015 to the chief justice and associate justice calling attention to the need for the judicial branch to make policy modifications and provide accommodations to ensure that litigants with developmental disabilities have access to justice)
- 2015 [#106](#) *Letter to the Chief Justice of California in her capacity as the presiding judge that provides administrative oversight to the State Bar of California* (Letter sent out on November 30, 2015, asks her to bring to the court's attention its duty to ensure that the State Bar provides methods for litigants with cognitive disabilities, especially in limited conservatorship proceedings, to have access to justice in through procedures that allow litigants to complain about deficient performance of their attorneys)
- 2013 [#107](#) *Letter to the California Supreme Court in its adjudicative capacity* (Letter sent as friend of the court on behalf of Gregory Demer urging the court to either grant review or de-publish the opinion of the court of appeal; the published opinion ruled that a parent lacks standing on appeal to challenge orders in a trial court that allegedly violate the constitutional rights of an adult child in a limited conservatorship proceeding)

State Bar of California

- 2017 [#108](#) *Letter Executive Director Elizabeth Rindscopf Parker* (Letter sent on February 6, 2017, asking the State Bar to take pro-active measures to enhance access to justice for people

with intellectual and developmental disabilities in limited conservatorship proceedings. A separate letter was sent to the State Bar Commission on Access to Justice on December 12, 2016. [#108a](#))

2014 [#109](#) *Letters to the President of the State Bar* (A letter sent to President Craig Holden on November 25, 2015 and a letter to President Louis Rodriguez on August 29, 2014, asking that the Board of Trustees of the State Bar convene a Task Force on Limited Conservatorships to investigate deficiencies in the performance of court-appointed attorneys who represent conservatorship respondents with developmental disabilities)

Judicial Council of California

2014 [#110](#) *Letters to the Chief Justice of California in her capacity as Chairperson of the Judicial Council of California* (Eight letters were sent in 2014: May 15, 2015 transmitting the *Justice Denied* report and asking her to convene a Task Force on Limited Conservatorships; letter on June 15, 2014, sending her a report on voting rights violations; letter on June 24, 2014, informing her of growing calls to dismantle conservatorship systems and replace them with supported decision-making agreements; letter on September 22, 2014, bringing to her attention the deficient training of court-appointed attorneys in Los Angeles; letter on November 22, 2014, reaffirming our call for a Task Force on Limited Conservatorships; letter on November 24, 2014, bringing to her attention a new report by the Coalition for Compassionate Concern in California which also calls for a thorough review of the limited conservatorship system in California; letter on December 29, 2014, sharing the report of a Task Force in Indiana that looked into the adult guardianship system in that state and that called for significant reforms.

2017 [#110a](#) *Letter to Justice Harry Hull, Chair of the Rules and Projects Committee of the Judicial Council of California* (Letter sent on January 20, 2017 asking for a meeting to learn the progress of the work being done by the Probate and Mental Health Advisory Committee as it is reviewing the recommendations made by Spectrum Institute for new rules on performance standards and training standards for appointed attorneys who represent adults with developmental disabilities in limited conservatorship proceedings.)

2016 [#111](#) *Letter to Justice Harry Hull, Chair of the Rules and Projects Committee of the Judicial Council of California* (Letter sent on February 4, 2016 regarding the Judicial Council authorization for the Probate Advisory Committee to study our requests for new court rules creating ADA-compliant training and performance standards for court-appointed attorneys who represent clients with developmental disabilities in limited conservatorship cases) ([#111a](#) – 2016 Advisory Committee Agenda / [#111b](#) – Letter)

2015 [#112](#) *Letter to Douglas Miller, Staff to PMHAC* (Letter sent on July 23, 2015 to the attorney assigned to assist the Probate and Mental Health Advisory Committee confirming the contents of our phone conversation that day about the status of our proposals to the committee)

- [2015 #113](#) *Letter to Justice Harry Hull, Chair of the Rules and Projects Committee of the Judicial Council of California* (Letter sent on April 2, 2015 advising him of the status of our work to reform the limited conservatorship system in California)
- [2015 #114](#) *Correspondence with Justice Harry Hull, Chair of the Rules and Projects Committee of the Judicial Council of California* (Letters to and from him in January 2016 asking him to convene a small workgroup to address the issues raised in prior communications)
- [2015 #115](#) *Email to John H. Sugiyama, Chairperson of the Probate and Mental Health Advisory Committee PMHAC* (Email sent on November 17, 2015 in response to his request at a committee meeting that I submit a written list of the 10 statewide concerns I mentioned during my presentation)
- [2015 #116](#) *Letter to John H. Sugiyama, Chairperson of the PMHAC* (Letter sent on April 2, 2015, asking that an advisory committee of community members and advocates be allowed to work with the committee on developing new court rules addressing the concerns raised by Spectrum Institute)
- [2015 #117](#) *Letter to Members of Center for Judicial Education and Research* (A letter was sent on May 1, 2015, along with proposals submitted to PMHAC, so that the judicial education committee could consider developing similar standards for judges who preside in limited conservatorship cases)

Attorney General of California

- [2017 #117a](#) *Letter to Xavier Becerra, California Attorney General* (Letter sent January 20, 2017, inviting the Civil Rights Enforcement Section to work with Spectrum Institute to ensure that state and local government entities are protecting the rights of adults with intellectual and developmental disabilities who are involved in conservatorship proceedings. A follow up letter was sent to the Attorney General's office on February 18, 2017. [#117b](#))
- [2014 #118](#) *Letter to Kamala Harris, California Attorney General* (Letter sent May 23, 2014, sending her a copy of the *Justice Denied* report and asking her to fulfill her constitutional duty "to see that the laws of the state are uniformly and adequately enforced" with respect to the limited conservatorship system)

Lt. Governor of California

- [2017 #118a](#) *Letter to Gavin Newsom, Lieutenant Governor of California* (Letter sent on January 20, 2017, asking for a meeting to discuss the role he could play to promote improvements in the limited conservatorship system in California.

Business, Consumer Services and Housing Agency

- [2017 #118b](#) *Letter to Alexis Podesta, Acting Secretary of the agency that oversees the California Department of Fair Employment and Housing – an agency with jurisdiction to investigate violations of the Americans with Disabilities Act by state and local*

government entities in California. This would include ADA violations by the County of Los Angeles in connection with the legal services program it funds for people with developmental disabilities in conservatorship proceedings.

Health and Human Services Agency

2017 [#118c](#) *Letter to Diana Dooley* (Letter sent on January 20, 2017 to the Secretary of the Health and Human Services Agency requesting a meeting to discuss the role of the Department of Developmental Services in limited conservatorship proceedings, especially in regulating and monitoring regional centers.)

Department of Developmental Services

2017 [#118d](#) Letter to Nancy Bargmann, Director of DDS (Letter sent on January 20, 2017 requesting a meeting to discuss the role of DDS in regulating and monitoring regional centers and their involvement in limited conservatorship proceedings.) Follow-up letter sent on April 1, 2017 regarding the duty of DDS to provide oversight and guidance to regional centers regarding ADA compliance in capacity assessments for conservatorship proceedings. [#118e](#). Supporting materials accompanying letter. [#118f](#).

2015 [#119](#) *Letter to Santi Rogers, Director of DDS* (Letter sent on January 30, 2015, requesting that DDS amend regulations on social rights to clarify that regional center clients have freedom of choice in their associations – and may exercise that choice to visit with or not visit with individuals)

2014 [#120](#) *Letter to Santi Rogers, Director of DDS* (Letter sent on June 1, 2014, requesting a meeting to discuss the need for DDS to be involved in the oversight of regional centers as they participate in limited conservatorship proceedings)

State Council on Developmental Disabilities

2015 [#121](#) *Letter to the Aaron Carruthers, Executive Director* (Letter sent on October 20, 2015 to the newly appointed executive director of this agency asking that the State Council support the efforts of Spectrum Institute to ensure access to justice for people with developmental disabilities who are litigants in limited conservatorship proceedings)

County of Los Angeles

2015 [#122](#) *Letter to Chief Deputy to Supervisor Sheila Kuehl* (Letter sent to Lisa Mandel on July 26, 2015 thanking her for meeting with Nora Baladerian and Tom Coleman to discuss deficiencies in the county-funded legal services program that provides court-appointed counsel to represent limited conservatees)

2015 [#123](#) *Letter to Chief Deputy Public Defender Kelly Emling* (Letter sent to her on June 9, 2015, asking that the public defender's office consider providing legal services to limited conservatees as an alternative to the current PVP system of private attorneys performing this function under appointment from the Superior Court)

2014 [#124](#) *Emails to Staff of Board of Supervisors* (Emails to staff members of several members of the Board of Supervisors requesting a meeting to discuss the failure of the county-funded legal services program to provide access to justice for respondents in limited conservatorship proceedings)

2014 [#125](#) *Letter to Public Defender Ron Brown* (Letter to the public defender seeking a meeting to discuss the possibility of his office taking on responsibility for providing legal services to limited conservatees)

Los Angeles County Superior Court

Presiding Judge of the Superior Court

2015 [#126](#) *Letter to Judge Carolyn Kuhl* (Letter sent on June 26, 2015, reinforcing the need for the court to take pro-active measures to restore the voting rights of limited conservatees)

2015 [#127](#) *Letter to Judge Carolyn Kuhl* (Letter sent on June 25, 2015, calling to her attention to the need to restore the voting rights of Gregory Demer, a limited conservatee who lost them illegally in a prior proceeding and in whose case two court investigator reports noted a need to restore them but the notations were ignored by the court and by Gregory's court-appointed attorney) ([#127a](#) – Press Release issued on Greg's case)

2015 [#128](#) *Letter to Judge Carolyn Kuhl* (Letter sent on June 1, 2015, calling to her attention to the need to restore the voting rights of limited conservatees who lost them during past conservatorship proceedings in violation of federal voting rights laws)

2015 [#129](#) *Letter to Judge Carolyn Kuhl* (Letter sent on January 7, 2015, requesting a meeting to discuss the myriad problems with all aspects of the limited conservatorship system in the Los Angeles Superior Court)

Presiding Judge of the Probate Division

2015 [#130](#) *Letter to Judge Maria Stratton* (Letter sent on November 3, 2015, requesting that an upcoming training for court-appointed attorneys be expanded to discuss their role in assisting conservatees to get their voting rights restored)

2015 [#131](#) *Letter to Judge Maria Stratton* (Letter sent on November 3, 2015, requesting that she distribute brochures on the White Paper to court staff and other judges so they will be aware of this resource regarding compliance with the ADA in the processing of limited conservatorship cases)

2015 [#132](#) *Letter to Judge Maria Stratton* (Letter sent on July 3, 2015 regarding misconduct of Judge Daniel Murphy)

2015 [#133](#) *Letter to Judge Maria Stratton* (Letter sent on April 2, 2015, recognizing several actions she has taken – meeting with me in the chambers, testifying at the Senate Judiciary Committee and making admissions regarding the need for improvement of the system, and her candid comments to PVP attorneys at a lunch seminar)

- 2015 [#134](#) *Letter to Judge Maria Stratton* (Letter sent on February 16, 2015 to acquaint her, as the new presiding judge of the probate division, of the myriad problems with the handling of limited conservatorship cases by the court, court investigators, regional centers, and court-appointed attorneys, as well as the need to repeal a local court rule that gives appointed attorneys a dual role and thereby creates a conflict of interest)
- 2014 [#134a](#) Letter to Judge Michael Levanas (Letter sent on May 15, 2014, calling for comprehensive reform of the limited conservatorship system; this was the first official call for reform)

Other Superior Court Judges

- 2015 [#135](#) *Letter to Judge Daniel Murphy* (Letter sent on June 22, 2015, to express concern that Gregory Demer has not been receiving effective assistance from his court-appointed attorney and that counsel's performance violates due process and Gregory's right to access to effective advocacy services under the ADA)
- 2014 [#136](#) *Letter to Judge Daniel Murphy* (Letter sent on February 21, 2014 to express concern that the court has been forcing Gregory Demer to visit with his father, despite the fact that Gregory is an adult and has repeatedly expressed opposition to such visits, and that such forced visitation violates Gregory's First Amendment Rights)
- 2013 [#137](#) *Letter to Judge Roy Paul* (Letter sent on December 30, 2013 asking for permission to file an amicus curiae brief in the case of Gregory Demer in support of his First Amendment right, as an adult American citizen, to refuse to visit with his father)

Public Entities in Other States

Colorado Supreme Court

- 2016 [#138](#) *Letter to the Colorado Supreme Court* (A letter was sent to the court on February 2, 2016, asking the court to make necessary modifications of policies and practices (per the ADA) to ensure that guardianship respondents receive access to justice in guardianship proceedings by: (1) appointing an attorney in all cases, which is not currently being done; and (2) adopting and enforcing training and performance standards for such attorneys that are ADA compliant)

Colorado State Bar

- 2016 [#139](#) *Letter to the Colorado Bar Association* (A letter was sent to the executive director of the bar association on February 2, 2016, asking the association to study the White Paper on ADA compliant standards for court-appointed attorneys who represent guardianship respondents with cognitive disabilities and to support our request to the court for the development and enforcement of appropriate standards for such attorneys)

Indiana Supreme Court

- 2016 *Letter to the Indiana Supreme Court* (A letter was sent to the court on January 26,

[#140](#) 2016, asking the court to make necessary modifications of policies and practices (per the ADA) to ensure that guardianship respondents receive access to justice in guardianship proceedings by: (1) appointing an attorney in all cases, which is not currently being done; and (2) adopting and enforcing training and performance standards for such attorneys that are ADA compliant)

Indiana State Bar

2016 *Letter to the Indiana State Bar Association* (A letter was sent to the executive director of the bar association on January 26, 2016, asking the association to study the White Paper on ADA compliant standards for court-appointed attorneys who represent guardianship respondents who have cognitive disabilities and to support our request to the court for the development and enforcement of appropriate standards for such attorneys)

[#141](#)

Michigan Supreme Court

2016 *Letter to the Michigan Supreme Court* (A letter was sent to the court on January 26, 2016, asking the court to make necessary modifications of policies and practices (per the ADA) to ensure that guardianship respondents receive access to justice in guardianship proceedings by: (1) appointing an attorney in all cases, which is not currently being done; and (2) adopting and enforcing training and performance standards for such attorneys that are ADA compliant) ([Court's response](#)) ([Our reply](#))

[#142](#)

Michigan State Bar

2016 *Letter to the State Bar of Michigan* (A letter was sent to the executive director of the bar association on January 26, 2016, asking the association to study the White Paper on ADA compliant standards for court-appointed attorneys who represent guardianship respondents with cognitive disabilities and to support our request to the court for the development and enforcement of appropriate standards for such attorneys)

[#143](#)

Nevada Supreme Court

2016 *Letter to the Nevada Supreme Court* (A letter was sent to the court on January 19, 2016, asking the court to make necessary modifications of policies and practices (per the ADA) to ensure that guardianship respondents receive access to justice in guardianship proceedings by: (1) appointing an attorney in all cases, which is not currently being done; and (2) adopting and enforcing training and performance standards for such attorneys that are ADA compliant)

[#144](#)

Nevada State Bar

2016 *Letter to the State Bar of Nevada* (A letter was sent to the executive director of the bar association on January 19, 2016, asking the association to study the White Paper on ADA compliant standards for court-appointed attorneys who represent guardianship respondents who have cognitive disabilities and to support our request

[#145](#)

to the court for the development and enforcement of appropriate standards for such attorneys)

Nevada Commission to Study the Administration of Guardianships

2016 [#146](#) *Letter to the Commission to Study the Administration of Guardianships* (A letter was sent to members of the commission to remind them that the ADA applies to guardianship proceedings and that any recommendations they make for reform should ensure that guardianship respondents receive access to justice in these proceedings, which would require them to have court-appointed attorneys who are properly trained and who adhere to ADA-compliant performance standards as they provide effective representation to clients who have cognitive and communication disabilities)

Ohio Supreme Court

2016 [#147](#) *Letter to the Ohio Supreme Court* (A letter was sent to the court on January 21, 2016, asking the court to make necessary modifications of policies and practices (per the ADA) to ensure that guardianship respondents receive access to justice in guardianship proceedings by: (1) appointing an attorney in all cases, which is not currently being done; and (2) adopting and enforcing training and performance standards for such attorneys that are ADA compliant)

Ohio State Bar Association

2016 [#148](#) *Letter to the Ohio State Bar Association* (A letter was sent to the executive director of the bar association on January 21, 2016, asking the association to study the White Paper on ADA compliant standards for court-appointed attorneys who represent guardianship respondents with cognitive disabilities and to support our request to the court for the development and enforcement of appropriate standards for such attorneys)

Oregon Supreme Court

2016 [#149](#) *Letter to the Oregon Supreme Court* (A letter was sent to the court on February 3, 2016, asking the court to make necessary modifications of policies and practices (per the ADA) to ensure that guardianship respondents receive access to justice in guardianship proceedings by: (1) appointing an attorney in all cases, which is not currently being done; and (2) adopting and enforcing training and performance standards for such attorneys that are ADA compliant) ([Court's response](#))

Oregon State Bar

2016 [#150](#) *Letter to the Oregon State Bar* (A letter was sent to the executive director of the bar association on February 3, 2016, asking the association to study the White Paper on ADA compliant standards for court-appointed attorneys who represent guardianship respondents who have cognitive disabilities and to support our request to the court for the development and enforcement of appropriate standards for such attorneys)

Pennsylvania Supreme Court

2016 [#151](#) *Letter to the Pennsylvania Supreme Court* (A letter was sent to the court on February 4, 2016, asking the court to make necessary modifications of policies and practices (per the ADA) to ensure that guardianship respondents receive access to justice in guardianship proceedings by: (1) appointing an attorney in all cases, which is not currently being done; and (2) adopting and enforcing training and performance standards for such attorneys that are ADA compliant) ([#151a](#) – Court’s response)

Pennsylvania Bar Association

2016 [#152](#) *Letter to the Pennsylvania Bar Association* (A letter was sent to the executive director of the bar association on February 4, 2016, asking the association to study the White Paper on ADA compliant standards for court-appointed attorneys who represent guardianship respondents who have cognitive disabilities and to support our request to the court for the development and enforcement of appropriate standards for such attorneys)

South Dakota Supreme Court

2016 [#153](#) *Letter to the South Dakota Supreme Court* (A letter was sent to the court on February 3, 2016, asking the court to make necessary modifications of policies and practices (per the ADA) to ensure that guardianship respondents receive access to justice in guardianship proceedings by: (1) appointing an attorney in all cases, which is not currently being done; and (2) adopting and enforcing training and performance standards for such attorneys that are ADA compliant)

State Bar of South Dakota

2016 [#154](#) *Letter to the State Bar of South Dakota* (A letter was sent to the executive director of the bar association on February 3, 2016, asking the association to study the White Paper on ADA compliant standards for court-appointed attorneys who represent guardianship respondents who have cognitive disabilities and to support our request to the court for the development and enforcement of appropriate standards for such attorneys)

Utah Judicial Council

2016 [#155](#) *Letters to the Utah Judicial Council* (A letter was sent to the Judicial Council on April 7, 2016, criticizing a new law (HB 101) authorizing courts not to appoint an attorney to represent guardianship respondents with cognitive disabilities; the council was reminded of the duty of courts to appoint counsel as an ADA accommodation to ensure the respondent has access to justice / A second letter ([#155a](#)) was sent on April 8, 2016, suggesting modifications of the court’s ADA information webpage so that litigants with cognitive disabilities are aware that appointed counsel is an option as an ADA accommodation to ensure access to justice in court proceedings) ([Court’s response](#))

Utah Governor

2016 [#156](#) *Letter to the Governor of Utah* (A letter was sent on March 14, 2016, calling the governor's attention to the fact that HB 101 increases the risk of abuse to people with developmental disabilities and violates the ADA)

Washington State Legislature

2016 [#157](#) *Letter to the Washington State Senate Law and Justice Committee* (A letter was delivered to the committee on March 16, 2016, asking for more legislative oversight of RCW 11.88.045 in that counsel is not being appointed in all guardianship cases as required by law; a copy of The Justice Gap report was delivered to committee staff)

2016 [#158](#) *Letter to the Washington State House Judiciary Committee* (A letter was delivered to the committee on March 16, 2016, asking for more legislative oversight of RCW 11.88.045 in that counsel is not being appointed in all guardianship cases as contemplated by the statute; a copy of The Justice Gap report was delivered to committee staff)

Washington State Supreme Court

2016 [#159](#) *Letter to the Washington State Supreme Court* (A letter was sent to the court on March 16, 2016, transmitting to the court a report titled The Justice Gap in which systemic defects in policy and practice were examined with respect to the manner in which Washington State processes adult guardianship cases) ([#159a](#) - Justice Gap materials)

2016 [#160](#) *Letters to the Washington State Supreme Court* (A letter was sent to the court on January 15, 2016, asking the court to make necessary modifications of policies and practices (per the ADA) to ensure that guardianship respondents receive access to justice in guardianship proceedings by: (1) appointing an attorney in all cases, which is not currently being done; and (2) adopting and enforcing training and performance standards for such attorneys that are ADA compliant / A second letter ([#160a](#)) was sent on Feb. 11, 2016 pointing out that the failure to appoint counsel is not due to a legislative flaw, but to the failure of judges to follow the law) ([#160b](#) - Court's response) ([#160b](#) - Our reply)



Washington supporters Michael Hazeltine and Tina Baldwin with Tom Coleman and Greg Byers at the State Capitol after visiting the offices of the Legislature, Governor, and Supreme Court

Washington State Bar Association

2016 *Letter to the Washington Bar Association* (A letter was sent to the executive director of the bar association on January 15, 2016, asking the association to study the White Paper on ADA compliant standards for court-appointed attorneys who represent guardianship respondents with cognitive disabilities and to support our request to the court for the development and enforcement of appropriate standards for such attorneys; Two essays ([#161a](#) – [#161b](#) were sent with the letter)

National Associations

American Judges Association

2016 *Letter to the American Judges Association* (A letter was sent on February 8, 2016 calling attention to the work of Spectrum Institute promoting access to justice for guardianship respondents and inviting the association to make its members aware of the materials on our website on this topic)

Conference of Chief Justices

2016 *Letter to the Conference of Chief Justices* (A letter was sent on February 8, 2016 to the members of the conference about the Access to Advocacy Outreach Project of Spectrum Institute and our attempt to educate the judiciary in all 50 states of the applicability of the ADA to guardianship proceedings in state courts)

Conference of State Court Administrators

2016 [#164](#) *Letter to the Conference of State Court Administrators* (A letter was sent on February 9, 2016 to the president and the president-elect of the conference recognizing that a White Paper published by the conference in 2010 called for the mandatory appointment of counsel for respondents in all guardianship cases and asking the conference to recommend that all state courts adopt ADA-compliant training and performance standards for court-appointed attorneys who represent respondents in such cases)

National Center for State Courts

2016 [#165](#) *Letter to the National Center for State Courts* (A letter was sent on February 8, 2016, to the president of the center referencing publications of Spectrum Institute on due process, the ADA, and access to justice in guardianship proceedings, so the center can inform its members and users of its services about these valuable resource materials)

Uniform Law Commission

2016 [#166](#) *Letters to the Uniform Law Commission* (A letter was sent on February 4, 2016, to the chief counsel of the Uniform Law Commission urging the commission to revise its model code to eliminate the option of appointed counsel for guardianship respondents, considering that the ADA applies to these proceedings and without appointed counsel the respondents will not receive access to justice; A second letter ([#166a](#)) with supplemental information was sent on February 6, 2016)

Disability and Abuse Materials

Freedom of Association

2014 [#167](#) *With Liberty and Justice for All: The Sexual Rights of Adults with Developmental Disabilities* (A report identifying the constitutional and statutory provisions, and relevant case law, that protect the sexual rights of adults with developmental disabilities, published on the Spectrum Institute website on September 10, 2014.)

2014 [#168](#) *Reaffirming the Right of People with Disabilities to Freedom of Association* (An essay on the right of respondents in guardianship and conservatorship cases to choose for themselves whether to associate with someone, challenging the authority of a court to order forced visitation)

Prevalence of Abuse

2017 [#168a](#) *A Review of the Association Between Childhood Disability and Maltreatment* (A report on the findings of several meta studies on the prevalence of abuse of children shows that children with disabilities are abused at a higher rate than children in the generic population.)

2013 *Abuse of People with Disabilities: Victims and Their Families Speak Out* (A report

[#169](#) released on September 5, 2013 examines the results of a national survey of more than 7,200 respondents – including people with disabilities, their family members, and professionals and service providers who work with them, about their experiences with physical, emotional, and sexual abuse as children and adults.)

Trauma Informed Justice

2015 *Role of the Courts: An Example of Failure to Protect* (An essay and supporting [#170](#) documents about Michael Parisio – a case brought to our attention in 2012 raising serious concerns about the failure of the conservatorship system in California to protect adults with developmental disabilities from serious abuse)

2014 *Trauma Informed Justice: A Necessary Paradigm Shift for the Limited Conservatorship System* (An essay that highlights how most respondents in these cases have been [#171](#) victims of abuse and how most perpetrators of abuse are family members or service providers, and as a result there is a need for attorneys, investigators, and judges to process these cases more carefully and vet potential conservators more thoroughly.)

Federal Legislation

2017 *Elder Abuse Bills Are a Start: Reform at State and Federal Level Should Include [#171a](#) All Vulnerable Adults* (An op-ed article published by the Los Angeles Daily Journal calling for expansion of the scope of two federal bills – S. 178 by Sen. Grassley and S. 182 by Sen. Klobuchar) An expanded commentary on this topic is published on the website of Spectrum Institute. [#171b](#).

Safe Schools Study

2017 *Disability, Abuse, Schools, and Risk Management*. (The Disability and Abuse Project [#171c](#) announced the launch of a Safe Schools Study on February 13, 2017. The announcement was accompanied by this commentary.)



Nora Baladerian, Linda Demer, Ron Simandle, Diane Coleman Rogers and Michael Vasquez in 2013 at the celebration of the 40th Anniversary of the start of the legal career of Thomas Coleman. The Disability and Guardianship Project was launched shortly thereafter. Nora, Diane, Michael, and Tom are members of the Board of Directors of Spectrum Institute. Linda and Ron are supporters of the organization, as are Greg, Tina, and the other Michael.

Trauma Informed Politics

2015 *Trauma Informed Politics: An Inconvenient Truth About Disability and Abuse*
[#172](#) (An essay prompted by legislation introduced in Nevada that would have authorized a power of attorney form to be used by adults with developmental disabilities, without sufficient protections to minimize the risk of them being victimized by abuse, exploitation, or undue influence)

2015 *Statistics on Disability and Abuse Should Inform the Legislative Process*
[#173](#) (An essay that highlights the alarming rate of abuse of people with disabilities, arguing that the legislative process should remain aware of that problem as legislation is drafted and promoted)

Spectrum Institute Materials

- 2011 [#174](#) *About Spectrum Institute* (A description of the various issues and projects that have been included in the education and advocacy activities of this nonprofit organization over the years)
- [#175](#) *Executive Committee* (A photo and description of the three members of the Executive Committee of the Disability and Abuse Project)
- 2014 [#176](#) *2014 in Review* (A listing and description of activities throughout 2014 for the Disability and Abuse Project and the Disability and Guardianship Project)
- 2016 [#177](#) *Disability and Guardianship Project Activities* (A summary of activities of the project during 2014 - 2016)
- 2016 [#178](#) *Speaker Availability to Judges, Attorneys, Self Advocates, and Parent Advocates* (A brochure announcing that of Thomas F. Coleman is available to make presentations about disability and guardianship, effective advocacy for respondents, and the applicability of due process and the Americans with Disabilities Act to state guardianship proceedings)
- 2016 [#179](#) *What's New on the Website* (A website page that serves the Disability and Abuse Project and the Disability and Guardianship Project to keep website visitors apprised of new publications that have been released by Spectrum Institute or are available from other sources and new activities of both projects)



Spectrum Institute Board Members: Michael A Vasquez,
Dr. Nora J. Baladerian and Thomas F. Coleman



Disability and Abuse Project Executive Committee: Thomas F. Coleman, Dr. Nora J. Baladerian, and Arc Riverside Executive Director Jim Stream

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