



2019 Annual Report

Disability and Abuse Project The project was discontinued in June 2020.

Mission

The mission of the Disability and Abuse Project is identify ways to reduce the risk of abuse, to promote healing for victims, and to seek justice for those who have been victimized by abuse or exploitation. The project focuses on physical, sexual, and emotional abuse of people with intellectual and developmental disabilities. The mission is accomplished through research, education, public policy, law enforcement, professional consulting, and increasing public awareness. The activities of the project are done primarily on a volunteer basis.

2019 Activities

Website. The project operates a website at: www.disabilityandabuse.org. The “what’s new” page keeps website visitors aware of the activities of both the Disability and Abuse Project and the Disability and Guardianship Project. Activities are listed chronologically and have postings going back to September 2011. In addition to data, research, reports, resources, and books on disability and abuse, the website also has an archive of activities and materials from 2000 to 2005.

Newsfeed. The project produces a weekly newsfeed which surveys news articles throughout the United States and internationally on topics related to disability and abuse. The newsfeed has been operating since 2011. The articles are collected by Debra (D.J.) Stemmler, reviewed and commented on by Dr. Nora J. Baladerian, and uploaded to the website and distributed to the Listserv by Tom Coleman. The newsfeed is found at: <http://www.disabilityandabuse.org/newsfeed/contents.htm>

Listserv. The project maintains an email service for professionals throughout the United States and internationally who are involved in issues related to disability and abuse. It currently has more than 800 users. Users can submit information to share with others, ask questions, or provide advice in response to requests by others. Examples include: identifying a technology expert on disability access for a grant proposal; identifying a forensic interviewer skilled in interviewing children with disabilities.

Publications. The project initiates its own publications on topics related to disability and abuse, as well as alerting users of the Listserv and visitors to the website of noteworthy reports, articles, and books published by others on this topic. This year Dr. Baladerian wrote a chapter for a new book titled “Medical Response to Child Sexual Abuse: A Resource for Professionals Working with Children and Families.” The chapter is titled “Child Sexual Abuse of Children with Disabilities.”

Advice & Referrals. Dr. Nora J. Baladerian, director of the Disability and Abuse Project, receives requests for advice or resources on a regular basis by email and phone. To the extent that time permits, she offers generic advice relevant to the inquiry and refers people to publications and organizations that may assist them.

Public Speaking. In addition to presentations done through her private practice, Dr. Baladerian also does speaking engagements through the project on a pro bono basis on topics pertaining to disability and abuse. On November 16, 2019, Dr. Baladerian participated in a workshop at the Taking Charge Conference in Los Angeles titled “Reducing the Risk of Abuse and Ensuring Safety in the Self-Determination Plan.” On August 20, 2019, Dr. Baladerian made a presentation on “Trauma Treatment for Abuse Survivors with Intellectual and Developmental Disabilities” at the annual meeting of the National Adult Protective Services Association in Denver. On June 12, 2019, Dr. Baladerian conducted a breakout session on “How to Reduce the Risk and Impact of Abuse” at the Milestones National Autism Conference in Cleveland. On May 11, 2019, Dr. Baladerian made two presentations at the American Association of Developmental Medicine and Dentistry in Rochester. Topic #1 was Methods for Improving Abuse Recognition and Provider Management. Topic #2 was “An Approach to Reduce the Risk and Impact of Abuse Among Individuals with I/DD.”

Case intervention. Due to financial and time limitations, the project generally does not intervene in individual cases. However, exceptions are sometimes made when the need is urgent and when intervention will assist a larger class of individuals in addition to the specific person involved. A few such interventions occurred this year.

Awards. This year Dr. Baladerian received the *Nonprofit Psychologist Award* from the Los Angeles County Psychological Association. The purpose of the award is to thank nonprofit organizations for important work they are doing in the community. The association also gave Dr. Baladerian a check for \$500 to support her work with the Disability and Abuse Project.

Disability and Guardianship Project

Mission

The mission of the Disability and Guardianship Project is to promote access to justice for adults with cognitive and communication disabilities who are involved in guardianship proceedings and to promote viable alternatives to guardianship. The project focuses on adult guardianships involving people with intellectual and developmental disabilities and other adults with cognitive disabilities due to aging, illnesses or injuries. The mission is accomplished through research, education, public policy advocacy, networking, and increasing public awareness.

2019 Activities

Website. The project operates a website where visitors can access information on its activities and read or download reports, letters, complaints, and resource materials produced by the project or other sources. The website can be accessed at: <http://spectruminstitute.org/guardianship/>

Digital Law Library. Thomas F. Coleman, legal director of Spectrum Institute, has written hundreds of documents for the project, including letters, complaints, commentaries, and policy reports. These materials are contained in a Digital Law Library on Guardianship and Disability Rights. The library catalogue was originally published in 2016. It was updated in 2018 and again this year to include more recent materials. It can be accessed at: <http://spectruminstitute.org/library/>

Guardianship News. A new feature was added to the website in August. Each month summaries of news stories on guardianship issues are published to help those advocating for guardianship and conservatorship reform to keep abreast of what is happening around the nation on this topic.

Capacity Assessment Workgroup. On April 2, 2019, a new workgroup was formed to evaluate the way in which capacity assessments are being done in conservatorship proceedings in California. The 25-member multidisciplinary team is reviewing legal and professional practice materials on this topic gathered from various academic and advocacy sources throughout the nation and the world. Members will offer suggestions and will review the draft of a report to be written by Thomas F. Coleman in 2020. The report and recommendations for improvements to the capacity assessment process will be submitted to the Chief Justice, Governor, and Legislature.

Policy Reports. On September 24, 2014, a report was issued to the California Judicial Council titled “ADA Compliance: A Request to the Judicial Council to Clarify *Sua Sponte* Obligations of Courts to Ensure Access to Justice.” On January 16, 2019, a report was submitted to Alameda County Supervisor Nate Miley titled “The Path Forward to Justice in Conservatorships.”

Legal Education. Thomas F. Coleman wrote several op-ed articles that were published by the Daily Journal legal newspaper in 2019. The project has updated “Disability & the Law: A Compendium of Commentaries” which includes these and other op-ed articles published in the Daily Journal over the past few years. It is found at: <http://disabilityandabuse.org/dj-compendium.pdf> Another aspect of our legal education involved our outreach to Disability Rights California, a nonprofit agency that receives millions of dollars in state and federal funds to advocate for the rights of people with disabilities. We urged them to become involved in advocacy for conservatees and proposed conservatees whose rights are being systematically violated. A few weeks later, two attorneys from DRC contacted Coleman to discuss possible ways in which DRCC could help. On April 5, 2019, Coleman gave a lecture at Stanford Law School titled “Conservatorships: Theory v. Reality.”

Judicial Branch Outreach. On November 19, 2019, Thomas F. Coleman had a conversation with Leah Wilson, executive director of the State Bar of California. They discussed actions that should be taken by the State Bar to ensure effective legal representation by attorneys appointed to represent conservatees and proposed conservatees and to provide meaningful access to the Bar’s complaint system to clients with cognitive disabilities. Coleman asked for support from the bar association for the right-to-counsel bill to be considered by the legislature next year. He also asked for the bar association to require review of new educational materials and training programs for court-appointed attorneys in conservatorship proceedings before MCLE credits are approved. On November 14, 2019, Coleman made a presentation to the Judicial Council of California at its meeting in San Francisco. That same day he submitted written materials to the Board of Trustees of the State Bar of California. On October 29, 2019, Coleman wrote to the Alameda County Superior Court questioning the judicial and legal ethics of the manner in which Legal Assistance for Seniors has been given a monopoly on court appointments in conservatorship cases and at the same time has a contract to provide legal advice to petitioners in these proceedings. On October 14, 2019, Coleman sent a letter to the presiding judge in each of the 58 superior courts in California calling to their attention the duties of the courts to provide ADA accommodations for known disabilities of court users even if no request for accommodation has been made. On October 1, 2019, Coleman submitted a request to the State Bar to require organizations offering training programs implementing new court rules on education

for court-appointed attorneys in conservatorship proceedings to seek review of the programs by the State Bar before the bar association grants permission to offer MCLE credits for these programs. On September 24, 2019, Coleman and attorney Lisa MacCarley made presentations to the Judicial Council at its meeting in Sacramento. Coleman submitted a report to the council documenting that a court rule on ADA accommodations and council literature were not in compliance with federal law. The report urged the council to take prompt action to remedy this problem. At that meeting, the Judicial Council approved new training requirements for court-appointed attorneys in conservatorship proceedings – a proposal submitted to it by Spectrum Institute in 2015. On April 19, 2019, Coleman sent inquiries to the Chief Justices of California, Washington, and Missouri to determine the status of various complaints sent to them about the guardianship and conservatorship systems in those states.

Legislative Branch Outreach. Working with a staff member of California State Senator Tom Umberg, and in consultation with attorney Lisa MacCarley, Thomas F. Coleman developed a right-to-counsel bill for consideration by the California Legislature in January 2020. The measure would ensure that each conservatee and proposed conservatee has counsel in the trial court and on appeal, that counsel should act as a zealous advocate for the stated wishes and/or the rights of the client and that the State Bar would develop performance standards for such attorneys to ensure due process and access to justice in these proceedings.

Executive Branch Outreach. On October 25, 2019, Thomas F. Coleman made a presentation and submitted materials to the Fair Employment and Housing Council of the State of California. He suggested several actions the council should take to address systemic and ongoing discrimination by California courts against seniors and other adults with disabilities in probate conservatorship proceedings. On June 2, 2019, Coleman wrote to the California Attorney General urging him to take action to address civil rights violations being perpetrated by the conservatorship system against seniors and other adults with disabilities. There has been no response to this and many previous communications to the attorney general.

Media Consultations. The project was contacted by broadcast and print journalists throughout the year seeking background information and quotes on issues pertaining to seniors and people with disabilities involved in guardianship and conservatorship proceedings. Journalist Juliette Farley quoted Thomas F. Coleman in a variety of guardianship articles she published this year.

Advice and Referrals. The project received emails and phone calls from individuals and family members who felt victimized by guardianship and conservatorship proceedings. They sought advice and referrals. Due to lack of staffing and resources,

we are only able to respond to a fraction of the requests we received.

Speaking Engagements. On February 20, 2019, Thomas F. Coleman made a presentation at a national forum on guardianship reform held in Tampa. His presentation was titled “Accountability: The Key to Guardianship Reform.” Coleman spoke at a forum on conservatorship reform held in Oakland, California on January 11, 2019.

Case Interventions. Thomas F. Coleman intervened in a conservatorship appeal in the California Court of Appeal resulting in the appointment of an attorney to represent the conservatee. The court-appointed attorney filed a brief arguing that the order of conservatorship should be reversed due to violations of law committed by the judge in the trial court. He also intervened in another conservatorship appeal urging the court to appoint counsel for the conservatee on appeal. As of the date of this report, an attorney has not yet been appointed. On October 1, 2019, Coleman filed an amicus curiae brief in the California Supreme Court in a conservatorship appeal pending in that court. He used the brief as a vehicle to educate the justices about the dysfunction and systemic flaws of the probate conservatorship system.

Corporate Structure

Both projects are functions of Spectrum Institute – a private foundation incorporated in California in 1987. The foundation has state and federal tax exempt status. It is governed by a four-member board of directors. Dr. Nora J. Baladerian serves as president. Thomas F. Coleman is the corporation’s secretary. Michael A. Vasquez is treasurer. Diane Coleman Rogers is a board member. The corporate address is 1717 E. Vista Chico, A7-PMB384, Palm Springs, CA 92262. The phone and fax number is (818) 230-5156. Email address: tomcoleman@spectruminstitute.org Website: <http://spectruminstitute.org/> **Dr. Baladerian left the board in August 2020.**

2019 Finances

The foundation periodically receives small donations from individuals who value the work of the organization. The donations are used to pay for basic operating costs. The foundation received less than \$5,000 in donations in 2019. It had a net worth of less than \$5,000 at the end of the fiscal year. More information about the corporation (C1400692) is available on the [website](#) of the California Secretary of State.

Prepared by:
Thomas F. Coleman, Secretary
Spectrum Institute

January 2, 2020