

Litigants

We are grateful to the men and women whose unfortunate experiences with the conservatorship system have provided examples of the need for systemic reforms in this area of the law:

Gregory D, an autistic young man whose court-appointed attorney waived his rights rather than defend them; **Michael P**, a conservatee with an intellectual disability who lost his life after the probate court failed to protect him; **Stephen L**, an autistic young man whose appointed attorney would have surrendered his right to vote had it not been for outside intervention; **Theresa J**, an elderly woman whose powers of attorney



and trust documents were unnecessarily voided by the court and whose court-appointed attorney violated ethical duties of confidentiality and loyalty by arguing against her stated wishes; **David R**, a former producer with National Public Radio who was stripped of his right to vote and whose fiancé contacted over 50 attorneys, none of whom would help; **Olivia B**, an autistic young woman whose case was the subject of a Supreme Court decision requiring appellate courts to use stricter scrutiny in evaluating the sufficiency of evidence in conservatorship cases; **Ashley E**, an autistic young woman in whose case the Court of Appeal ruled

that presence of a proposed conservatee at a hearing on the petition is jurisdictional; **Katherine D**, an elderly woman who was not provided an attorney either in the trial court or on appeal, thus completely violating her right to counsel; and **Elizabeth H**, the young woman with Down syndrome whose public defender's demand for a jury trial inspired me to write this guidebook of proposed jury instructions.

Advocates

We are inspired by the dedication and competence of attorneys who have taken steps to secure access to justice for adults with actual or perceived disabilities in probate court proceedings:

Tony Chicotel of San Francisco for writing an excellent guide on conservatorship defense; **Lisa MacCarley** of Glendale for sharing years of her experience in probate court; **Brook Changala** of Long Beach for speaking truth to power in the case of Theresa J, joining an *amicus curiae* brief in the case of Olivia B, and arranging for an



MCLE training with the Long Beach Bar Association; **Pat Murphy** of Lancaster for speaking out for better training for court-appointed counsel; **Susan Sindelar** of Santa Barbara County for filing the first appeal for a limited conservatee in decades – a case resulting in a major victory in the Supreme Court; **Joseph Reyes** of Solano County for demanding a jury trial for a proposed conservatee – a rarity in California; **Jay Kohorn** of the California Appellate Project for helping conservatees

receive court-appointed counsel on appeal; **Gerald Miller**, a court-appointed appellate attorney who helped secure victories on appeal for Olivia B and Ashley E; **Stephen Dale** of Contra Costa County who helped obtain endorsements from The Arc of California for various conservatorship reform proposals; **Evan Nelson** who filed a masterfully-written lawsuit against the attorneys and fiduciaries in Alameda County who violated the civil rights of Katherine D; **Sandra Slaton, Lanny J. Davis, and Dario Frommer** for their tenacious and creative advocacy for a client unjustly deemed to lack the capacity to litigate; **Justice Maria Stratton** who, as presiding judge of the probate court in Los Angeles, disclosed “inconvenient truths” about the conservatorship system there; and **Cheryl Mitchell** of Spokane, Washington, for providing advice on best practices in adult guardianship proceedings.