



A Message from the Executive Director

## A Growing Interest in Reform

Due to conservatorship and guardianship abuses getting attention from multiple media outlets in the United States and abroad, there has been a surge in public interest in the need for reform. A major transformation has occurred in public interest.

A documentary titled *Framing Britney* was released in February by the New York Times. Then on February 28, Rosamund Pike received a Golden Globe Award for best actress for the film *I Care a Lot* – an intense movie that mixes drama and comedy to depict the greed and manipulation that all too often is associated with guardianship.

In March, *Defiance News* released a five-part podcast series focusing on the conservatorship of Britney Spears in particular, but with one episode looking at the dysfunction of the conservatorship system generally.

Also in March, many major news outlets carried the story of a Republican Congressman from Florida calling on the chair of the House Judiciary Committee to have the committee hold hearings into conservatorship infringements on the federal civil rights of Americans. Spectrum Institute and a dozen other organizations sent a letter to the committee echoing that request.

With this backdrop, it was particularly heartening when a separate letter we sent to the chair of the California Assembly Judiciary Committee calling for state legislative hearings into conservatorship abuses received a prompt response. In the past, such communications were generally met with utter silence.

More evidence of the interest in conservatorship reform is the fact that the Long Beach Bar Association (LBBA) held a webinar on this topic in March during which I identified 11 problems with the conservatorship system and 11 proposed

solutions. In addition to LBBA members, staff from the California legislature attended the webinar as did public defenders from 13 counties.

Something has happened. A sleeping giant seems to be awakening – and the “powers that be” appear to be taking notice of something that they previously chose to ignore. Let’s see where this goes, but the increased attention being given to conservatorship reform over the past two months is promising.

With growing optimism,



Thomas F. Coleman  
Executive Director  
and Legal Director  
Spectrum Institute

### Spectrum Institute Featured On Radio Show



Thomas F. Coleman, legal director of Spectrum Institute, appeared on *The Morning News with Mike Davis* on March 29, 2021. Mike interviewed Tom about the case of Dorothy Helm O'Dell. Tom explained how Dorothy fought back and refused to surrender to exploitative and abusive legal maneuvers which a judge in Yakima County allowed to happen and the Court of Appeal swept under the judicial rug. Dorothy's petition to the Washington Supreme Court is pending. To listen to the 5-minute radio segment, [click here](#).

Thanks to an excellent defense provided by attorney Dan Young, Dorothy escaped without being forced into a guardianship. However, her assets were entirely depleted by the fees charged by the professionals who tried to take control of her life. A petition for review is asking the Washington Supreme Court to place controls in the guardianship system that will prevent fees from being

awarded when fiduciaries do not act in good faith. Such controls would benefit a variety of vulnerable adults, such as seniors with cognitive challenges, adults struggling with mental illnesses, and adults of all ages with developmental disabilities. For a press release about the case, [click here](#). To read the essay titled *Dorothy Won't Surrender*, [click here](#). Dorothy's case highlights the need for guardianship reform in Washington State. Perhaps Congress should include Washington in its agenda if it holds hearings into abusive guardianship practices by state courts that violate the federal civil rights of Americans. For a copy of a letter from Spectrum Institute and 14 other organizations calling for congressional hearings, [click here](#).

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### New Advisors Added to Mental Health Project



The Mental Health Project, directed by Tina Baldwin, was created with the purpose of promoting access to mental health therapy for adults with intellectual and developmental disabilities. The project, created in November 2020, seeks to inform guardians, conservators, and care providers of their responsibility to provide these services for those in their care. This month two new advisors have been added to the project.

Jose R. Rosario (pictured left) is a Clinical Psychology Ph.D. student at Clark University studying the factors associated with collective trauma and healing within silenced communities. Rosario is also an Expressive Arts Facilitator through the PeaceLove Studios. He founded The Phoenix Empowered, an organization focused on mental health disparities in minority groups, to empower underrepresented populations. As a mental health professional, Jose understands that this empowerment, and the creation of a space to be vulnerable, can lead to individual and group growth which are awakening agents for change.

James A. Mulick, Ph.D. (pictured right) is a professor emeritus in the

departments of pediatrics and psychology at Ohio State University and at Nationwide Children's Hospital. His research has focused on developmental and behavioral pediatrics, emphasizing the application of behavior analysis in the treatment of autism and other developmental disabilities. As a member of the Council of Representatives of the American Psychological Association, Dr. Mulick advocates for the right of individuals with developmental disabilities to effective treatment. He is a fellow of four Divisions of the American Psychological Association (APA) including Division 33 - Intellectual and Developmental Disabilities/Autism Spectrum Disorders. Dr. Mulick is a recipient of a Lifetime Achievement Award from the Ohio Psychological Association, the John W. Jacobson Award for Critical Thinking from Div. 33, and the Karl F. Heiser APA Presidential Award for Advocacy. He is a published author in the scientific literature in his specialties and an editor or co-editor of 16 books, to most of which he was also a chapter contributor.

Read more about the project and find each advisor's biography [here](#).

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### Spectrum Institute Welcomes New Board Member



Sheri Kellogg has become a member of the board of trustees of Spectrum Institute. A resident of Napa, California since 1971, Kellogg grew up in the community and went on to raise three children there. Sheri has contributed to her community over the years as an entrepreneur in a mix of areas, ranging from real estate lending to owning a caregiving franchise in both Napa and Redding for nearly a decade. The primary focus of her caregiving business was to advocate for the needs of seniors and those with different abilities while at the same time promoting their ability to be as independent as possible.

Sheri's passion for advocating for these often-marginalized members of society comes from her experience as a single mother of 23 years as well as being someone who believes in the value of the elderly and those with different abilities. While she was the owner of two Comfort Keeper's franchises, Sheri

gained a greater understanding that elderly and differently-abled individuals need strong advocacy in addition to caregiving services. They also need help navigating through the maze of social service systems in order to secure the financial aid and other assistance for which they are eligible.

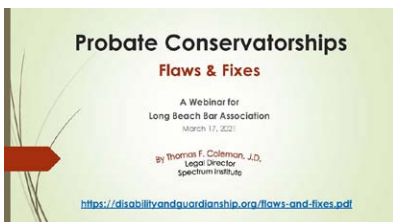
Sheri has recently been supporting the advocacy goals of Spectrum Institute through her expertise as a Brand and Marketing Strategist. She has honed successful techniques for using social media platforms to educate the public on important issues, while at the same time attracting people to participate as volunteers or donors to help an organization more effectively advance its mission. Sheri is sharing those techniques with the executive director and social media coordinator of Spectrum Institute, coaching them as they implement various strategies for growth and awareness of Spectrum Institute's purpose.

We are pleased to welcome Sheri Kellogg to the board of trustees.

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### Webinar Sponsored by Long Beach Bar Association

"I was heartened by the fact that attendees included bar association members, staff of the California Legislature, and public defenders in 13 counties." -- *Thomas F. Coleman*



Thomas F. Coleman, legal director of Spectrum Institute, was a guest speaker at a webinar hosted by the Long Beach Bar Association. Coleman's lecture identified 11 specific problems with the probate conservatorship system in California along with a suggested solution for each one of them. For a copy of the pdf of Coleman's PowerPoint presentation, titled "B is for Broken: How the Conservatorship Process Fails Adults with Cognitive Disabilities", [click here](https://disabilityandguardianship.org/flaws-and-fixes.pdf).

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## Podcast Focuses on Abusive Conservatorships in California



Defiance News has just released a series of podcast episodes focusing on the abusive conservatorship of entertainer Britney Spears. In the episodes the host, Tom Pattinson, brings up several other cases involving civil rights violations by the conservatorship system against adults whose ages range from 30 to 80. Part III of the series features Tom Coleman, Spectrum Institute's executive director, discussing legal aspects of Spears' case and failures of the probate system overall.

"Judges are controlling attorneys. Attorneys are milking the cases. Victims are powerless to escape," Coleman explained.

Pattinson expressed gratitude to Coleman for clarifying the ongoing injustices and thanked him for his dedication to the issue of abusive conservatorships.

"All I am doing is amplifying your voice a little and hoping that this - combined with the great work of many other experts, professionals and volunteers - will all aid the cause of trying to reform a system that isn't working," Pattinson said.

For more information about the episode, [click here](#). To listen to this segment (54-min), [click here](#).

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## Calls for Hearings into Conservatorships and Guardianships

Various organizations, including Spectrum Institute, have begun to urge representatives involved in judiciary committees to hold oversight hearings on violations of civil rights that routinely occur in guardianship and conservatorship proceedings in state courts throughout the nation. Although the National Council on Disability and the Government Accountability Office have issued reports

recognizing that federal civil rights violations are occurring in state conservatorship and guardianship proceedings, little has been done by the federal government to address these abuses.



Letter to California Assembly Judiciary Committee:

As chair of the Assembly Judiciary Committee, Mark Stone (pictured left) was urged to conduct oversight hearings to identify systemic problems and develop solutions to problems embedded within conservatorship proceedings. These problems were brought to his attention by our organization four years ago but still persist.

The letter states that the last oversight hearing of general conservatorships was held in 2006. However, oversight hearings specific to limited conservatorships, which apply to adults with developmental disabilities, have never been held since that system was created by the Legislature in 1989, thus leading to an outdated system.

For a copy of our letter to Chairman Stone, [click here](#).

Letter to House Judiciary Committee:

Since conservatorship problems are not only occurring within California's probate courts but nationwide, a similar letter was sent from Spectrum Institute to United States Representative Jerry Nadler (D-NY). Nadler (pictured right) is the chair of the House Judiciary Committee.



Although conservatorships and guardianships are within state jurisdiction, it is the duty of Congress to ensure that the federal constitutional and statutory rights of Americans are protected in these state judicial proceedings.

The letter not only called for congressional oversight hearings of conservatorship proceedings but also encouraged the committee to draft legislation that will strengthen the role of the federal government in protecting the constitutional right of due process and federal civil rights of Americans who are drawn into these proceedings.

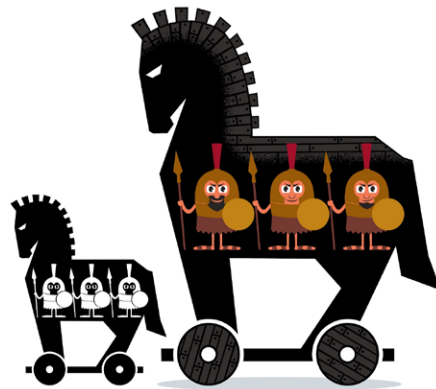
Several advocacy organizations joined Spectrum Institute in the call for reform.

To read a copy of the letter, [click here](#).

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[California Legal Newspaper Features Op-Ed on AB596](#)

## A Trojan Horse Bill Diminishes the Right to Counsel



The Daily Journal legal newspaper has published an [op-ed by Thomas F. Coleman](#), legal director of Spectrum Institute, which explains some of the dangers of AB596.

This bill undermines the right of people with communication disabilities to have a legal defense attorney in probate conservatorship proceedings. Under the bill, if a court-appointed attorney personally believes the conservatee or proposed conservatee is unable to communicate, the bill mandates that the attorney inform the court. The judge may then determine the inability to communicate without an evidentiary hearing, without even laying eyes on the litigant, without the need for an ADA assessment, and without the need for any expert evaluation. If the judge determines the individual is unable to communicate the judge must remove advocacy counsel and appoint a guardian ad litem (GAL). The GAL, of course, has no ethical duties of confidentiality or loyalty to the client.

Perhaps the author of the bill, Assemblymember Janet Nguyen, would benefit by hearing from California disability rights advocates. She introduced the bill at the request of the California Lawyers Association – a trade group representing the interests of the lawfirms who practice in probate court. The staff member assigned to the bill is Emily Humpal whose email is [emily.humpal@asm.ca.gov](mailto:emily.humpal@asm.ca.gov)

This op-ed was distributed by Tina Baldwin, Spectrum Institute's chairperson, via email to members of the Assembly Judiciary Committee to inform them of the dangers of AB 596.



For a pdf copy of the article, [click here](#). A video blog was also produced by Spectrum Institute to discuss the bill and its implications. To watch the video, [click here](#).

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## California Rule Maker Updating ADA Regulations



Thomas F. Coleman, legal director of Spectrum Institute spoke at a meeting of the Fair Employment and Housing Council on March 19th. Coleman called the attention of Council members to reference materials on the website of Spectrum Institute that would be helpful in formulating new nondiscrimination regulations.

Coleman also stressed three points: (1) disability nondiscrimination laws apply to judicial proceedings, especially conservatorship proceedings where all respondents have major cognitive disabilities; (2) regulations should emphasize that nondiscrimination mandates apply to all judicial and ancillary services both inside and outside of the courtroom; and (3) Rule 1.100 of the California Rules Court court dealing with disability ADA accommodations is totally inadequate to meet the needs of conservatorship respondents who, because of their cognitive and communication disabilities, are unable to initiate requests for accommodations.

The Council is charged by law to adopt regulations to interpret and implement state statutes prohibiting discrimination. Among those statutes is Government Code Section 11135 which prohibits disability discrimination by state agencies and by programs funded by the state. This statute applies to superior court proceedings, including probate conservatorship proceedings.

For more than one year, Spectrum Institute has been in communication with the Council about the importance of adopting specific relations that make it clear to judges and appointed attorneys that they have duties to protect the right of conservatees and proposed conservatees to effective communication and meaningful participation in these proceedings. This may require judges to modify court policies or attorneys to provide disability accommodations to clients

with cognitive disabilities.

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## California State Bar Hears from Spectrum Institute



Thomas F. Coleman, legal director of Spectrum Institute, spoke at a meeting of the California State Bar Board of Trustees on March 19. Coleman urged the judicial branch agency to devote time and resources to address the problem of deficient legal services being provided to low- and moderate-income Californians who become entangled, involuntarily, in probate conservatorship proceedings. In addition to initiating pro-active measures to address this problem – which the State Bar has not yet done – Coleman suggested that the Bar should support bills that protect the right to counsel (such as SB724) and oppose those (such as AB 596) that diminish this right by undermining access to a competent attorney who should provide zealous advocacy and adhere to ethical rules of loyalty and confidentiality.

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## Records Requests Sent to All California Superior Courts

"We are doing the work of gathering important statistics that the Judicial Council itself should be doing. We are glad that many superior courts are providing the data we have requested." -- *Thomas F. Coleman*

No state official or agency in California keeps statistics on probate conservatorship cases. How many new petitions are filed annually in the state? How many open cases are there? In other words, how many seniors and people with disabilities are superior court judges in California protecting through conservatorship orders? If courts aren't keeping



track of these numbers, they clearly don't care about serving and protecting this population. Spectrum Institute intends to find out the answer to the number of adults who are being protected by the superior courts throughout the state.

Our intern, Emmi Deckard (pictured right), has sent out administrative records requests under Rule 10.500 of the California Rules of Court. The requests ask each superior court for records showing the number of new petitions filed in 2019 and 2020 and the number of open cases at the end of each of those years. We will share our findings when this research project is complete.

Please show your support for our work by making a donation. Since we are an IRS-approved 501(c)(3) charitable private foundation, donations to Spectrum Institute are tax-deductible as allowed by federal law.

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Website:

<https://spectruminstitute.org/>

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