



Newsletters of Spectrum Institute are published quarterly in 2022. The next newsletter will be released in October.



A Message from the Executive Director

Progress on all Fronts

The articles in this newsletter demonstrate that Spectrum Institute is making progress in all of its projects.

We have been pressing for conservatorship reform in California at the state and local levels of government. Legislative changes are occurring in Sacramento. Local reforms are being recommended in Alameda County. The UC Irvine School of Medicine in Orange County is spreading the word about conservatorship reform in academic circles.

The Mental Health Project released its long-awaited *Consequences Report*. That immediately got traction in Washington State.

The *Birds of a Feather* LGBT legal history project is making progress too.

Commitment, creativity, collaboration, and persistence seem to be the key ingredients for success in reaching desired goals.

Best regards from the entire board of directors.



Thomas F. Coleman
Executive Director

Alameda County Grand Jury

YOUR PUBLIC WATCHDOG ENSURING OPENNESS AND INTEGRITY IN GOVERNMENT

Report Issued on Conservatorship Legal Defense Services

Each year the Civil Grand Jury of Alameda County releases a report on its findings and recommendations on aspects of local government activities it has investigated. This year's report, issued on June 28, 2022, contains a section focusing on the delivery of indigent legal defense services for adults with mental or developmental disabilities in probate conservatorship proceedings.

The issue of deficient legal defense services was brought to the attention of civil grand juries in all 58 counties by Spectrum Institute after it released a [report](#) titled "Public Funding of Legal Services in Conservatorship Proceedings."

The following is a statement released by Spectrum Institute on June 28, 2022 in response to the grand jury's report.

Grand Jury Report:

“PROBATE CONSERVATORSHIP CRIES OUT FOR REFORM”

After receiving our [2021 report](#) on legal defense services in probate conservatorship proceedings, the Alameda County Civil Grand Jury initiated an investigation into such legal services in that county.

Attached is the portion of the grand jury's annual report, released today, pertaining to conservatorship defense services funded by Alameda County. Here is a link to the full annual report: <http://grandjury.acgov.org/grandjury-assets/docs/2021-2022/Grand.Jury.Report.2022.for.ITD.Web.pdf> And a link to the portion of the report on conservatorship legal defense services: <https://disabilityandguardianship.org/alameda-gj-2021-22-report.pdf>

The grand jury found major deficiencies in the delivery of legal services by the Alameda County Department of Public Defender. Several recommendations are made to correct these deficiencies. One recommendation encourages the Board of Supervisors to consider removing this function from the Department of

Public Defender altogether and instead funding a program similar to that operated by the Legal Aid Center of Southern Nevada.

Spectrum Institute has been studying deficiencies in probate legal defense services, including those in Alameda County, for several years. We agree with the findings and recommendations of the grand jury.

1. Conservatorship legal defense services are underfunded in Alameda County.
2. The caseload for the one attorney who handles these cases is too high.
3. Training is inadequate.
4. Performance standards are lacking.
5. Monitoring for quality assurance is nonexistent.
6. Clients are not receiving ADA-compliant legal defense services
7. There is inadequate contact with clients once a conservatorship petition is granted
8. Medical and social worker evaluations are seldom requested by the defense attorney
9. Contested hearings are rare
10. Supervisors should adopt a Nevada-style legal defense program
11. Medical and social worker evaluations should be done more frequently
12. Quality assurance control monitoring should be created and implemented
13. Regular periodic outreach to adjudicated conservatees should be done by the legal defense agency

We hope that Alameda County Supervisor Nate Miley, an ongoing champion for conservatorship reform, will take this report to the board and press for implementation of the recommended reforms.

When Spectrum Institute first reached out to grand juries in all 58 counties in California last year, we were pleased when the grand jury in Alameda quickly responded by opening an investigation. We are now doubly pleased that the report it has released properly identifies problem areas in indigent legal defense services and recommends major reforms to improve such services.

This report shows the value of the grand jury system, where ordinary citizens take a honest look at local government deficiencies and offer fresh and innovative solutions to entrenched problems that otherwise might be ignored.

A [statement](#) made in 2021 by Alameda County Public Defender Brendon Woods suggests that many of the grand jury's recommendations, including transferring these defense services to another agency, may already have support. (His statement was included in the public funding report mentioned above.)

Spectrum Institute sent the Alameda County Grand Jury report to dozens of grand juries in other counties throughout California.

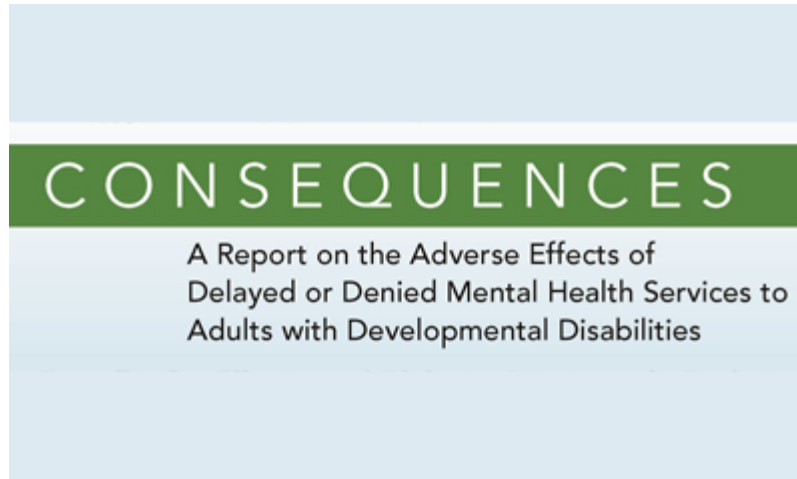
Last year, the Daily Journal legal newspaper published a [commentary](#) suggesting that a grand jury approach to conservatorship reform could stimulate needed reforms.



News Story (6-29-22)
**How Britney Spears
inspired cries for
conservatorship reform
in this Bay Area county**

(KRON) The very public conservatorship of Britney Spears inspired a larger movement to reform the conservatorship process in the Bay Area. Alameda County released a grand jury report Tuesday that outlines what appears to be deficiencies in the delivery of legal services in conservatorship cases by Alameda County Department of Public Defender (ACDPD).

[The news story refers to Spectrum Institute and quotes its legal director extensively. To read the story, [click here.](#)]



A report released by Spectrum Institute on May 2, 2022 calls attention to the consequences to adults with developmental disabilities when they do not receive needed mental health services in a timely manner. It was sent to those who control access to such services for this vulnerable population – “gatekeepers” – with a recommendation that they examine any policies and procedures that may impair prompt and equal access to effective therapies for these adults.

Consequences: A Report on the Adverse Effects of Delayed or Denied Mental Health Services to Adults with Developmental Disabilities is being distributed to

parents, primary care physicians, guardians, judges, court-appointed attorneys, disability rights and disability service organizations, and self-advocates. It explains that mental health therapy may not only be needed to address the issues associated with a developmental disability, but is often needed to treat mental illnesses or trauma caused by adverse childhood events (ACEs), crime victimization, or abuse. For a copy of the report, [click here](#).

The core research paper for the report was written by UCLA student Emmi Deckard. The report was edited by Thomas F. Coleman and Christina Ann Baldwin. Baldwin is the Director of the Mental Health Project. Coleman is Executive and Legal Director of Spectrum Institute.

[Click here](#) to read reviews of this report.



Tina Baldwin and Tom Coleman made a presentation about the report to the Certified Professional Guardianship and Conservatorship Board of Washington State on June 13, 2022. For Tina's remarks, [click here](#). For Tom's remarks, [click here](#). For suggested actions they sent to the board following the meeting, [click here](#).



CHIEF JUSTICE
STEVEN C. GONZÁLEZ

Washington Chief Justice Refers Our ADA Letter to the Full Court

Spectrum Institute sent a letter to the Chief Justice of Washington about ADA problems with the state's adult guardianship system. To read the letter, [click here](#). To read a follow-up communication, [click here](#). He forwarded both documents to the full court for review.



Conservatorship Loophole to be Closed by AB 1663

Limited conservatorship proceedings have protections not guaranteed by general conservatorship proceedings.

For example, if a petition for limited conservatorship is filed, the law has required judges to refer the case to a regional center for an assessment of an adult with developmental and to submit a recommendation on which rights should be retained or removed. This slows down the process but helps increase the prospect of a correct result. If a petition for general conservatorship is filed, judges do not have to seek such an assessment.

Spectrum Institute received a [whistle blower report](#) a few years ago alerting us that in a large number of cases in one region of the state, petitioners were filing for general conservatorships even though the adult had developmental disabilities and was a regional center client. Courts in those cases were granting conservatorships without seeking input from the regional center.

Spectrum Institute brought this problem to the attention of several California legislators. One of them is taking action. [AB 1663](#), a bill by Assemblymember Brian Maienschein, will stop this deliberate misuse of general conservatorships. It requires a judge, upon learning that a proposed conservatee has developmental disabilities, to deem the proceeding to be a limited conservatorship proceeding. As a result, all adults with developmental disabilities who are targeted by conservatorship petitions will receive regional center assessments and judges will take them into account in making decisions in these cases.

FREE WEBINAR

Conservatorships in California: Abuses, Critiques, and Proposals for Reform



JEROME TOBIS ENDOWED LECTURE SERIES NOW AVAILABLE FOR VIEWING [CLICK HERE FOR THE VIDEO](#)



Efficiency Trumps Ethics in Conservatorship System:
Attorneys and Judges Need Guidance and Accountability
Thomas F. Coleman
Legal Director
Spectrum Institute



Investigating Abuses in California's Conservatorship
Industry
Andie Judson
Investigative & Special Projects Reporter, ABC10 Originals,
ABC10/TEGNA



Better Outcomes with Supported Decision Making
Moderator: Clarissa Kripke, MD
Clinical Professor
Department of Family and Community Medicine
UCSF School of Medicine



LPS Conservatorships: Liberty vs. Justice
Jody Rawles, MD
HS Clinical Professor and
Department of Psychiatry & Human Behavior
UCI School of Medicine





Birds of a Feather

The *Birds of a Feather* Project will engage in a series of activities during LGBT History Month in October 2022. A webinar, memory book, and short videos will honor the LGBT law students and lawyers of the 1970s who advocated for justice and equal rights for LGBT individuals, couples, and families during that decade and beyond. We are awaiting a date for the webinar which will be hosted by the Williams Institute at UCLA Law School in October. The memory book, titled *The Seventies*, is nearing completion. Zoom interviews with some of the trailblazers of the 1970s are being scheduled. Sarah Barlow, who did an internship with Spectrum Institute last summer, has agreed to edit the videos. For more information about the project, sponsors, volunteers, and planned activities, [click here](#).

Please show your support for our work by making a donation. Since we are an IRS-approved 501(c)(3) charitable foundation, donations to Spectrum Institute are tax-deductible as allowed by federal law. Donors can designate a donation for a specific project or campaign. Otherwise they will be used for general organizational support.

[**Click Here to Donate**](#)

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