



*A Message from the Executive Director*

## Our Advocacy Gains Momentum

As you read this month's newsletter, you will see how we are implementing and expanding our programs.

Several interns will help staff our projects during the summer months. We also have enlisted the support and advice of new advisors on legal and mental health issues. We continue to make progress on our projects.

During the next phase of the *Funding & Fees Review Project*, we will be examining the use of public funds to provide legal services in conservatorship proceedings in California. With the help of two student interns, the *Mental Health Project* is developing a report on the consequences of delaying or denying necessary mental health therapy to adults with developmental disabilities when they need it. With the addition of a special advisor on limited conservatorships, the *Guardianship Project* will be submitting grant proposals to fund a major initiative in 2022 to improve access to justice in these proceedings for adults with developmental disabilities. A legal intern will assist us in launching a new *ADA Judicial Compliance Project* which will be focusing on how conservatorship courts can bring themselves into compliance with federal and state disability nondiscrimination laws.

This summer we will be devoting time to financial development for the organization. We have started this process by enlisting the help of a volunteer with experience in this area. We are inviting professionals in the fields of fundraising and grant writing to volunteer to coach us as we attempt to attract financial support for our organization and its innovative and important projects.

We encourage you to click on the donate button in this newsletter or on our website so that you can support Spectrum Institute by making a tax deductible

donation to support our work.

With warm regards and much appreciation,



Thomas F. Coleman  
Executive Director  
Spectrum Institute

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## Advocates Confer with Federal Justice Officials



Spectrum Institute and other advocacy organizations and activists had a teleconference on May 26 with officials from the United States Department of Justice in Washington D.C. Representatives of the DOJ included Andy Mao, newly appointed national Elder Justice Coordinator, and Shelly Jackson of the Civil Rights Division. Rick Black, director of the Center for Estate Administration Reform, initiated and coordinated the teleconference.

The topics discussed included: (1) the role of the Criminal Division of the DOJ to investigate and prosecute financial abuses committed in guardianship and conservatorship proceedings when perpetrators violate federal laws; (2) the role of the Civil Rights Division to investigate violations of federal nondiscrimination laws, such as the Americans with Disabilities Act, by courts and attorneys in such proceedings and to aggressively pursue consent agreements from state courts to bring their policies and procedures into compliance with these laws; and (3) the status of a “best practices” guidance memo from the DOJ to improve state guardianship proceedings. Publication of such a memo was mandated by federal legislation which was passed by Congress in 2017.

Mr. Mao disclosed that the best practices memo would be released within the next month or so. It will be a work in progress, so advocates will be able to give input for future modifications of the memo. He offered to put advocates interested in the criminal dimensions of guardianship practices in touch with experts in the DOJ's Criminal Division for further discussions. He agreed to put those interested in civil rights violations in communication with leadership and staff in the Civil Rights Division to continue conversations on that topic.

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## Spectrum Institute Puts a Focus on Inadequate Attention of Officials to Disability Communities



### ***California Judicial Council Admits Lacking Basic Conservatorship Data***

Spectrum Institute sent an administrative records request to the Judicial Council on April 27th. These requests asked for records showing the number of new probate conservatorship petitions filed in the superior courts throughout the state in 2019 and 2020. They also asked for records showing the number of conservatees with active cases during those years. The Council responded on May 14th indicating that it had only partial data on new filings and that it had no records showing the number of conservatees with active cases.

As a result of this new information, Spectrum Institute has written to the Judicial Council and the Chief Justice urging them to fix this void in data collection and reporting. The letter concludes with this observation: "Administrative leadership of the judicial branch cannot provide responsible oversight, engage in proper budgetary planning, or make improvements in the administration of justice in conservatorships without such basic data." For a copy of these materials, [click here](#).

Spectrum Institute also submitted a report to the Judicial Council which documents the need for the council to make an effort to collect and report data from the superior courts on probate conservatorship proceedings. The report was submitted on May 7th and we received notification on May 11th that the report was distributed to all members of the Judicial Council. Previous records requests submitted to the superior courts showed that the current collection and reporting process of this data is woefully

inadequate. To read the report, [click here](#).



### ***Void in Civil Rights Advocacy for Conservatees Presented to California Governor***

The Daily Journal published a commentary written by Thomas F. Coleman, legal director of Spectrum Institute, on May 5th titled "Civil Rights Agencies in California are MIA for Conservatees". It discusses how the state's Department of Justice, Department of Fair Employment and Housing, and Department of Developmental Disabilities -- all of which have civil rights enforcement powers -- are failing to protect people with disabilities whose rights are routinely violated by judges and court-appointed attorneys in probate conservatorship proceedings. For a copy of the commentary, [click here](#).

In addition, Spectrum Institute to sent a similar report titled *Civil Rights Agencies MIA for Conservatees with Developmental Disabilities* to California Governor Gavin Newsom on May 13th. The report calls on Newsom to investigate a void in civil rights advocacy that is adversely affecting tens of thousands of conservatees and proposed conservatees with developmental disabilities.

For a copy of the report, [click here](#). For a copy of the press release about the report, [click here](#). To watch a 5-minute video announcement about the report and previous attempts to convince state civil rights enforcement agencies to protect this vulnerable class of individuals, [click here](#).

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### ADA Judicial Compliance Project is Launched

The ADA Judicial Compliance Project became Spectrum Institute's fourth initiative this month. The project will analyze the policies of California's judicial branch entities and the practices of their officers, employees, and agents to determine if they are in conformity with state and federal disability nondiscrimination laws. Emphasis will be placed on determining whether these policies and practices



enhance access to justice for litigants with mental disabilities, especially adults who find themselves entangled in probate conservatorship proceedings. The project will be directed by attorney Thomas F Coleman with research assistance from law student Maria Reyes Olmedo.

To view the ADA Judicial Compliance webpage and read more about its mission, [click here](#).

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### More Advisors Join Spectrum Institute



Debra Bookout

Jim Berchtold

Ginny Focht-  
New

Barbara Imle

Two attorneys - Debra Bookout and Jim Berchtold - from the Legal Aid Center of Southern Nevada have agreed to be guardianship advocacy advisors to Spectrum Institute. The Legal Aid Center operates a Guardianship Advocacy Program where a staff of 14 attorneys represent hundreds of clients in adult guardianship proceedings.

Jim Berchtold managed the Center's Civil Law Self-Help Program from 2009 to 2017 when he took charge of the Guardianship Advocacy Program. He now heads up the Center's Consumer Rights Project which, among other things, protects seniors and adults with disabilities from unnecessary guardianship and financial exploitation. Jim graduated magna cum laude from the University of Utah in 1992 and from the University of Utah College of Law in 1996, where he was a William H. Leary Scholar and served on the Board of Editors of the Utah Law Review.

Debra Bookout joined the staff of Legal Aid Center in the Consumer Rights Project in 2013. The following year, she began representing vulnerable adults in

the Guardianship Advocacy Program. Debra served on the Commission to Study the Creation and Administration of Guardianships in Nevada's Courts from July 2015 through September 2016. Debra was promoted to Lead Attorney of the Guardianship Advocacy Program in July 2019. Debra earned a Bachelor's degree from the University of Houston in 1986 and received her Juris Doctor from the University of Texas School of Law in 1992.

Ginny Focht-New, PhD, PMH-CNS, BCB, NADD-CC has also accepted our invitation to be a Mental Health Advisor to Spectrum Institute. She is currently a Clinical Associate Professor and the Director for the Clinical Services for Vulnerable Adults at Widener University. She is a certified psychiatric clinical nurse specialist with an additional certification in biofeedback and with the National Association for the Dually Diagnosed. Ginny has been teaching social work students since 2006. Her courses range from research, interpersonal processes, and treating trauma to assessment and diagnosis of mental health conditions and working with people with intellectual/developmental disabilities. Ginny has been a therapist for almost 30 years. In addition, Ginny has supported people with intellectual or developmental disabilities (IDD) in several capacities for 50 years. Most recently she has provided consultation in several states. She has also provided legal expertise, has numerous presentations, and also has publications in a variety of journals.

Barbara Imle has also accepted our invitation to be a Limited Conservatorship Advisor to our organization. Barbara will work with the legal director of Spectrum Institute to develop a *Department of Developmental Services (DDS) Conservatorship Oversight Project*. Currently, Barbara is a doctoral candidate in the sociology department at Portland State University in Oregon. Her current research is focused on the process of establishing limited conservatorships of adults with intellectual and developmental disabilities in California. Barbara, who has disabilities herself, has some 15 years of professional experience working in the disability service delivery system in California. Previously she has been employed by two regional centers. This combination of experiences has provided her with a solid understanding of the complexities related to navigating the disability system, and the challenges that people with disabilities and service agencies face. Barbara is passionate about reforming the process of establishing adult conservatorships in a way that values and protects the individual rights and freedoms that so many adults take for granted. For a copy of Barbara's thesis for her Master of Arts degree in sociology, [click here](#).

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## We Are Reaching New Audiences Through Social Media



Spectrum Institutes social media intern, Sarah Barlow, has created accounts for our organization on [Twitter](#) and [Instagram](#). These two pages are in addition to our pre-existing [Facebook](#) page. Follow us to stay up to date with Spectrum Institute's latest activities.

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## Right to Counsel Bill Advances to Senate Floor



### **SB-724 Guardianships and conservatorships.** (2021-2022)

Bill Votes	
Date	05/20/21
Result	(PASS)
Location	Sen Appropriations
Ayes Count	7
Noes Count	0
NVR Count	0
Motion	Do pass as amended

SB724, a bill initiated by California Senator Ben Allen, would improve the right to counsel in probate conservatorship proceedings by: guaranteeing the right to counsel of choice, mandating the appointment of counsel for conservatees and proposed conservatees in the superior court and on appeal, and requiring counsel to act as a zealous advocate for the conservatees or proposed

conservatee consistent with the Business and Professions Code and the Rules of Professional Conduct. This is a major improvement on existing laws because superior court judges sometimes refuse to allow litigants in these cases to have the attorney of their choice and appointed attorneys often fail to advocate for the client's stated wishes or defend their rights as a zealous advocate would do. Superior courts and appellate courts have not been appointing counsel at all in some cases.

The bill has bipartisan support. It passed the Senate Appropriations Committee May 20th with a vote of 7-0 and now proceeds to a floor vote. Spectrum Institute was instrumental in the development of SB724 and has been promoting these reforms for several years.

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### Spectrum Institute Welcomes Volunteer Development Associate

We are pleased to announce that Jessilyn Matthias has volunteered to serve as a Development Associate for Spectrum Institute. Jessilyn lives in Moscow, Idaho where she works as a Program Technician at the University of Idaho Center on Disabilities and Human Development (CDHD) and conducts research for the Idaho Living Well grant project. One goal of the project is to improve education and advancement opportunities for direct support individuals who assist people with disabilities. She also writes articles for the CDHD in-house newsletter and gives presentations on self-advocacy. Jessilyn has a B.A. degree in English and Technical Communications from Eastern Washington University, and an M.S. degree in Adult Organizational Learning and Leadership from the University of Idaho. She has experience as a successful grant writer and researcher for the Spokane Civic Theatre in Spokane, Washington, and for the Moscow Habitat for Humanity in Moscow, Idaho. Jessilyn has right-hemiplegia cerebral palsy and was diagnosed with rheumatoid arthritis at the age of four. She has experienced mental health challenges in her life and is therefore very interested in supporting our Mental Health Project. Jessilyn looks forward to helping Spectrum Institute raise funds through grant writing and to being part of the organization's team.



## Law Students and Communication Strategist Become Summer Interns



Ben Dishchyan



Sarah Barlow



Kendall James



Maria Reyes  
Olmedo

Ben Dishchyan is currently a first-year law student graduating in May 2023 from Loyola Law School. Previously, Ben earned a B.B.A. in finance from Loyola Marymount University. Prior to attending law school, Ben worked in the elder care industry, placing elders in affordable board and care facilities that met their medical and personal needs. As a licensed insurance broker, he also has knowledge in sales and consulting regarding the insurance market. After law school, Ben's goal is to serve the public need and be a successful public interest attorney. At Spectrum Institute he will use his work experience and knowledge to provide legal research and advocacy to further the mission of the organization. Ben's primary assignment will be assisting with the Funding and Fees Review Project.

Sarah Barlow is a student at Washington State University Everett and will receive her bachelor's degree in Integrated Strategic Communication in August 2021. Over the years, Sarah has acquired a variety of skills including public speaking, public relations, marketing, and journalism. Every day she works to refine and enhance these skills further. Sarah will work as a social media manager for Spectrum Institute, managing and editing our accounts with Facebook, Instagram, Twitter, LinkedIn, Get Response, Google, and YouTube. She will also be an assistant producer with *The Freedom Files* podcast.

Kendall James is a first year law student with the intention to obtain her Juris Doctor degree in 2023. She graduated from Texas Christian University with a Bachelor of Arts in Political Science and Communication Studies, where she served her local community through school-based organizations and conducted research for professors regarding big industries and minority representation. Kendall will be assigned to the Mental Health Project to develop a report on the legal consequences to so-called "gatekeepers" of mental health therapy when they willfully or negligently contribute to the denial of such services to adults with developmental disabilities who need such services. Gatekeepers include

primary care physicians, insurance companies, guardians or conservators, service providers or coordinators, health care agents, and parents who have assumed a caregiving role for their adult children.

Maria de los Angeles Reyes Olmedo, a legal summer intern, is a second-year law student attending Loyola Law School in Los Angeles. Maria was born in Guanajuato, Mexico, and they are a non-binary Mexican immigrant and first-generation higher education student. Maria attended Cal Poly Pomona for their undergraduate studies, majoring in Gender, Ethnic, and Multicultural Studies, with a focus on Latinx/Chicanx Studies, and minoring in Spanish. They enjoy conducting research and writing, and presented their original research titled “*Existimos porque resistimos: Lyrics of Revolution and Resistance in Latin America*” at the National Association for Chicana and Chicano Scholars Conference in 2017. Growing up as an undocumented immigrant exposed Maria to the difficulties experienced by those who live in underserved communities and form part of disenfranchised groups. Maria is passionate about becoming an active advocate for underserved people and will pursue a policy and advocacy-oriented public interest career post-graduation. Maria's primary assignment will be assisting with the ADA Judicial Compliance Project.

To read about our current and previous interns on our intern page, [click here](#).

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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