



*A Message from the Board of Trustees*

## Trustees Meet as Summer Ends

*Fall Months Will Build on the Work of Summer Interns*

The Board of Trustees of Spectrum Institute held its summer meeting via Zoom on August 28, 2021. Trustees received progress reports on the Mental Health Project, Funding and Fees Project, and ADA Judicial Compliance Project. A financial report acknowledged the success of our recent campaign to raise funds for the organization's annual operating expenses.

Attorney John DiPietro was elected to fill the board position formerly held by Tina Baldwin. Tina will continue to serve as the organization's Chairperson and as the Director of the Mental Health Project. In addition to his position as a trustee, attorney Brook Changala will serve as the organization's President. The other three board seats will continue to be held by Tom Coleman, Sheri Kellogg, and Diane Coleman-Rogers. Michael Vasquez remains in the position of Secretary of the organization. Tom Coleman continues to serve as the Executive Director and Legal Director of Spectrum Institute.

The board members appreciate the contributions to the organization and its projects that have been made by student interns, volunteers, legal advisors, and mental health advisors. We are grateful to the individuals who made our recent fundraising drive a success.

We ask the newsletter's readers to share it with others and to encourage

your friends and colleagues to support our work. Ask them to visit our website, read about our advocacy activities, and consider making a financial contribution. The donate button is found at the end of the newsletter and is highly visible on the website.

Our long awaited report on public funding of indigent legal defense services will be released on September 7. The report is the culmination of one year of legal research and factual investigations.

During the coming months, we will be raising funds to support the staffing necessary to produce additional reports from our various projects. The next report from the Funding and Fees Review Project will focus on abusive judicial policies and practices that confiscate assets of seniors and people with disabilities to pay for the legal fees of various attorneys in conservatorship proceedings. We will recommend major changes in seizure of private assets to pay these fees. We anticipate we will need to raise \$20,000 to produce this report.

The Mental Health Project has developed preliminary research data and student papers for the first two reports in the Consequences Series. Part One looks at the adverse effects to adults with developmental disabilities when they are denied prompt and appropriate mental health therapies when they need them. Part Two looks at the legal consequences that should occur to conservators who wrongfully deny conservatees timely access to such mental health services. We estimate that we will need \$4,000 in donations to complete these reports.

We want to produce three products for the ADA Judicial Compliance Project. The first is a report on the progress that has occurred over the past few months to help the California superior courts and appellate courts comply with their ADA duties. The second is a webinar on the ADA duties of appellate courts which is intended to educate appellate justices and staff attorneys. The third is a formal grievance to be filed with the Judicial Council for its failure to adopt policies and educational materials to inform judges and judicial staff of their duties, even without a request, to provide ADA accommodations to litigants with obvious or known mental or developmental disabilities that may impair meaningful participation in court proceedings. We need to raise \$6,000 to produce these materials.

Our development team will announce a Research & Publication Fundraising Campaign in the coming weeks. Donors will be able to earmark their financial contributions to a specific project or to support a specific report if they wish.

Board of Trustees  
Spectrum Institute

Commended **by** California Grand Jurors' Association



## Social Media Episodes: "Meet the Team"

Our social media intern, Sarah Barlow, has added more segments to the "Meet the Team" series that she launched last month. In these short videos, board members, advisors, and volunteers explain why they are involved with Spectrum Institute and share their hopes for the organization. Click on the links below to view the latest episodes. Many thanks to Sarah for creating this series.



John DiPietro (new board member) [click here](#)  
Tina Baldwin (chairperson) [click here](#)  
Maria Reyes Olmedo (student intern) [click here](#)  
Kendall James (student intern) [click here](#)  
Jenny Coleman (webmaster) [click here](#)

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# The Freedom Files:

Next Podcast Episode Available September 1

The Freedom Files  
**EPISODE 3: My New Challenge: Conservatorship Injustices**

Picking up where the Episode 2 leaves off, this episode describes the shift in Tom Coleman's advocacy activities after publishing his memoirs in 2009 and his venture into the California conservatorship system and the abuse of people with disabilities.

**AVAILABLE SEPTEMBER 1ST ON YOUTUBE & STREAMING PLATFORMS**

The graphic features a dark blue background with white and light blue text. On the right side, there is a circular portrait of Tom Coleman, a book cover titled 'PURSUIT OF JUSTICE', and a stylized blue microphone icon with sound waves.

pursuitofjusticepodcast.com / Sponsored by: Law Office of Thomas F. Coleman and Spectrum Institute

## My New Challenge: Conservatorship Injustices

This episode describes the shift in the advocacy activities of Tom Coleman after his memoirs were published in 2009. He ventured into the area of abuse of people with disabilities, especially those with developmental disabilities, with the goal of promoting more effective responses to such abuse by government agencies. In the course of doing that important work, Coleman was introduced to an extremely challenging set of problems with the probate conservatorship system in California. After investigating a few specific cases of young adults with developmental disabilities whose rights were violated in these legal proceedings, Coleman dug deeper. Were these isolated incidents or were the problems more widespread? His investigation showed that tens of thousands of adults with cognitive disabilities were being victimized in California by a system that was intended to help them. Coleman identified many flaws with the probate conservatorship system and then set out on a journey to correct them. Through his work with Spectrum Institute, Coleman filed complaints, wrote policy reports, and published commentaries in the legal newspaper. He approached elected officials. He spoke at conferences.

A documentary was created by filmmaker Greg Byers tracking Coleman and a small group of advocates as they tried to shake up the status quo. This episode of the podcast shows clips from the [documentary film](#), with commentaries provided by Coleman about the relevance of each film clip to the larger effort of conservatorship reform in California and guardianship reform in states throughout the nation.

To watch the video version, listen to the audio version, or read the feature story of this episode, [click here](#).

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## Master of Library and Information Science Internship



Spectrum Institute has an opening for Master of Library and Information Science Intern for the Fall 2021 semester or quarter. The project will focus on the development of a database of legal publications on the Spectrum Institute website that can be searched on the internet based on key words chosen to reflect user's vocabulary and a hierarchy of categories determined by categorizing the documents according to their content and subject matter. The intern's work product will be incorporated into the organization's website. for more information about internships at Spectrum Institute, [click here](#). For a list of our publications, [click here](#). To apply, contact: [christina.baldwin@spectruminstitute.org](mailto:christina.baldwin@spectruminstitute.org).

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### ***Daily Journal Commentary***

#### Conservatorship Training Riddled with Errors and Omissions

by Thomas F. Coleman

The Daily Journal published a commentary on August 24, 2021, pointing out deficiencies in a training program for court appointed attorneys who represent adults with developmental disabilities. The webinar was sponsored by the Los Angeles County Bar Association.



The Daily Journal is California's premier legal newspaper. It is read by thousands of lawyers and judges, as well as state and local officials. To read the commentary, [click here](#). This is the 33rd article by Tom Coleman published by the Daily Journal over the past six years. To access the full set of articles which is available in a compendium, [click here](#).



On August 30, 2021, The Commonwealth Club of California hosted an Internet forum focusing on the need for conservatorship reform.

Thomas F. Coleman, legal director of Spectrum Institute, was a panelist at this forum. [Click here](#) for more information about this program.



New  
Supported  
Decision-  
Making Law in  
New  
Hampshire

By Thomas F. Coleman

The State of New Hampshire has just enacted Senate Bill 134 -- a supported decision-making (SDM) statute. The law could help some adults with mental or developmental disabilities avoid being placed under an order of guardianship.

A set of legislative “findings” expresses a clear preference by the Legislature for less restrictive alternatives to guardianship to be considered before the state encroaches on an individual’s liberties. One of the findings states: “Supported decision-making is a process which preserves the self-determination of adults with disabilities by providing them with accommodations and supports to enable them to make life decisions.” (For the full text of the legislation, [click here.](#))

The law has some safeguards. There is a provision allowing the person with a disability to choose a financial monitor as a safeguard. There is also a provision that places a *duty* on anyone who is aware of the SDM agreement to notify state protective agencies if they have cause to believe that abuse has occurred.

The terms of the agreement must be read to the individual or a sign language interpreter must be used. This implies that the individual must understand what they are signing and what they are doing. So the agreement would not be valid for someone with a severe intellectual disability that precludes such awareness and understanding. It would also likely be invalid for someone with serious dementia who, one hour later, would not remember that they signed it. The fact that they have the right to terminate it when they want to implies that they must be able to remember that they signed it. Otherwise, if they could not remember this, how could they terminate it?

With all of these aspects of the law in mind, the risk of abuse or exploitation is minimized.

Whether the courts will honor SDM as a substitute for guardianship remains to be seen. All states have requirements that less restrictive alternatives be considered before courts place an adult into a guardianship or conservatorship. But that requirement is often ignored or glossed over.

Those who wish to consider SDM for themselves or for a loved on should be aware that such an arrangement is not a type of delegated decision-making. It is not like a power of attorney where an adult with capacity delegates authority to another person to make decisions when the adult later becomes unable to do so.

Under SDM, the supporter is not making decisions for the individual with a disability. A supporter is helping the individual make his or her own decisions. So, in the context of medical decision-making, doctors will still need to have a good faith belief that the patient is personally giving informed consent. It is not the consent of the supporter that counts. If the doctor has reason to doubt that the patient personally understands the benefits and risks, then the doctor could be committing malpractice and engaging in an unlawful battery if the doctor performed a procedure without the patient’s own personal informed consent.

The same would be true for banking transactions. A banker would have to believe in good faith that the customer personally understood the financial transaction that he or she was authorizing. If the banker proceeded with a transaction that he or she believed the customer did not personally understand (even with the help of the supporter), the banker could be held liable and

perhaps have action taken against not only the banker but also the financial institution by banking regulators.

If properly implemented, the new law could help many adults avoid guardianship and allow them to have decision-making authority over personal and financial matters in their lives – just like everyone else.



## Outreach to Consumer Attorneys of California

Consumer Attorneys of California is a professional organization of attorneys who represent plaintiffs seeking accountability from those whose wrongdoing has harmed them.

Some of the lawsuits filed by these attorneys seek redress for disability discrimination or civil rights violations.

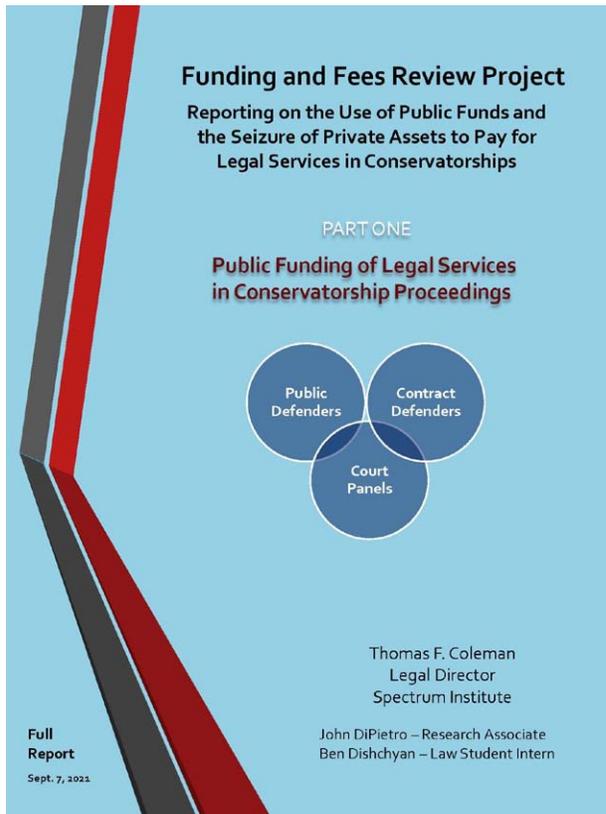
Spectrum Institute has reached out to the leadership of this organization with an invitation to collaborate with us in developing legal theories to hold accountable attorneys who provide deficient legal services to adults with mental or developmental disabilities in probate conservatorship proceedings.

We have invited the Consumer Attorneys of California to stand up for the rights of this vulnerable class of individuals when they receive substandard legal services from court-appointed attorneys -- especially when they, as clients, are forced by judges to pay for these services from their own assets.

We look forward to their reply and will report in a future newsletter whether they accepted our invitation to collaborate in helping litigants who are harmed by attorney malpractice in probate conservatorship proceedings.

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Coming Soon . . . .

Spectrum Institute will release a report identifying systemic problems with the funding and delivery of indigent legal defense services in probate conservatorship proceedings in California. Reform proposals are directed to the supreme court, judicial council, legislature, county executives, state bar, and the state public defenders association. It also calls for formal investigations by civil grand juries in all 58 counties. The report will be available on the [home page](#) of our website on September 7.



### Suggested Reading

Intellectual and Developmental Disabilities: A Bibliography on Trauma and Therapy

A large number of books have been published over the past 15 years about the treatment of individuals with intellectual and developmental disabilities who have experienced trauma or who need therapy for other mental health conditions. To access this bibliography, [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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