



*A Message from the Executive Director*

## Next Phase of Fundraising

*Now That Operating Expenses are Handled,  
Raising Money to Staff Our Campaigns is Next*

The fundraising campaign to raise money for our annual operating expenses was a success. In fact, since we are so frugal with our expenditures and donors were so generous, we have covered our operating expenses through the end of 2022. Now we must tackle a greater challenge. We need funds to staff our campaigns.

We have four specific campaigns for which we are seeking donations.

Mental Health - Consequences. We need \$4,000 to produce two Consequences reports that will document the adverse impacts on adults with developmental disabilities when they are denied prompt and equal access to appropriate mental health care and to warn conservators and other fiduciaries of the legal consequences they face when they wrongfully deprive such adults of such care. For more information on the Consequences reports, [click here](#). To make a donation to fund this important work, [click here](#). Inform us that your donation is earmarked for this project.

Conservatorship Attorneys -- Fee for All. We just released a major report documenting how public funds are being used to provide inadequate legal services to conservatees and proposed conservatees who have no assets. Now we will shift our attention to document how those with assets are being forced to deplete them in order to pay excessive fees to a variety of attorneys in these proceedings -- including the fees of their opponents. Our study will propose major reforms to this asset-depleting judicial process. We need \$20,000 to complete the research and write a report which will require hundreds of hours of staff time. For

more information on the "Fee for All" study, [click here](#). To make a donation to fund this important work, [click here](#). Inform us that your donation is earmarked for this project.

ADA -- Judicial Compliance. The disability nondiscrimination provisions of the Americans with Disabilities Act and California's state equivalent apply to judicial proceedings -- especially conservatorship proceedings in which people with significant disabilities are involuntarily entangled. During the summer, we were able to identify major deficiencies in court policies and practices. Now we must take it to the next level: publishing reports and filing grievances. We need \$6,000 to write a report and build a coalition of organizations to join us in filing a formal grievance with the California Judicial Council. For more information on this campaign, [click here](#). To make a donation to fund this important work, [click here](#). Inform us that your donation is earmarked for this project.

LGBTQ+ Outreach. As part of our larger outreach campaign to the LGBTQ+ community (described elsewhere in the newsletter), we will be engaging in a variety of activities to commemorate the 50th Anniversary of the founding of the first gay law student association in the nation. The legal director of Spectrum Institute was a founding member. Law students, professors, and lawyers who were trailblazers during the entire decade of the 1970s will be recognized. For more information on the "Birds of a Feather" commemoration, [click here](#). To make a donation to fund this important work, [click here](#). Inform us that your donation is earmarked for this project.



Thomas F. Coleman  
Executive Director



**“Often, a proposed conservatee’s only hope for avoiding conservatorship or for at least avoiding an overbroad conservatorship, is their defense attorney. It is high time for the state to improve the quality of conservatorship defense.”**

**Tony Chicotel, Staff Attorney,  
California Advocates for  
Nursing Home Reform**

# California Grand Juries Responding to Our Requests



When Spectrum Institute released its report on public funding of indigent conservatorship legal defense programs on September 7, 2021, we send a letter to the civil grand juries in all 58 counties in California. We invited them to consider investigating whether the legal defense program in their own county was providing effective or defective legal services to adults with mental and developmental disabilities who are entangled in probate conservatorship proceedings.

The Santa Clara County Civil Grand Jury was the first to respond. The foreperson wrote to us to acknowledge receipt of what they described as our "complaint." She expressed appreciation that we brought his matter to the grand jury's attention. The civil grand jury in Contra Costa County invited us to complete a complaint form online and submit it to them. We did. We were invited to do the same by the civil grand jury in Placer County. The foreman of the civil grand jury in Lake County sent us a letter acknowledging our request for an investigation, indicating that it would be considered by the full grand jury. The foreperson of the Orange County Grand Jury wrote: "We will be reviewing the matter you identified." The foreperson of the San Diego County Grand Jury wrote: "The Grand Jury will review the information you have provided, verify that this matter is within its jurisdiction, and determine whether further investigation is warranted."



## United States Senate Holds Historic Hearing on "Toxic Conservatorships"

Conservatorship abuse affects seniors and people with disabilities regardless of income, race, religion, or political affiliation. That is why conservatorship reform is gaining bipartisan support. One example of political unity is the hearing that was held on September 28, 2021 by the Subcommittee on the Constitution of the United States Senate Judiciary Committee. The hearing was jointly called by the Subcommittee Chair, Senator Richard Blumenthal (D-CT) and Ranking Member, Senator Ted Cruz (R-TX). The hearing was titled "Toxic Conservatorships: The Need for Reform."

The conservatorship case of Britney Spears has stimulated bipartisan expressions of concern and calls for reform. "Britney Spears is one of hundreds

of thousands of Americans in conservatorships that too often restrict their basic human rights,” Blumenthal wrote when he sent out an announcement of the hearing. In June, three GOP representatives sent a letter to Spears inviting her to testify before Congress. Democratic Sens. Elizabeth Warren (Mass.) and Bob Casey (Pa.) cited Spears’s comments in court in a letter calling on Health and Human Services (HHS) Secretary Xavier Becerra and Attorney General Merrick Garland to provide more data on state conservatorship and guardianship system.

For a copy of Spectrum Institute's proposals to the chief counsel of the Senate Judiciary Committee, [click here](#). For a copy of our letter to Senator Dianne Feinstein who sits on the subcommittee, [click here](#).

Spectrum Institute has also been in communication with the Senate's Special Committee on Aging. The Committee is in the process of developing legislation to address increasing demands by the public to stop ongoing abuses and exploitation of seniors and people with disabilities in state-operated adult guardianship and conservatorship systems. We suggested that Congress should use both "carrots and sticks" to entice the states to make significant reforms to these estate-depleting and rights-devouring legal proceedings.

As for carrots, Congress gives millions of dollars per year in California alone to fund legal services for children and parents who become entangled in child welfare proceedings (called juvenile dependency in California). There are strings attached in terms of performance standards for the attorneys and monitoring mechanisms. California gladly accepts the money and the strings too.

Why do this for children and parents who are in distress and not for seniors and people with disabilities who become entangled in conservatorship and guardianship proceedings? Federal money for legal services for vulnerable adults – with performance standards and monitoring – would help these folks get access to justice and improve outcomes as well.

As for sticks, Congress should fund a few positions in the Disability Rights Section of the Civil Rights Division of the DOJ to work exclusively on ADA violations committed during the course of conservatorship and guardianship proceedings. New funding also should be allocated for positions in the criminal division of the DOJ devoted exclusively to violations of federal statutes by conservators or guardians and their attorneys. The DOJ has the authority to intervene and remedy, but not the funds or staffing to do so.

Asking politely for state courts to do demonstration projects or make minor changes only perpetuates the myth that meaningful reform is occurring. It is not. It will take significant actions by Congress to cause real change.

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## Silver Linings in Letter from Supreme Court



On July 21, 2021, the California Supreme Court received a [request](#) from Spectrum Institute and 10 other organizations asking it to convene a Workgroup on Conservatorship Right to Counsel Standards. The request pointed the need for court-appointed attorneys to have performance standards to guide their representation of clients who lack the ability to complain if the attorneys willfully or negligently fail to provide competent representation. The message was echoed by an [op-ed](#) in the Daily Journal legal newspaper.

On September 21, 2021, we received a "cloudy" reply from the court declining to create such a workgroup. But as the saying goes, "Every cloud has a silver lining." This one has four.

First, the court could have ignored the request. It did not. The court's clerk indicated that "the court declines to create a workgroup." This means all seven justices made a collective decision. Thus, the court has become educated about the ongoing problem of bad lawyering in these cases.

Second, the letter pointed to a new Judicial Council study that will examine "the effectiveness of conservatorship proceedings." This gives us an opening to ask that the study include a probe into the effectiveness of court-appointed attorneys in securing outcomes favorable to their clients.

Third, citing recent passage of AB 1194 by the Legislature, the court stated that the new law "provides conservatees with additional protections concerning their right to counsel." We will cite this statement when we invite appointed attorneys to attend a webinar we will conduct to explain the details what those "additional protections" are and the potential consequences to attorneys who fail to act as "zealous advocates" as the new law requires.

Fourth, the letter said the court declined to convene a workgroup "at this time." The court uses language deliberately. This phrase suggests that the court may reconsider its decision at a future time, perhaps on its own motion, if it appears that court-appointed attorneys are not living up to their "zealous advocacy" obligations.

The court's letter is a reminder that there is no magic wand to create immediate conservatorship reform. The process is incremental. It requires perseverance.



50<sup>th</sup> anniversary of organized LGBTQ+ law student activism, Spectrum Institute has created the Birds of a Feather project. Through the production of a documentary film and other activities, the project will acknowledge the contributions of LGBTQ+ legal trailblazers from the 1970s and at the same time educate the current generation of law students and lawyers about the history of that decade. To read more about the project or to become a sponsor, [click here](#).

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## Two New Interns Join Our Team

We are pleased to announce that two college students are doing internships with us this fall.



Francis Cast, a student at Western Washington University, is studying creative writing and will receive his Bachelor of Arts degree in June 2022. Francis is taking on the role of Assistant Producer where he will help run and mix AudioCast, a new feature of Spectrum E-News, the editorial and news division of Spectrum Institute. Growing up with a speech disability has made Francis passionate about advocating for the rights of people with disabilities. His experience with a communication disability has shaped him into the writer, worker, musician, and overall person he is today.



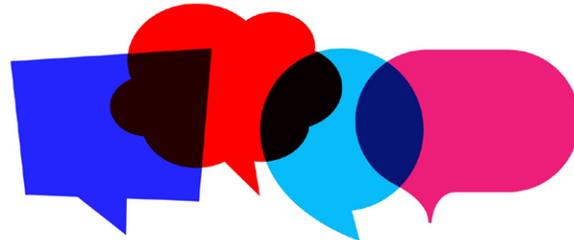
Eneya Kwesele, a student at Washington State University, will receive her Bachelor of Arts degree in May 2022 in Integrated Strategic Communications with a focus on public relations. Eneya will manage our social media outreach program. As a first-generation college student and a black woman, Eneya recognizes the importance of advocacy for underrepresented and marginalized populations. She joined varsity FIRST Robotics in high school and helped pioneer Special Olympics Unified Robotics -- a robotics program for students with disabilities. Eneya also has experience advocating for college students and has served on several campus-wide committees.

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# The Freedom Files

New Podcast Episode Now Available



## TOWN HALL

### Conservatorship Reform is Long Overdue

This episode of the podcast series focuses on a Zoom Town Hall where victims of the California conservatorship system shared their stories, local elected officials in Alameda County acknowledged the need for reform, and #FreeBritney activists discussed their movement to rid superstar Britney Spears of the confines of conservatorship. Most of the presentations involved the negative experiences that many seniors and their families have had with conservatorship proceedings. Many of the complaints focused on the greed of attorneys and the complacency of judges. Before offering several specific proposals to reform key parts of the conservatorship system, attorney Thomas F. Coleman, one of the organizers of the town hall, summarized the injustices experienced by six adults with developmental disabilities. During this podcast episode, video clips from the town hall will be played, along with commentaries by Coleman about the relevance of each clip to the goals of the conservatorship reform movement. To watch the video version, listen to the audio version, or read the feature story of this episode, [click here](#).

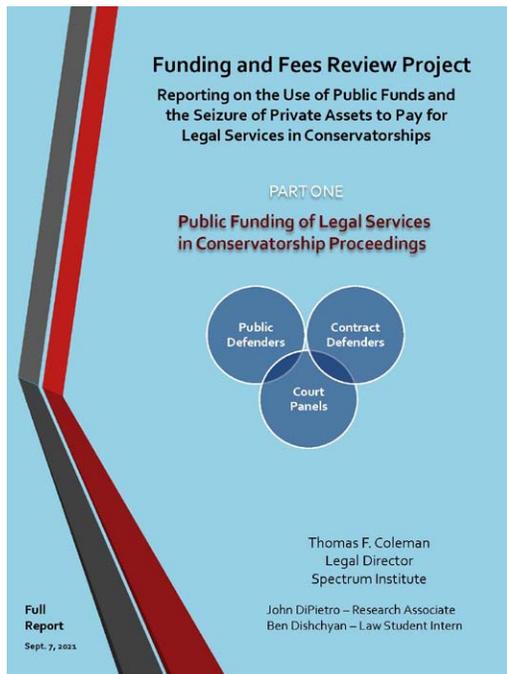


Conservatorship  
Reform Bill  
Sent to  
California's  
Governor

AB 1194 protects the right to a chosen attorney, mandates the appointment of defense attorneys for those without counsel, requires appointed attorneys to act as a “zealous advocate” for the client, and guarantees that conservatees receive an appointed attorney in appellate proceedings. The bill received overwhelming support in both houses of the legislature. It now awaits the governor's signature. Spectrum Institute assisted Senate Ben Allen (photo), primary co-sponsor of the bill, to develop the measure's right-to-counsel provisions. These new legislative mandates will help thousands of seniors and people with disabilities who become entangled in probate conservatorship proceedings. To read our press release about the new bill, [click here](#).

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## Landmark Report Identifies Major Flaws in Conservatorship Legal Defense Programs



A landmark report released by Spectrum Institute in September found that legal defense programs in California conservatorship cases are plagued with problems: inadequate funding, high caseloads, a lack of performance standards, and an absence of quality controls. It recommends remedial actions by state officials and calls on civil grand juries in all counties to investigate these deficiencies. The report points to a legal defense program in Nevada that could be a model for reform in California.

Among the recipients of the report are the California Supreme Court, Legislature, and Judicial Council, as well as public defender offices in counties throughout the state. To read our press release, which has links to the report and an executive summary, [click here](#).



## Outside Strategic Consultant

Gurdeep Singh Rains is a doctoral student at Washington State University. As a researcher in corporate governance and strategy, Gurdeep assists organizational leadership to improve performance outcomes. He received his Bachelor of Engineering (Production) and MBA (International Business) in India and has over 14 years of work experience in India, China, Hong Kong, and the USA. Gurdeep will provide ongoing advice to the executive director of Spectrum Institute.



## Suggested Reading

***The Domino Effect: My Life As An Advocate*** -- An Autobiographical Narrative by Thomas F. Coleman

An episode of *The Freedom Files* podcast focused on the advocacy activities of Spectrum Institute's legal director before he was introduced to the civil rights nightmares of probate conservatorships. From gay rights to family diversity to singles rights to abuse of teenagers, Coleman's career has focused on equal rights and justice for many oppressed or underserved segments of the population. To read a feature story about the advocacy adventures of Thomas F. Coleman from his law school days in 1972 up to the publication of his professional memoirs in 2009, [click here](#). The story has links to photos and documents from each of those eras.

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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.

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