



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



*A Message from the Executive Director*

## Conservatorship Reform is Gaining Traction in California

For years the California Legislature was missing in action when it came to addressing the many problems with the probate conservatorship system. The small coalition of reform advocates were not able to nudge lawmakers into action.

Then the #FreeBritney Movement entered the scene. The celebrity of a conservatorship victim was enough to get the media on board the reform movement. That caused politicians in Sacramento to pay attention.

As a result of the right mix of political ingredients, and with growing support from the general public, AB 1194 was passed. The bill became effective on January 1, 2022. Among various reforms, the new law requires public defenders and court-appointed attorneys to provide those who are targeted by these proceedings with zealous advocacy. It also requires that those who don't have their own chosen attorney be provided one. This is a start down the path of reform, but only a start. Much more is needed.

For example, some judges are already finding ways to subvert the conservatee's right to have a chosen attorney. They are ordering an assessment by a mental health expert to determine if the individual has the capacity to choose an attorney. While that is being done, they appoint another attorney to represent the individual and that attorney fails to advocate for the client's right to a chosen attorney. The Legislature will need to plug that judicial loophole.

Now that politicians see that conservatorship reform is an issue popular with the public, more will be happening at the state and local levels of government.

SB 602 by Senator John Laird is winding its way through the California Legislature. It has already passed the Senate and since there has been no opposition it is expected to sail through the Assembly and become law on January 1, 2023. It requires that once a conservatorship is granted, the conservator must file a proposed continuing care plan with the court, close relatives, all parties, and the attorney for the conservatee within 30 days of the order granting the conservatorship. There is a penalty for failing to do so. The plan must specify how all of the conservatee's basic needs will be met, including living conditions, health and mental health care, finances, etc. Spectrum Institute has proposed amendments to strengthen the bill.

Another bill, AB 1663, is gaining momentum. It would set in motion various procedures to ensure that supported decision-making is seriously considered as an alternative to conservatorship. The author, Assembly Member Brian Maienschein, has accepted an amendment proposed by Spectrum Institute to close one loophole in existing law.

Conservatorship reform is being addressed at the local level of government too. For example, all four contenders for the office of District Attorney of Alameda County recently attended a forum that focused on abuses within the conservatorship system. Spectrum Institute submitted [proposals](#) to the candidates showing them what they could do, if elected, to address these issues.

Interest is also being shown by civil grand juries in some counties. We anticipate that one grand jury may issue a report on this topic in June. This could be a template that grand juries in other counties could follow.

As these reform activities are occurring, Spectrum Institute keeps pointing the way forward to all who are interested. We have posted [The Route to Conservatorship Reform](#) as a permanent feature on the home page of our website. It takes a complex system, explains all of the moving parts, identifies the reforms needed in each aspect of the system, and matches the reform with the official or agency that has the authority to make it happen. It is all laid out for anyone serious about reform advocacy or reform implementation.

In addition to conservatorship reform, we are working on other projects. For example, in the coming weeks the [Mental Health Project](#) will release its long-anticipated *Consequences Report*. It will address the consequences to individuals with developmental disabilities when necessary mental health therapy is delayed or denied. We will send out an announcement when the report is published.

We are also working on a [legal history project](#) to commemorate activism by gay

and lesbian law students and lawyers during the 1970s. This year marks the 50th anniversary of the founding of the first gay law student association in the nation. I was the founding president. Spectrum Institute has been in the forefront of many causes over the last few decades and LGBTQ rights is among them. We decided to honor those trailblazers, many of whom are now deceased, for their courage and contributions to justice and equal rights. And it did take courage back then, considering that gays and lesbians were considered mentally ill by the mental health profession, criminals by the law, sinful by religious organizations, and targets of violence by bullies and discrimination by employers and landlords.

The next newsletter will be sent out in July. In the meantime, we encourage you to visit our [website](#) from time to time for updates on news and current events about disability rights, conservatorship reform, and mental health access.

Best regards from the entire board of directors.



Thomas F. Coleman  
Executive Director

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SONOMA COUNTY BAR ASSOCIATION  
TRUSTS & ESTATES LAW SECTION

WEBINAR/HYBRID

SCBA's Trusts & Estates Section invites you to attend this program:  
**AB 1194 (Now) and SB 602 (Soon):**  
**Benefits for Clients and Risks to Attorneys in Probate**  
**Conservatorship Proceedings**

Noontime Webinar  
Conservatorship Legal Defense

May 4, 2022

AB 1194 became effective in 2022 and SB 602 is likely to become effective in 2023. Both measures have significant implications for clients and attorneys in probate conservatorship proceedings. This webinar will explain those implications – not only for conservatees and proposed conservatees but for their public defenders or court-appointed attorneys. It will provide information valuable to conservators, temporary conservators, and public guardians, as well as the lawyers who represent them. It also will identify potential ramifications for the public entities that appoint or fund lawyers in conservatorship proceedings.

For more information about this webinar, [click here](#).

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This online presentation focused on research, education, advocacy, and community service activities by gay law students in Los Angeles, San Francisco, Minneapolis, Madison, Buffalo, and New York City in 1972 and related legal activism occurring that year in Ohio, Colorado and Kentucky. More than 75 law students, lawyers, and other from all parts of the nation attended.

A PowerPoint slide show was narrated by attorney Thomas F. Coleman, founding president of the first gay law student association in the nation. Tom graduated from Loyola Law School in 1973. It also included a preview from LLS student Maria Reyes Olmedo about a presentation they are working on for LGBTQ History Month in October regarding when and how transgender, nonbinary, and law students of color emerged as LGBTQ activists.

To view or download a pdf of the PowerPoint, [click here](#).

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## Civil Liberties Library on Justice & Equality



Spectrum Institute is developing plans for a Civil Liberties Library on Justice and Equality. The online collection will include the publications of its founding executive director, Thomas F. Coleman, from 1972 to the present. Coleman has been the author of reports, legal briefs, commentaries, complaints, and periodicals on a wide range of issues involving liberty, justice, and equal rights. He also published a book of his professional memoirs. Here is a sample of some of the documents in the collection.

Sexual Law Reporter: Bimonthly  
Periodical (1975 -1979) - [Link](#)

Families Registering with Secretary of  
State: Report (1991) - [Link](#)

Governor's Commission on Personal  
Privacy: Report (1982) - [Link](#)

Insurance Commissioner's Anti-  
Discrimination Task Force: Report  
(1993) - [Link](#)

Los Angeles City Task Force on  
Family Diversity: Report (1988) - [Link](#)

Unmarried America: A Singles' Rights  
Newsletter (1999 - 2003) - [Link](#)

Brief in New York's Highest Court on  
an Inclusive Definition of Family  
(1989) - [Link](#)

The Domino Effect: Memoirs of an  
Equal Rights Advocate (2009) - [Link](#)

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