

# Capacity Assessments in California Conservatorship Proceedings

Improving Clinical Practices and Judicial  
Procedures to Better Protect the Rights  
of Seniors and People with Disabilities



A Report to the Chief Justice,  
Governor, and Legislature

**RECOMMENDATIONS**  
(per official or agency)

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<https://spectruminstitute.org/capacity/>

## Prologue

In response to a series of articles published by the Los Angeles Times in 2005 exposing rampant abuses in the probate conservatorship system, the legislative and judicial branches of government initiated investigations.

After some oversight hearings were conducted, an Assembly report found that probate conservatorship proceedings were operating in a “closed system” that had allowed abuses to go undetected for too long. That same closed system exists today.

Chief Justice Ronald George responded to the newspaper stories by convening a Probate Conservatorship Task Force in January 2006. Taking testimony, consulting experts, and reviewing records, members studied the conservatorship system for 18 months. A report was issued – mostly focusing on seniors in general conservatorships of the person or estate – that was very unflattering to the conservatorship system and those who operate it.

The report described a system that was out of control. A subsequent report acknowledged that the Judicial Council did not have basic data about probate conservatorships because there was no statewide case management system in place. This problem continues today.

The regular involvement of an executive branch agency in legal proceedings brings a degree of accountability to the judicial system. Unlike an individual litigant who is involved in one case only, an agency may be involved in scores of cases and therefore can monitor what is systematically occurring in those cases. This routinely happens in criminal and child welfare proceedings. It also occurs in mental health conservatorships. Unfortunately, that source of accountability is generally lacking in probate conservatorship cases.

The information that appears above is taken from an amicus curiae brief filed by Spectrum Institute in a conservatorship case under review by the California Supreme Court. Much of the brief calls the court’s attention to the broken conservatorship system – one in which the actions and inactions of unaccountable judges and attorneys determine the fate of thousands of seniors and people with disabilities each year.

This report focuses on one part of probate conservatorship proceedings – a part that should be at the core of each case and which should be handled with the utmost professionalism and concern for due process. That part is the capacity assessment process.

If this part of conservatorship proceedings were to be done properly – following statutory directives and constitutional imperatives – the rest of the process would improve and just results would occur more frequently. But in order for that to happen, government officials who are responsible for how conservatorship cases are processed would have to acknowledge deficiencies in policy and practice and then take steps to address them.

## LEGISLATIVE



The Legislature has established the policies under which the conservatorship system operates. It also funds most aspects of the system. The chairpersons of the judiciary committees in the Assembly and Senate are the legislative leaders who could hold hearings to identify systemic deficiencies in conservatorship proceedings and solicit testimony for improvements in conservatorship policies and practices. The chairpersons of the fiscal committees of both chambers are the key legislators who can identify funding deficiencies that contribute to a lack of due process or unjust results for seniors and people with disabilities whose lives are upended by these proceedings.

## JUDICIAL



The Chief Justice leads the judicial branch. She presides over the Supreme Court which promulgates rules of ethics for judges and rules of professional conduct for attorneys. With her leadership, the Supreme Court could modify these rules to address some of the major deficiencies in conservatorship proceedings. The Chief Justice is also the chairperson of the Judicial Council. That body promulgates procedural rules for legal proceedings, including conservatorship proceedings, and adopts standards for judicial education. With leadership from the Chief Justice, the Judicial Council could adopt new rules and standards to address many of the deficiencies in judicial practices that occur all too frequently in probate conservatorship proceedings.

## EXECUTIVE




The Governor is in charge of the executive branch. Departments in that branch are mostly missing in action when it comes to helping seniors and people with disabilities get a fair shake in conservatorship proceedings. That can be changed. The Governor could direct several state entities to become more involved in protecting the rights of conservatees and proposed conservatees. There is much that could be done by the Department of Aging, Department of Developmental Services, Department of Consumer Affairs, the Department of Fair Employment and Housing, and Department of Social Services. These actions could be coordinated by the Health and Human Services Agency and the Business, Consumer Services, and Housing Agency.

This report calls on officials in all three branches to study this report and formulate actions to improve the conservatorship system, including the capacity assessment process.


# Recommendations


(Per Official or Agency)


## Chief Justice


 **It is recommended** that the Chief Justice, in coordination with the Judicial Council, convene a Task Force on Alternatives to Conservatorship. The Task Force should investigate how judges who process probate conservatorship cases throughout the state are complying with statutory and constitutional requirements that alternatives to conservatorship be seriously considered. The Chief Justice should direct the presiding judges in all 58 counties to cooperate with this investigation. The Task Force should issue a report to the Judicial Council and the Legislature within one year of its first meeting. (p. 45)

## Judicial Council


 **It is recommended** that the Judicial Council direct its Center for Judicial Education and Research to include the Convention on the Rights of Persons with Disabilities, especially sections 12, 13, and 16, into all training programs and materials for judicial officers and court personnel regarding probate conservatorship proceedings or the assessment of capacity in any legal context. (p.13)


 **It is recommended** that the Judicial Council convene an ongoing WINGS agency to advance each of these action items in California for the purpose of improving the capacity assessment process used in probate conservatorship proceedings. WINGS is a Working Interdisciplinary Network of Guardianship Stakeholders. (p. 20)


 **It is recommended** that the Judicial Council direct its Probate and Mental Health Advisory Committee to review current policies and practices for capacity assessments regarding all areas of decision-making involved in probate conservatorship proceedings. The committee should determine whether any new court rules or statutes should be enacted to make current policies and practices conform to the letter and spirit of Standard 3.3.9 of the National Probate Court Standards, due process, and requirements under the ADA. (p. 22)


 **It is recommended** that the Rules of Court be amended to require a full day of training on conservatorship issues before a judicial officer is allowed to hear and decide such cases. The amendment should specify the issues to be covered in such a training, including the requirements of due process, best practices specified in the ABA/APA Handbook for Psychologists, and the *sua sponte* duties of courts to litigants

with cognitive and other disabilities under Title II of the ADA. The Rules of Court should also be amended to require that judges hearing and deciding probate conservatorship cases must participate in a half-day training program each year. These annual refresher courses should focus on recent developments in conservatorship law in California, nationally, and around the world. (p. 38)


 **It is recommended** that the Judicial Council direct the Center for Judicial Education and Research (CJER) and the Probate and Mental Health Institute (PMHI) to expand their trainings on capacity assessments and conservatorships to include the following legal topics: constitutional considerations in capacity assessment and adjudications and the application of the ADA to the capacity assessment process. The use of interdisciplinary teams should be included in the clinical aspect of trainings, with special emphasis on the use of social workers and service providers in identifying supports and services that may enhance or strengthen a person's functional abilities to make a conservatorship unnecessary. An intensive training should be developed on capacity assessments and alternatives to conservatorship for adults with intellectual and developmental disabilities. (p. 38)


 **It is recommended** that the Judicial Council adopt rules pertaining to pre-adjudication conservatorship proceedings. Judges need specific guidance on what they should do to comply with due process and what they must do, sua sponte, under the Americans with Disabilities Act (ADA) to afford proposed conservatees access to justice in these proceedings. Access to justice is required not only inside the courtroom but also in ancillary services such as capacity assessments and investigations by court investigators. The absence of guidance in state court rules leaves too much room for errors and abuses of discretion by judges at the local level. (p. 38)


 **It is recommended** that the Judicial Council revise Rule 1.100 and its educational materials to clarify that more is required than merely responding to requests for accommodations. The rule and materials should specify that courts have a duty on their own motion to initiate an interactive process to determine what accommodations to provide when judges or court staff become aware that a litigant, witness, or other participant may require an accommodation to maximize effective communication and meaningful participation in the proceeding. This clarification is especially important for conservatorship proceedings where judges and court staff are informed from the start that a proposed conservatee has, or is perceived to have, one or more serious disabling conditions that impair cognitive or communication functions. (p. 40)

 **It is recommended** that the Judicial Council direct staff to study the Department of Justice (DOJ) guidance memos on court responsibilities in criminal and child welfare proceedings and to prepare educational materials for judges and court

staff about analogous duties in probate conservatorship and other mental health proceedings. The current void in education and training on these issues should be filled without delay. (p. 41)


 **It is recommended** that the Judicial Council conduct a survey of all 58 superior courts to inquire into: (1) the number of new probate conservatorship proceedings that were filed in the previous three years; (2) the number of times experts were appointed in these cases; (3) the number of IPP reviews the court requested or ordered from regional centers; (4) any procedures the court has in place for evaluating less restrictive alternatives; and (5) an explanation as to why such appointments or IPP reviews are not ordered more frequently. (p. 45)


 **It is recommended** that the Judicial Council should create, and the Legislature should fund, an Office of Conservatorship Research and Planning within the Judicial Branch. There is no statewide administrative accountability within the judicial branch with respect to conservatorship proceedings. The Chief Justice and Judicial Council do not even know how many seniors and people with disabilities are living under an order of conservatorship in California. These vulnerable adults are supposed to be under the “protection” of the superior courts. The superior courts are part of a unified statewide judicial system. Therefore, the safety and well-being of these protectees are the responsibility of the State of California via the Judicial Branch. But how much protecting is actually occurring when the Chief Justice and the Judicial Council do not know what the 58 superior courts are doing in these cases, much less how many seniors and people with disabilities are living under orders of conservatorship? (p. 56)


 **It is recommended** that the Judicial Council require the following information to be provided by a physician or psychologist executing a Capacity Declaration Form: (p. 62)


- 1) Name of the person who scheduled the appointment;
- 2) Name and relationship of the person who paid the evaluator’s fees;
- 3) Prior contact of the evaluator with petitioners, proposed conservators, or their attorneys;
- 4) Names and relationships of any individuals present during the evaluation;
- 5) Extent of prior medical relationship of the evaluator with the person evaluated;
- 6) What ADA assessment was done prior to the evaluation to determine what supports and services might be necessary to ensure effective communication by the person evaluated and meaningful participation of that person in the evaluation process;
- 7) Training and experience of the evaluator to interact with and evaluate people with developmental disabilities or seniors with dementia or other adults with cognitive issues;

- 8) Amount of time that was spent during the evaluation process;
- 9) Names of persons other than the respondent who were interviewed;
- 10) Documents that were reviewed;
- 11) List of all medications the person evaluated has been taking prior to and at the time of the evaluation and whether those medications might have side effects that could affect the performance of the person during the evaluation;
- 12) Whether the effects of the medications were ruled out as a source of incapacity; and
- 13) Whether the respondent is suffering from depression and whether such depression was ruled out at the source of some or all of the incapacity;
- 14) Whether the individual has had a comprehensive physical examination that might rule out physical problems that could be causing cognitive decline or confusion.


 **It is also recommended** that, since judges are so pressed for time, the addendum should contain a short and concise narrative about the practitioner's opinion and the basis for the opinion. It should also state the degree of certainty underlying the practitioner's opinion that there is no form of medical treatment for which the conservatee has the capacity to give informed consent. Is the opinion supported by reasonable suspicion, probable cause, preponderance of evidence, or clear and convincing evidence? The practitioner should know the definition for each degree of proof. (p. 63)


 **It is recommended** that if a practitioner declares that an individual is unable to attend a hearing or hearings due to medical inability, the form should ask the practitioner to describe the specific reasons for that medical inability. To comply with the ADA, there should also be an opinion about whether personal presence would be possible if certain supports or services were provided by the court to the individual. If the practitioner is unsure of this, the practitioner should recommend that an ADA needs assessment be done by a qualified professional to make this determination. (p. 64)

 **It is also recommended** that the capacity declaration form should ask the practitioner to render an opinion on the individuals's capacity to waive the right to attend court hearings. The practitioner should evaluate the individual's ability to understand the consequences of the proceedings, the benefit to the individual of personal presence, and the value to the court of having the individual at the hearing and the ability to make an informed decision on waiving the right to be present in court. An informed waiver of being personally present would require an understanding of these matters. (p. 64)


 **It is recommended** that if a proposed conservatee has executed a medical power of attorney or health care directive prior to the initiation of the conservatorship proceedings, Form GC-335 should ask the practitioner to assess whether, in his or her professional opinion, the individual had the capacity to execute the document at

the time it was signed. Such previously executed documents should not be ignored or lightly dismissed as they often are. If such capacity existed at the time a document was signed, it should be honored and medical decision-making authority should not be delegated to a conservator. (p. 65)


 **It is recommended** that the Judicial Council include the issues of social decision-making capacity and constitutional rights in conservatorship training programs for judges. These issues should also be included in mandatory training programs for court-appointed attorneys in conservatorship proceedings. (p. 82)

 **It is recommended** that the Judicial Council study the issue of capacity of conservatees and proposed conservatees to waive statutory and constitutional rights with a view toward adopting a rule for probate conservatorship proceedings similar to Rule 5.682 in juvenile dependency proceedings. The Judicial Council should consult with the Department of Aging and the Department of Developmental Services regarding the capacity of seniors with cognitive disabilities and adults of all ages with intellectual and developmental disabilities to understand the nature of conservatorship proceedings, the consequences of an order of conservatorship, the role of and importance of an attorney in such proceedings, and the ability of such adults to withstand direct or subtle pressures to waive their rights. The Department of Fair Employment and Housing enforces Section 11135 regarding the ADA duties of public entities, including the courts, and therefore should be consulted as well. (p. 92)

## Supreme Court


 The State Bar is an arm of the Supreme Court. That court has been apprised of myriad systemic deficiencies in probate conservatorship proceedings. **It is therefore recommended** that the Chief Justice should put this recommendation on the administrative agenda of the Supreme Court. The justices should direct the State Bar to initiate and conduct a study looking into the manner in which legal services are currently being provided in probate conservatorship proceedings and what should be done to improve these services. Without such a proactive measure, it is likely that the status quo of deficient legal services for seniors and people with disabilities will continue to be the norm. (p. 57)


## State Bar

 **It is recommended** that the California State Bar develop a new rule regarding the professional duties of attorneys representing clients in conservatorship proceedings or other litigation where the legal capacity of the client is at issue. In addition to clearly stating that lawyers have the same ethical and professional duties to these clients as they do to all clients, comments to the rule should offer guidance




regarding investigative, advocacy, and defense activities and provide examples of what attorneys should and should not do. (p. 30)


 **It is recommended** that the State Bar reach out to and work with disability rights organizations to identify specific topics, references, and resources that should be mentioned in any trainings authorized by the State Bar for credit under its mandatory continuing education program. The quality of new trainings programs on these topics should not be left to chance. (p. 42)

 **It is recommended** that the Legislature should direct the State Bar to develop performance standards for public defenders and private attorneys who are appointed to represent seniors and people with disabilities in probate conservatorship proceedings. The standards should explain the need for attorneys to ask for Section 730 appointments of social workers for the purpose of evaluating the viability of a supported decision-making arrangements as a less restrictive alternative to a conservatorship. (p. 97)


## **MCLE Providers**

 **It is recommended** that training programs for attorneys who represent proposed conservatees should reference the APA/ABA Handbook for Psychologists and urge the attorneys to become familiar with the best practices it offers. As competent advocates for proposed conservatees, these attorneys should question any expert who offers an opinion on capacity about the procedures and standards they used, whether they are familiar with the handbook, and whether the expert used or deviated from any of the suggested practices. (p. 27)


## **Superior Courts**

 **It is recommended** that if a superior court has a list of experts qualified for appointments in conservatorship proceedings or for capacity assessments in other proceedings, the court should require a professional to disclose whether he or she has received specialized training in capacity assessments and whether the methodology used in the evaluation conforms to the best practices suggested by the APA/ABA psychologists handbook for the evaluation process. (p. 28)


## **Governor**


 **It is recommended** that the Legislature authorize funding for a Governor's Commission on Alternatives to Conservatorship. The purpose of the commission would be to review international trends in reforming guardianship and conservatorship systems with a view to developing improvements and alternatives to the


conservatorship system in California. The commission should be housed in the executive branch since it plays little or no role in conservatorship proceedings and therefore would not have a real or apparent conflict of interest that could hinder an honest and thorough consideration of moving away from the status quo of the current conservatorship system. Commissioners would be appointed by the Governor, Legislature, and Chief Justice. The commission would be staffed by the Department of Aging and the Department of Developmental Disabilities. It would take testimony from scholars, advocates, service providers, and most importantly from persons who have participated in conservatorship proceedings, including seniors and people with disabilities. The commission would submit a report and recommendations to the Governor, Legislature, and Chief Justice within two years of its first meeting. Without a properly funded study, conservatorship reform may remain perpetually stagnant and elusive. (p. 17)


 **It is recommended** that all three branches of government work together to review the current process used for evaluating the capacities of proposed conservatees with intellectual and developmental disabilities and investigating the feasibility of alternatives to conservatorship. The Governor should take the lead by convening a task force to determine what increases in funding would be required to ensure that regional centers have adequate resources to conduct such assessments and that DDS has sufficient resources to provide the necessary direction to, and oversight of, regional centers to assure quality and uniformity throughout the state. (p. 47)


## **DDS**

 **It is recommended** that the Department of Developmental Services include in its contracts with regional centers a clause requiring that an Individual Program Plan (IPP) review process be conducted for clients who are proposed conservatees in probate conservatorship proceedings and include a line item in the regional center's budget to provide funding for such reviews. (p. 45)


 **It is also recommended** that the Department of Developmental Services establish criteria for determining the training and experience required for regional center staff or medical or mental health professionals to be considered qualified to conduct assessments of capacity to consent to marriage. (p. 75)


 **It is recommended** that the Department of Developmental Services (DDS) amend the regulations it has adopted on client's rights to clarify the right of adults with developmental disabilities to exercise their freedom of association. Section 50510 of Title 17 of the California Code of Regulations should be amended to specify that such adults have the right to make choices to associate or not with anyone and to have those choices respected and implemented. (p. 80)

 **It is recommended** that DDS add the italicized phrase to Section 50510(a)(6) so that it states: “A right to social interaction and participation in community activities, *including the right to associate with specific individuals or not to associate with them.*” The regulation should be abundantly clear that the right to social interaction includes the constitutional right to freedom of association. (p. 81)


 **It is recommended** that the Legislature direct the Department of Developmental Services to require regional centers, as part of their ongoing contractual duties, to take steps to ensure that all conserved regional center clients who desire to vote have their voting rights restored. The Legislature should also direct the Department of Aging to coordinate with the Judicial Council to survey all superior courts about their voting rights restoration practices for all other adults who have lost their voting rights in conservatorship proceedings. Most of these individuals would have been seniors. (p. 87-88)

## **DFEH / FEHC**


 **It is recommended** that the Fair Employment and Housing Council (FEHC) include in its new regulations a specific section on the application of the ADA and Section 11135 to court proceedings, including and especially conservatorship and other mental health proceedings. (p. 42)

 **It is recommended** that the Fair Employment and Housing Department develop educational materials on the application of the ADA and Government Code Section 11135 to court proceedings, with special guidance to judges, court staff, and public defenders and other attorneys appointed to represent conservatees and proposed conservatees. The department should notify the State Bar, local bar associations, presiding judges of all 58 superior courts, Center for Judicial Education and Research, California Judges Association, and Public Defenders Association, that such materials are available online. (p. 42)


## **ARCA**


 **It is recommended** that the Association of Regional Center Agencies develop guidelines for evaluations of the capacity of clients to consent to marriage. The guidelines should be developed in consultation with psychological and medical professionals as well as the Client’s Rights Office of Disability Rights California. (p. 75)


## **Legislature**


 **It is recommended** that the chairpersons of the Assembly and Senate judiciary committees direct all staff members to become acquainted with the Convention


on the Rights of Persons with Disabilities, especially sections 12, 13, and 16, so that any proposed legislation coming before those committees for approval can be evaluated by legislators and staff with these principles in mind. (p. 13)


 **It is recommended** that legislators in California review the representation agreement statute in Austria. The Legislature should pass a bill giving adults with cognitive or mental disabilities a method of selecting someone to make medical decisions and conduct ordinary financial transactions for them. Powers of attorney should be made available to adults who lack the capacity to contract but who nonetheless can understand in general terms the concept of appointing another person to make such decisions on their behalf. The lack of capacity to contract should not be used as a barrier to receiving the benefits of a simplified power of attorney. (p. 16)

 **It is recommended** that the Legislature authorize funding for a Governor's Commission on Alternatives to Conservatorship. The purpose of the commission would be to review international trends in reforming guardianship and conservatorship systems with a view to developing improvements and alternatives to the conservatorship system in California. The commission should be housed in the executive branch since it plays little or no role in conservatorship proceedings and therefore would not have a real or apparent conflict of interest that could hinder an honest and thorough consideration of moving away from the status quo of the current conservatorship system. Commissioners would be appointed by the Governor, Legislature, and Chief Justice. The commission would be staffed by the Department of Aging and the Department of Developmental Disabilities. It would take testimony from scholars, advocates, service providers, and most importantly from persons who have participated in conservatorship proceedings, including seniors and people with disabilities and their family members. The commission would submit a report and recommendations to the Governor, Legislature, and Chief Justice within two years of its first meeting. Without a properly funded study such as this, conservatorship reform may remain perpetually elusive. (p. 17)

 **It is recommended** that the Legislature enact a law requiring courts to inform conservatees or proposed conservatees of their right to request the appointment of an interdisciplinary team to evaluate relevant areas of the individual's capacity, with or without ancillary supports and services, prior to the court limiting any area of the individual's decision-making authority. As contemplated by this statute, an interdisciplinary team should include a physician, licensed mental health professional, and social worker or regional center case worker. In many nations, interdisciplinary teams are a standard procedure for determining whether a guardianship or conservatorship is needed or whether a supported decision-making arrangement would be sufficient to protect the individual, while at the same time respecting his or her right to self-determination. It is time for California to modernize its antiquated capacity assessment process and to bring its procedures into conformity with international trends. (p. 23)

 **It is recommended** that the Legislature enact a law stating that, absent exceptional circumstances, courts shall only appoint experts to conduct capacity assessments in conservatorship proceedings if they have received specialized education or training on capacity evaluations within five years of the date of the appointment. If a court appoints an expert without such training, the court should be required to state on the record the reason for doing so. Since capacity assessments should be essential to a court's decision in a conservatorship proceeding, professionals without training in capacity assessments should not be appointed to conduct such evaluations. While the initial training of a professional regarding the capacity assessment process could have been many years before the date of appointment, the professional should have more current training to ensure that he or she has been educated on new developments, improvements, or recent trends in the capacity evaluation process. (p. 28)

 **It is recommended** that the Legislature enact a statute declaring that regional center reports must be filed in all cases involving proposed conservatees with developmental disabilities and attorneys must be appointed in all such cases regardless of whether petitioners have filed for a general or a limited conservatorship. Judges should always receive regional center reports in conservatorship proceedings involving proposed conservatees with developmental disabilities. The report should be reviewed by the court prior to any adjudication on issues of capacity. Proposed conservatees should always have an attorney appointed to ensure they receive due process, have access to justice as required by the ADA, and receive the benefit of a thorough capacity assessment – one that includes the serious exploration of less restrictive alternatives. (p. 33)

 **It is recommended** that the Assembly Committee on Aging and Long Term Care hold hearings to inquire into amending state law to entitle proposed conservatees to have an interdisciplinary assessment of capacities and alternatives. Just as adults with developmental disabilities are entitled to an IPP review for such purposes, seniors and other adults with disabilities should have access to a similar process. The committee should ask the Department of Aging to develop a report outlining procedures that may be available under existing law and recommendations for legislation that may be needed to make interdisciplinary assessments readily available to proposed conservatees. Judges will make better and more reliable decisions on issues of capacity and alternatives to conservatorship if they have the benefit of the opinions of a multidisciplinary team of professionals. (p. 34)

## **About Spectrum Institute**

Spectrum Institute is a nonprofit operating foundation incorporated in California in 1987. It has tax exempt status under section 501c3 of the Internal Revenue Code. Through research, education, and advocacy, the organization promotes justice, equal rights, and respect for human diversity. Over the years, Spectrum Institute has championed a variety of human rights issues and causes: protecting the right of personal privacy; combating hate crimes against sexual minorities; promoting respect for family diversity; challenging discrimination on the basis of marital status and sexual orientation; stopping the abuse of teenagers by boarding schools and boot camps; promoting risk reduction and developing effective responses to the physical, sexual, and emotional abuse of people with intellectual and developmental disabilities; and advocating for systemic reforms to the probate conservatorship system in California and the adult guardianship systems in other states.

## **About the Report**

This report is the culmination of 15 months of research, writing, and collaboration. Likely the most comprehensive study ever done on state standards and assessment practices involving decision-making capacities, the report offers dozens of recommendations to officials in California to improve this area of the law. Current legal standards and capacity assessment practices are sorely outdated. Seniors and adults with intellectual and developmental disabilities deserve to have their rights protected by judges, attorneys, and professionals who are involved in legal proceedings that place their freedoms at risk based on allegations of incapacity. This report documents deficiencies in current policies and practices and provides recommendations to address those deficiencies. It gives public officials the information they need to make the necessary adjustments to ensure that such legal proceedings comply with the requirements of due process and are conducted in a manner consistent with state and federal laws prohibiting discrimination on the basis of disability.

## **About the Author**



Thomas F. Coleman is the founder of Spectrum Institute and serves as its legal director. The primary focus of his 47-year career as an attorney has been improving the administration of justice and securing equal rights for disadvantaged populations. In addition to his advocacy in state and federal courts and his lobbying efforts in Congress and state legislatures, Coleman has written numerous public policy reports on a wide range of topics involving access to justice and the protection of civil and constitutional rights.

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