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May 23, 2014

Hon. Kamala Harris
Attorney General of California
P.O. Box 944255
Sacramento, CA 94244-2550

Re: Request for Oversight and Intervention

Dear Attorney General:

I am writing to request that you exercise the authority and perform the duty specified by Article V, Section 13 of the California Constitution. That provision declares: "It shall be the duty of the Attorney General to see that the laws of the State are uniformly and adequately enforced."

As you will see from information contained in the enclosed report, constitutional obligations and statutory mandates pertaining to limited conservatorships are not being uniformly and adequately enforced in Los Angeles County. These deficiencies are adversely affecting the rights of people with developmental disabilities, as individuals and as a class of vulnerable adults without effective advocacy.

Unfortunately, when the Legislature established a legal system and procedures for the establishment and maintenance of limited conservatorships some 30 years ago, it did not designate an agency of the Executive Branch of government to monitor this system. As a result, the system is operated wholly within the Judicial Branch. The systemic and operational deficiencies identified in our report, *Justice Denied*, indicate that the judiciary is not monitoring itself and that quality assurance procedures either do not exist or are not effective.

Our Project has done its own "mini-audit" of this system as it is operated by the Los Angeles Superior Court. Our preliminary findings caused us to convene a conference on May 9, 2014, and another is scheduled for June 20. A copy of our preliminary report, *Justice Denied*, was sent to all members of the Judicial Council. We are also reaching out to the chairs of the judiciary committees of each house of the Legislature.

We do not know how limited conservatorships are processed in other counties, but if what is happening in the largest Superior Court in the state is any indication, there is a major statewide deprivation of justice that is happening to a very vulnerable population – one that is unable to adequately advocate for itself. If Los Angeles County is unique, then thousands of people with disabilities in that jurisdiction are being deprived of equal protection of the law (in addition to violations of other constitutional and civil rights).

Our Project is calling on you, as chief law enforcement officer of the State of California, to investigate this matter and to take appropriate steps to ensure that the Judicial Branch corrects these deficiencies, remedies past injustices, and moves forward in a manner that uniformly and adequately enforces all constitutional and statutory provisions relating to the establishment and maintenance of limited conservatorships.

Our Project is eager to meet with your staff to discuss the important matters addressed in *Justice Denied*.

Very truly yours,

A handwritten signature in blue ink that reads "Thomas F. Coleman".

THOMAS F. COLEMAN
Legal Director
(818) 482-4485 / tomcoleman@earthlink.net



Disability and Guardianship Project
Disability and Abuse Project

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January 20, 2017

Honorable Xavier Becerra
Attorney General
300 S. Spring Street
Los Angeles, CA 90013

Re: The Role of the Attorney General in Protecting the Civil Rights
of People with Intellectual and Developmental Disabilities

Dear Attorney General Becerra:

I am writing to you in anticipation of a favorable Senate vote next week so that my letter reaches your desk by the time you assume the duties of California's Attorney General. As you may know, Article V, Section 13 declares: "It shall be the duty of the Attorney General to see that the laws of the State are uniformly and adequately enforced." Those laws include constitutional and statutory provisions protecting the civil rights of people with intellectual and developmental disabilities.

For the past few years, I have focused my attention on what I call the "limited conservatorship system" in California – policies and practices that assess the capacities of adults with developmental disabilities and restrict the civil liberties of such adults to the extent that probate judges deem it appropriate. After extensive research into all aspects of this system, I have concluded that judges, court-appointed attorneys, and others involved in the limited conservatorship system have been systematically violating the rights of tens of thousands of Californians with disabilities who become involved in these proceedings. Violations of the Americans with Disabilities Act are routine. Materials I have published on this subject are found at: <http://spectruminstitute.org/library/>

Spectrum Institute has reached out to many elected officials about this problem. Among those we have contacted are: the Chief Justice of California, the Judicial Council of California, the State Bar of California, the Senate Judiciary Committee, and the Department of Developmental Services.

The Office of the Attorney General can play an important role in protecting the constitutional and statutory civil rights – both federal and state – of people with disabilities in limited conservatorship proceedings. We invite the Civil Rights Enforcement Section to work with us toward that end.

Respectfully submitted:

Thomas F. Coleman
Legal Director, Spectrum Institute
tomcoleman@spectruminstitute.org

cc: Ms. Angela Sierra
Senior Assistant Attorney General



Disability and Guardianship Project
Disability and Abuse Project

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April 26, 2018

Hon. Xavier Becerra
Candidate for Attorney General
777 S. Figueroa Street, Suite 4050
Los Angeles, CA 90017

Re: Protecting the civil rights of seniors and people with disabilities in probate conservatorships

Dear Candidate Becerra:

We are writing to both major contenders for the office of California Attorney General. We have the same message and the same request for each candidate.

The message: Tens of thousands of seniors and people with disabilities who find themselves entangled in probate conservatorship proceedings are victims of civil rights violations. Judges often ignore the Americans with Disabilities Act in these cases, sometimes not even appointing an attorney to defend the rights of a respondent. Court-appointed attorneys are often surrendering, rather than defending, the rights of their clients. Court investigators all too often are not monitoring these cases adequately or they are not effectively responding to reports of abuse. Capacity assessments are often not performed at all with respect to many areas of decision-making, and when they are done, they are conducted by individuals who lack the necessary qualifications or training for such an evaluation.

The request: We sent out a request to the Attorney General in 2014, asking for an investigation or some involvement to deal with these civil rights violations. There was no response and no action. We sent out a request to the nominee for Attorney General in 2017 with a similar request. We have never been invited to have a face-to-face meeting with anyone at the Department of Justice. We have been told there is nothing the Attorney General can do because the loyalty of the office is aligned with the state agencies and officials who are allowing these civil rights violations to occur. We are asking each candidate if he will: (1) convene a civil rights summit on probate conservatorships to address these issues on a statewide basis; and (2) following the summit to convene a Civil Rights Task Force on Probate Conservatorships to identify the prevalence of civil rights violations in such proceedings, to determine the extent to which these violations stem from systemic deficiencies in policies and practices; and to identify ways to better protect the civil rights of persons involved in such proceedings.

Will you meet with us to discuss our request?

Respectfully submitted:

Thomas F. Coleman
Spectrum Institute

Attachments: 2014 Letter to Kamala Harris / 2017 Letter to Xavier Becerra