

Conservatorships and Disability Rights

An Opportunity to Make a Difference

SUMMER OR FALL INTERNSHIP

Help Tens of Thousands of People with Cognitive and Communication Disabilities.

Loyola law students are invited to apply for an internship with Spectrum Institute, a nonprofit organization educating and advocating for equal rights and justice for people with cognitive and communication disabilities. Interns would be involved in projects designed to protect the rights of adults of all ages who are involuntarily drawn into probate conservatorship proceedings. There are about 5,000 new cases filed each year in California. About 60,000 adults are currently living under an order of conservatorship.

These adults have had fundamental rights taken away – often without due process. They have been denied the freedom to make their own decisions regarding health care, finances, education, residence, marital status, sexual relations, and social interactions. A conservator takes control of their lives. Some have called conservatorship a form of “civil death.”

The system is violating the due process rights of people with disabilities and denying them the access to justice required by the Americans with Disabilities Act.

A conservatorship proceeding is supposed to explore less restrictive alternatives, such as supported decision-making arrangements where the individual, with proper assistance, retains the right to make their own decisions. The serious exploration of such alternatives is not happening. Sometimes the individual is not given an attorney to help them defend their rights. Other times a public defender or private attorney appointed by the court surrenders the individual’s rights rather than defending them. The court is supposed to “conserve” the individual’s assets. Too often, the assets are depleted because the individuals are ordered to pay excessive or unreasonable attorney fees – not only for their own court-appointed attorney but also for the attorneys of their opponents.

The conservatorship system has many flaws – policies and practices that are denying these litigants access to justice. An intern will help our organization expose these flaws through investigative reporting and by proposing remedies through legal research and advocacy.

Learn techniques for creative legal advocacy. Become a champion for social justice and equal rights.

Spectrum Institute has a variety of projects promoting changes in statutes and court rules to make these proceedings comply with due process and to ensure access to justice as required by the Americans with Disabilities Act. An intern would be assigned to work on one or more of these projects. The intern would be supervised by the legal director – an attorney with more than four decades of experience in civil rights advocacy. Some of the projects you can work on are listed at: <https://spectruminstitute.org/town-hall-comments.pdf> Other examples are found at: <https://disabilityandguardianship.org/whats-new-guardianship.htm>

Join a team of advocates who are challenging judicial complacency and trying to shake up the status quo. Contact: Thomas F. Coleman / tomcoleman@spectruminstitute.org