



A Message from Tina Baldwin
Chairperson, Board of Trustees

May is Mental Health Awareness Month

The designation of May as Mental Health Awareness Month started in 1949 when many organizations decided to bring attention to the impact mental health can have on the physical, financial, and psychological well-being of individuals, their families, and their communities. Over the years we have come to understand that mental health problems for the general population are common and treatable.

In late 2020, Spectrum Institute created the [Mental Health Project](#). Our purpose is to promote improved and prompt access to a full range of mental health therapies for adults with intellectual and developmental disabilities (IDD) that are available to the general population. This May we are joining Mental Health Awareness Month efforts by highlighting the impact mental health care can have on this special needs population.

We are planning a series of articles titled [Consequences](#) that focus on the adverse effects of denying adults with IDD prompt and full access to mental health therapies. The first article will address consequences to individual with IDD, for example, emotional, psychological, financial, employment, medical, and perhaps legal consequences. In April, we sent out over 170 invitations for [input](#) from mental health professionals with expertise in this area and to organizations providing legal and/or advocacy services to families and self-advocates. You should also check out the [video blog](#) that Tom Coleman, Emmi Deckard and I made to promote the first

article. Our superb intern, Emmi Deckard will be the primary author.

Through May and beyond, Spectrum Institute and the Mental Health Project will bring awareness to the mental health needs of people with IDD. Everyone at Spectrum Institute is a volunteer and we are absolutely committed to putting in the time and effort to doing the necessary work but we could also use some financial support. Therefore, we urge you to make a [donation](#) to Spectrum Institute to support our efforts. Thank you so much.

Sincerely,



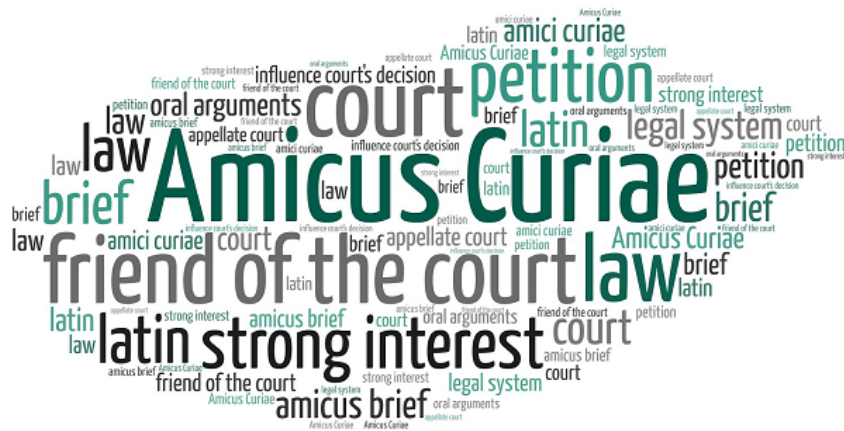
Tina Baldwin
Chairperson, Board of Trustees
Spectrum Institute

CA Supreme Court and State Bar Alerted to Inaccessible State Bar Complaint System



Spectrum Institute has sent a report to the California Supreme Court and the State Bar of California to alert both entities that the State Bar's complaint and discipline system for attorneys is not accessible to litigants with cognitive disabilities in probate conservatorship proceedings. Because such litigants lack the ability to identify deficient legal services or to complain about them, the public entities responsible for the complaint system to investigate and discipline bad attorneys must make modifications to the policies and procedures of that system to make its benefits available, directly or indirectly, to the disabled clients of such attorneys. To read the report, which was sent on April 19th to the Supreme Court and State Bar, and which was the focus of comments at the meeting of the State Bar Board of Trustees on April 23rd, [click here](#).

Washington Supreme Court Brief Filed and Accepted



Spectrum Institute and Mental Health Advocacy Services filed a motion and memorandum on April 5th in the Washington Supreme Court in the case of Dorthy Helm O'Dell. Ms. Helm produced compelling evidence that she was financially exploited in a guardianship proceeding in Washington State and is asking the Supreme Court to review her case in order to secure justice for herself. The motion and memorandum filed today asked the court to recognize that this is not an isolated problem and to grant a review in order to put protections into place that will reduce the risk that other vulnerable adults will be victimized in the future by professional fiduciaries.

The Supreme Court accepted the brief for filing on April 13th and will consider it when deciding to grant review. For a copy of the court's order, [click here](#).

For a copy of the *amici curiae* (friends-of-the-court) motion, [click here](#). For a copy of the memorandum, [click here](#).

The Daily Journal Features Spectrum Institute Op-Eds



Op-Ed: California Supreme Court is Responsible for Complaint System Accessibility

The Daily Journal legal newspaper published a commentary by Thomas F. Coleman, legal director of Spectrum Institute, on April 20th. The article calls attention to a major problem with the complaint and discipline system of the State Bar of California: It is not accessible to people with cognitive disabilities.

This is especially true for seniors experiencing cognitive decline or adults of all ages with developmental disabilities who often find themselves ensnared in probate conservatorship proceedings in which their assets or basic liberties are in jeopardy. Because of the nature of their disabilities, these involuntary litigants would not know when their attorneys are cutting corners, willfully providing deficient legal services, or violating professional ethics. As a result, they are in no position to file complaints against such attorneys with the State Bar. The commentary suggests ways in which the State Bar, which is an arm of the Supreme Court, can modify the complaint system to make its benefits available, even if only indirectly, to this class of vulnerable individuals. To read the commentary, [click here](#). To see the article on the Daily Journal website, [click here](#).



Op-Ed: A Grand Jury Method For Conservatorship Reform

The Daily Journal legal newspaper published another commentary written by Coleman on April 2nd about how civil grand juries can become a new method to promote probate conservatorship reform. Although conservatorship proceedings occur in state court, many of the functions pertaining to conservatorships or less restrictive alternatives are functions of county government. Grand juries have the authority to investigate inefficiencies or dysfunctional aspects of county government operations. The commentary suggests that a top investigative priority for grand juries should be the manner in which county governments fund the legal services provided to indigents who become targets of conservatorship petitions. For a copy of the commentary, [click here](#). To see the article on the Daily Journal website, [click here](#).

Guardianship Symposium Hosts Legal Director As Speaker



Attorney Thomas F. Coleman, legal director of Spectrum Institute, made a 45-minute presentation on April 12th at the American's Against Abusive Probate Conservatorships' National Guardianship Symposium. His presentation, titled ***Conservatorship Reform: Shifting the Focus from Complaints to Solutions***, identified the many parts of California's probate conservatorship system that are broken -- offering specific reform proposals and identifying the officials and agencies to whom each one should be directed. Coleman explained how various local, state, and federal officials and agencies have jurisdiction to improve one or more parts of the complex conservatorship system in California. The key to reform is crafting a specific reform proposal and pitching it to an official or agency with authority to deliver. Presenting a good proposal to the wrong official or agency wastes valuable time and resources. To watch the video of Coleman's presentation, [click here](#). To view his PowerPoint presentation, [click here](#).

The approach Coleman suggested for California could be adapted to any of the other 49 states which have guardianship or conservatorship systems that are not functioning as they should be. Spectrum Institute can be commissioned to perform a problem/solution agency-specific plan for any state. Contact us if you are interested in discussing this for your state.



SENATE JUDICIARY COMMITTEE

Hearing: April 13, 2021

Senate Bill 724: Letter in Support

On April 13th SB 724 passed out of committee with bipartisan support on a vote of 10-0. To see the votes, [click here](#).

The bill, which was introduced by California State Senator Ben Allen in February, affirms and strengthens the right to counsel for conservatees and proposed conservatees. While the bill may have been inspired by a judge's refusal to allow Britney Spears to have her attorney of choice, others have experienced the same denial of counsel, such as 84 year-old Theresa Jankowski in Los Angeles or 24 year-old Elizabeth H. in Solano.

Originally, the bill specified that if a conservatee or proposed conservatee expresses any preference for a particular attorney to represent them, the court shall allow it even if the attorney is not on the court's list of approved attorneys. Senator Allen has amended the bill to provide additional protections.

Courts in Sacramento and elsewhere will no longer be able to deprive proposed conservatees of the right to counsel altogether. If they don't have an attorney of choice, the court *must* appoint one to represent them. Further, any ambiguity in the role of counsel will be removed. The amended bill says that such attorneys shall act as a *zealous advocate* for the client. No more acting as a "best interests" attorney or de-facto investigator for the court. Finally, the bill will require appellate courts to appoint counsel for conservatees whose cases come before them in appeals or writ proceedings. No more situations where a conservatee like Catherine Dubro was treated as though she did not exist, even though she was a respondent in an appellate proceeding where tens of thousands of dollars of her assets were at stake.

Spectrum Institute sent a letter to the Senate Judiciary Committee of the California Legislature in support of SB 724 which provided reference materials and legal precedents that support each of the four major components of the right to counsel protections in the bill. For a copy of the letter, [click here](#). The National Coalition on the Civil Right to Counsel also sent of letter of support which can be read [here](#).

While the amended bill does not contain all of the elements that Spectrum Institute would have liked -- such as authorizing the Judicial Council to develop performance standards for appointed attorneys in conservatorship proceedings,

it is a major advancement for the right to counsel in California. For that Senator Allen should be commended. The bill will be heard on May 3, 2021 in the Senate Appropriations Committee. For a copy of the amended bill, [click here](#).

Attorney Fee Review Team Enters New Phase of Research



Fees and
funding

Spectrum Institute announced the formation of an Attorney Fee Review Team on December 28, 2020. The review was intended to focus on two types of attorney fees in probate conservatorship cases. One is attorney fees paid from the assets of conservatees to a wide range of attorneys involved in these cases. The other is fees paid from county funds for legal services provided to indigent conservatees. The study is being conducted by the legal director of Spectrum Institute with the help of a research associate. A law student intern will join the research project in May. Reports and recommendations will be reviewed by a diverse team of advisors.

The study has been renamed as the *Funding and Fees Review Project*. Today the legal director sent a progress report to the advisors about the preliminary research that has been done to date. The report informs the advisors of the direction the study is headed. To read the report, [click here](#).

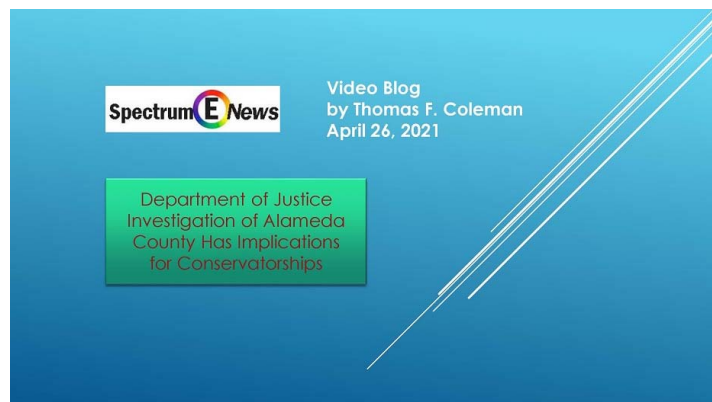
Mental Health Project Seeks Input on the Consequences of Delaying or Denying Therapy

A close-up photograph of a hand holding a red marker, writing the word "Consequences" in a cursive script on a white surface. A horizontal red line is drawn below the word.

A three-minute video message from the team at the Mental Health Project has been added to the Video Blog page of Spectrum E-News and shared with intellectual developmental disability advocates to solicit their feedback.

In the video, Tom Coleman explains the purpose of a new editorial reporting series titled *Consequences*. Through independent research and with input from people with disabilities, families, service providers, and advocates, intern Emmi Deckard will start the series off with an investigative report on the consequences to adults with developmental disabilities when they are denied prompt and equal access to effective mental health therapies when they are needed. Project Director Tina Baldwin explains the importance of having the report include the insights of people who observe or directly experience the consequences we are focusing on. Emmi Deckard makes her own pitch for input from people involved in person-centered planning process for and with adults who are part of this special needs population. To view the video, which has closed captioning, [click here](#).

DOJ Investigation Has Conservatorship Implications



Spectrum E-News recently posted a video blog that discusses a recent press release from the United States Department of Justice (DOJ) regarding its investigation of ADA violations by Alameda County against adults with mental illnesses. The investigation has implications for the way in which state and local agencies are processing probate conservatorship cases. Perhaps the DOJ will open a new investigation into the failure of these officials and government employees to seriously search for less restrictive alternatives for conservatorships for seniors with cognitive challenges and adults of all ages with developmental disabilities. The DOJ investigation has conservatorship implications for the entire state of California. To watch the 4 minute video, [click here](#). For a pdf of the slide show used in the video blog, [click here](#).

Mental Health Project Adds Two Distinguished Advisors



Jenny Farrell



Meriam Bendat

Attorney Jenny Farrell (left) has accepted our invitation to be an advisor to the Mental Health Project. Having an attorney with experience in mental health law will be of great value to the project. Ms. Farrell serves as the Executive Director of Mental Health Advocacy Services (MHAS). MHAS has been a leader in the disability rights movement and specifically in the fight for equal rights for people with mental health disabilities for over forty years. Through a combination of direct services, impact litigation, policy advocacy, education, and technical assistance, MHAS advocates for the civil rights, full inclusion, and equality of adults and children with mental health disabilities. As Executive Director, Jenny is responsible for overseeing the administration, programs, and strategic plan of the organization. Jenny earned her B.A. degree in Government from Smith College and her J.D. degree from the University of Southern California Gould School of Law. She is licensed to practice law in the State of California.

Dr. Meriam Bendat (right) has also accepted our invitation to be an advisor to the Mental Health Project. After representing children and families in the Los Angeles child welfare system as well as treating patients, Meriam Bendat, J.D., Ph.D., founded Psych-Appeal - the nation's first private mental health law firm - in 2011. Since then, Dr. Bendat has helped patients and providers successfully challenge the denials of mental health treatment through administrative appeals and impact litigation, recovering millions of dollars in wrongfully-withheld benefits. Dr. Bendat is an attorney licensed by the State Bar of California as well as a psychotherapist licensed by the California Board of Behavioral Sciences. With a background in law, clinical psychology, marriage and family therapy, and psychoanalysis, he serves as a consultant to national mental

health advocacy organizations and frequently makes presentations on access to treatment and mental health parity. Dr. Bendat is a member of the American Psychoanalytic Association Committee on Government relations and a distinguished Ittleson Consultant to the Group for the Advancement of Psychiatry. He has lectured at universities around the country, including Yale Medical School, Butler Hospital (Brown University), UCLA, and Antioch University.

Please show your support for our work by making a donation. Since we are an IRS-approved 501(c)(3) charitable private foundation, donations to Spectrum Institute are tax-deductible as allowed by federal law.

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