



## **BRITNEY SPEARS IS NOT THE ONLY ONE WITH ATTORNEY PROBLEMS**

# **Supreme Court Asked to Strengthen the Right to Counsel for Thousands of Conservatees**

The California Supreme Court was asked today to convene a blue-ribbon panel to review deficiencies in the way legal defense services are being provided to adults who are entangled in probate conservatorship proceedings. The request was submitted by Spectrum Institute and a variety of organizations involved in disability rights, elder care, and mental health services, along with a national coalition advancing the right to counsel. Spectrum Institute is a nonprofit advocacy organization in the forefront of conservatorship reform. The request is available online at: <https://spectruminstitute.org/request.pdf>

The request cited various ways in which the right to counsel has been infringed for many of the 70,000 adults currently in conservatorships as well as for 7,000 seniors and adults with developmental and other disabilities who are targeted annually by new petitions.

The request summarized a wide range of violations: failure of judges to appoint counsel for litigants with known cognitive disabilities in Sacramento and other counties; inadequate and misleading training programs for court-appointed counsel in Los Angeles; judicial ethics violations by court-managed legal services programs; a local court rule in Los Angeles that creates an ethical conflict of interest for appointed counsel; a local court rule in Alameda that gives a monopoly over fee-generating cases to a private law firm; lack of accessibility for conservatees to the complaint and discipline system of the State Bar; lack of performance standards for court-appointed counsel throughout the state; failure to appoint counsel on appeal for litigants with known cognitive disabilities; no quality assurance controls or monitoring of the performance of court-appointed attorneys; failure of attorneys to comply with the ADA; huge caseloads for public defenders; and a pattern and practice of ineffective assistance of counsel for indigent litigants in Los Angeles.

“The case of Britney Spears is the tip of the iceberg when it comes to conservatees who have been denied counsel of choice or provided a deficient legal defense,” said Thomas F. Coleman, legal director of Spectrum Institute. “Many do not get an attorney at all which then requires them to defend themselves – an impossible task for people with cognitive challenges.” Specific case examples are available: Theresa, Elizabeth, Greg, Katherine.

Organizations joining the request are: National Coalition for a Civil Right to Counsel; The Coelho Center for Disability, Law, Policy & Innovation; California Advocates for Nursing Home Reform; Mental Health Advocacy Services; Autistic Self Advocacy Network; Different Brains; Sage Eldercare Solutions, TASH, Kasem Cares, and the Long Beach Bar Association including its LGBTQ Attorneys and Allies Section.

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