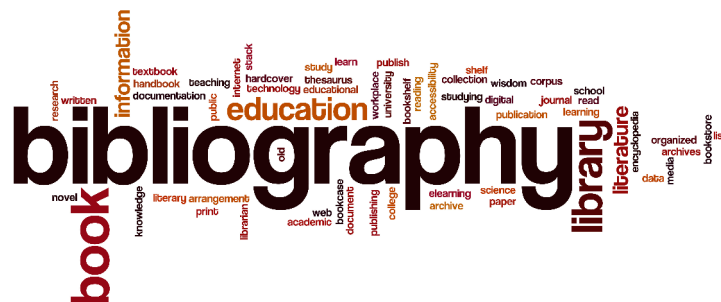


Thomas F. Coleman, Esq.



Thomas F. Coleman has written a variety of materials, including policy reports, commentaries, op-ed articles, amicus curiae briefs, and PowerPoint presentations during the past seven years on topics such as: conservatorship and guardianship reform; assessment of capacity to make decisions; less restrictive alternatives; supported decision-making; disability rights; disability and abuse; the right to mental health therapy; and the duty of judges and attorneys to provide ADA accommodations to litigants with cognitive disabilities.

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These materials are listed in the following pages of this bibliography, along with a link to the policy report, commentary, op-ed, amicus curiae brief, or presentation as it appears online. Prior publications by Thomas F. Coleman are listed in his [curriculum vitae](#) and can be found in his [professional archives](#).

Reports

Legal Capacity

Title: Capacity Assessments in California Conservatorship Proceedings: Improving Clinical Practices and Judicial Procedures to Better Protect the Rights of Seniors and People with Disabilities. (2020) Comment: This [report](#) was the result of 15 months of research and analysis. Prior to publication, it was sent to a panel of 25 capacity assessment workgroup members for review. It was submitted to the Governor, Chief Justice, and Legislature.

Title: Capacity to Consent to Sex: Legal Standards & Best Practices for Adult Protective Services. (2020) Comment: This [report](#) was prepared for the benefit of the National Adult Protective Services Association and was sent to protective services agencies in all 50 states.

Title: With Liberty and Justice for All: The Sexual Rights of Adults with Developmental Disabilities. (2014) Comment: This [report](#) was prepared for self advocates and supporters.

California Conservatorships

Title: Proposals to Use FEHC Authority to Protect the Civil Rights of People with Disabilities in Conservatorship Proceedings. (2019) Comment: This [report](#) was submitted to the Fair Employment and Housing Council in connection with its rule-making authority to implement Government Code Section 11135 which is the state's equivalent of Title II of the federal Americans with Disabilities Act.

Title: Access to Justice Through the Right to Counsel: A Bill to Amend Section 1471 of the California Probate Code. (2019) Comment: This [report](#) was submitted to members of the judiciary committees of both houses of the California Legislature as well as members of the Assembly Select Committee on Intellectual and Developmental Disabilities.

Title: The Path Forward to Justice in Conservatorships. (2019) Comment: This [report](#) was submitted to Alameda County Supervisor Nate Miley.

Title: A Call to Action: A Call to Disability Rights California to Join the Emerging and Growing Conservatorship Reform Movement. (2019) Comment: This [report](#) was submitted to the executive director and the board of directors of Disability Rights California – a nonprofit organization operating with subsidies from federal and state funds to protect the rights of people with disabilities, including those in conservatorships.

Title: The Domino Effect: Judicial Control of Legal Services. (2018) Comment: This [report](#) was submitted to the California Supreme Court. It contains recommendations to clarify the Code of Judicial Ethics.

Title: Administrative Steps to Improve the California Conservatorship System. (2018)
Comment: This [report](#) was submitted to the Chief Justice of California.

Title: Regional Center Conservatorship Assessments: The Need for Guidance and Oversight from the Department of Developmental Services. (2017) Comment: This [report](#) was submitted to the California Department of Developmental Services (DDS) and the Secretary of the Health and Human Services Agency – the cabinet member to whom DDS reports.

Title: Proposals to Modify the California Rules of Court: Qualifications, Continuing Education Requirements and Performance Standards for Court-Appointed Attorneys in Limited Conservatorship Cases. (2015) Comment: This [report](#) was submitted to an advisory committee of the Judicial Council. New training requirements became effective in 2020.

Title: Limited Conservatorships: Systematic Denial of Access to Justice. (2015) Comment: This [report](#) was submitted to the Judiciary Committee of the California State Senate.

Title: Gregory’s Law: A Bill to Reaffirm “Next Friend” Advocacy for People with Developmental Disabilities. (2015) Comment: This [report](#) was prepared for legislative advocates for the rights of people with intellectual and developmental disabilities.

Title: Elusive Justice/False Advocacy: A Case Study of Social Rights for Limited Conservatees Reveals a Larger Problem of Defective Legal Representation. (2015) Comment: This [report](#) was submitted to the United States Department of Justice in connection with an administrative complaint alleging that the Los Angeles Superior Court and its court-appointed attorneys have been violating the ADA by delivering deficient legal services to people with cognitive disabilities – deficiencies that would not occur if they were representing clients without disabilities.

Title: Disturbing Details Revealed at Legislative Hearing on the Ability of California Courts to Protect Vulnerable Adults. (2015) Comment: This [commentary](#) was written for Spectrum Institute in response to a hearing by the Judiciary Committee of the California State Senate.

Title: Strategic Guide for Court-Appointed Attorneys in Limited Conservatorship Cases: What You Don’t Know Can Hurt You – And Your Client Too. (2014) Comment: This [report](#) was prepared for the benefit of attorneys appointed by probate court judges to represent conservatees and proposed conservatees.

Title: Justice Denied: How California’s Limited Conservatorship System Is Failing to Protect the Rights of People with Developmental Disabilities. (2014) Comment: This [report](#) was prepared for advocates and agency personnel who attended a conference focusing on deficiencies in the limited conservatorship system in California.

Title: A Missed Opportunity: Training Program Fails to Help Attorneys Fulfill Ethical Duties and Constitutional Obligations to Clients with Developmental Disabilities. (2014) Comment: This [report](#) was submitted to the Los Angeles County Bar Association and the Los Angeles Superior Court – entities that sponsor and conduct mandatory training seminars for attorneys

who chose to accept court appointments to represent conservatees and proposed conservatees. The attorneys are paid for these services from the client's assets or, if the client is indigent, from county funds.

Adult Guardianships

Title: Accountability: The Key to Real Guardianship Reform. (2019) Comment: This [report](#) was distributed at a national conference for guardianship reform advocates held in Tampa, Florida in February 2019.

Title: The Justice Gap: The Judicial Branch Has a Duty to Appoint, Train, and Supervise Attorneys to Effectively Represent Respondents in Guardianship Cases. (2016) Comment: This [report](#) was submitted to the Washington Supreme Court.

Supported Decision-Making

Title: Supported Decision-Making: A Critical Analysis – What Public Officials, Professionals, Advocates, and Families Need to Know. (2016) Comment: This [report](#) was prepared to help those contemplating the use of supported decision-making arrangements to reduce the risk to people with disabilities and to minimize their own potential liability.

Americans with Disabilities Act

Title: ADA Compliance: A Request to the California Judicial Council to Clarify the *Sua Sponte* Obligations of Courts to Ensure Access to Justice. (2019) Comment: This [report](#) was submitted to the Judicial Council of California at its meeting in September 2019.

Title: The Supreme Court of Missouri Has a Duty to Ensure ADA Compliance in Guardianship Proceedings. (2017) Comment: This [report](#) was submitted along with an ADA complaint to the Missouri Supreme Court.

Title: Due Process Plus: ADA Advocacy and Training Standards for Appointed Attorneys in Adult Guardianship Cases. (2015) Comment: This [white paper](#) was submitted to the United States Department of Justice. Along with it was a comprehensive set of exhibits and a user's guide to these reference materials.

Title: Efficiency vs. Justice: The deliberate bypass of legal protections has denied many limited conservatees access to justice in violation of Title II of the ADA. (2015) Comment: This [report](#) was submitted to the United States Department of Justice in connection with a class-action administrative complaint under the ADA alleging that the Los Angeles Superior Court was allowing, indeed encouraging, court-appointed attorneys to provide deficient legal services to conservatees and proposed conservatees.

Disability and Abuse

Title: Disability and Abuse: A Bibliography on Trauma and Therapy. (2020) Comment: This report was developed for Spectrum Institute for distribution to researchers, mental health professionals, guardians, conservators, and care providers. [Part One](#) lists and describes more than 60 books published over the past several years on these topics. [Part Two](#) does the same for about 45 professional journal articles and other resources.

Title: Disability and Abuse: Administering Trauma-Informed Justice in Missouri Guardianship Proceedings. (2017) Comment: This [report](#) was distributed at the Fourth Annual Educational Summit of the Arc of Missouri in September 2017 along with a set of [recommendations](#) for changes in policies and practices in the state.

Title: Abuse of People with Disabilities: Victims and Their Families Speak Out. (2013) Comment: This [report](#) was based on the responses of thousands of people with disabilities, family members, and service providers regarding abuse and bullying of people with disabilities in the United States. The report has been distributed to a national audience of advocates, family members, and service providers who are interested in this issue.

Commentaries

Op-Ed Articles

Title: Disability and the Law: A Compendium of Commentaries – Educating California’s lawyers, judges, and lawmakers through legal analysis and persuasion. (2015-2020) Comment: Some 22 [commentaries](#) by Thomas F. Coleman were published in the Daily Journal – California’s premier legal newspaper – over the span of the last five years. They address a variety of topics suggesting reforms to policies and practices that will help provide access to justice for seniors and people with disabilities in conservatorship proceedings.

Commentaries on Disability and Abuse

Title: Clarifying Data on Disability and Crime Victimization. (2020) Comment: This [commentary](#) about information in a story produced by National Public Radio was written for Spectrum Institute for distribution to researchers, protective service workers, law enforcement agencies, advocates, mental health professionals, guardians, conservators, and service providers.

Title: Disability and Abuse: Evidence-Based Data Should Drive the Narrative. (2019) Comment: This [commentary](#) was written for Spectrum Institute for distribution to researchers, protective service workers, law enforcement agencies, advocates, mental health professionals, guardians, conservators, and service providers.

Title: Disability, Abuse, Schools, and Risk Management: So you think children with disabilities are safe at school: think again. (2017) Comment: This [commentary](#) was written for Spectrum Institute for distribution to attorneys and administrators associated with public and private schools.

Title: Elder Abuse Bills Are a Start: Reform at State and Federal Level Should Include *All* Vulnerable Adults. (2017) Comment: This [commentary](#) was published in the Daily Journal – California’s legal newspaper which is read by judges and attorneys throughout the state.

Title: A Review of the Association Between Childhood Disability and Maltreatment: Comments on a New Meta-Analysis. (2017) Comment: This [commentary](#) was written for Spectrum Institute in response to a book published in 2016 by the American Association on Intellectual and Developmental Disabilities.

Commentary on Autism

Title: Living on the Autism Spectrum: Legal Issues Over a Life Span. (2017) Comment: This [commentary](#) was written for a class on autism at UCLA.

Title: Social Rights Advocacy for Adults with Autism: Forced Socialization of Conservatees is Never Acceptable. (2014) Comment: This [commentary](#) was written for Spectrum Institute for distribution to judges and attorneys involved in probate conservatorship proceedings.

Commentaries on Conservatorship

Title: County Jurisdiction in Probate Conservatorship Proceedings. (2019) Comment: This [commentary](#) was written for Spectrum Institute for distribution to Nate Miley and other members of the Alameda County board of supervisors.

Title: Disability Rights California Can Become a Leading Advocate for Access to Justice in Conservatorship Proceedings. (2018) Comment: This [commentary](#) was written for Spectrum Institute for distribution to members of the board of directors of Disability Rights California and other disability rights advocates.

Title: Trauma-Informed Justice: A Necessary Paradigm Shift for the Limited Conservatorship System. (2017) Comment: This [commentary](#) was written for Spectrum Institute for distribution to disability rights organizations, regional centers, judges, and court-appointed attorneys who represented conservatees and proposed conservatees.

Title: State Agency Guidance and Oversight is Needed for Conservatorship Assessments and Reports by Regional Centers. (2017) Comment: This [commentary](#) was written for Spectrum Institute for distribution to the Department of Developmental Services and regional centers.

Title: How Regional Centers Should Perform Conservatorship Assessments and How the

State Should Fulfill Its Oversight Duties. (2017) Comment: This [commentary](#) was written for Spectrum Institute for distribution to the Department of Developmental Services and regional centers.

Title: Individual Program Plan (IPP) for Limited Conservatorships: An Essential Advocacy Tool for Court-Appointed Attorneys. (2015) Comment: This [commentary](#) was written for Spectrum Institute for distribution to regional centers, judges, and court-appointed attorneys who represent proposed conservatees.

Title: Expanding the Role of Regional Centers in Limited Conservatorship Proceedings. (2014) Comment: This [commentary](#) was written for Spectrum Institute for distribution to regional centers and court-appointed attorneys who represent proposed conservatees.

Title: Voting Rights of People with Developmental Disabilities: Correcting Flaws in the Limited Conservatorship System. (2014) Comment: This [commentary](#) was written for Spectrum Institute for distribution to disability rights advocates and organizations.

Title: Ten Statewide Concerns About the Limited Conservatorship System. (2014) Comment: This [commentary](#) was written for Spectrum Institute for distribution to members of the Probate and Mental Health Advisory Committee of the California Judicial Council.

Commentaries on Guardianship

Title: Mandatory Attorneys for Guardianship Respondents: A Historical Moment in the Disability Rights Movement. (2017) Comment: This [commentary](#) was written for Spectrum Institute for distribution to members of the WINGS advisory committee to the Washington Supreme Court.

Commentaries on Supported Decision-Making

Title: Supported Decision-Making: My Transformation from a Curious Skeptic to an Enthusiastic Advocate. (2017) Comment: This [commentary](#) was written for Spectrum Institute for use in presentations to disability rights organizations.

Title: An Analysis of Nevada Assembly Bill 128: Bill's Passage Would Diminish the Rights of People with Intellectual Disabilities. (2015) Comment: This [commentary](#) was written for Spectrum Institute and was given to the Nevada Legislature regarding a bill that purported to promote supported decision-making but in reality allowed substituted decision-making.

Title: Supported Decision-Making is a Right That Needs to Become a Reality. (2015) Comment: This [commentary](#) was written for Spectrum Institute.

Title: Framework for Model Legislation on Medical Supported Decision Making Agreements. (2014) Comment: This [commentary](#) was written for Spectrum Institute in connection

with legislation being contemplated in California by a major disability rights organization.

Title: Principles of Supported Decision-Making Already Exist in California Law. (2014)

Comment: This [commentary](#) was written for Spectrum Institute for distribution to disability rights advocates and organizations.

Title: Should the Limited Conservatorship System be Improved or be Eliminated Altogether?

– Some Concerns About Supported Decision-Making. (2014) Comment: This

[commentary](#) was written for Spectrum Institute as a follow-up to a conference on conservatorship reform.

Commentaries on the ADA

Title: The ADA and Guardianship Courts: Excerpts from DOJ and HHS Joint Guidance to Courts in Child Welfare Proceedings, With Comments on Their Application to Adult Guardianship Proceedings. (2019) Comment: This

[commentary](#) was written for Spectrum Institute for distribution to judges and attorneys involved in adult guardianship proceedings in all 50 states.

Title: The State Can Intervene When Counties Fund ADA-Noncompliant Legal Services Programs. (2019) Comment: This

[commentary](#) was written for Spectrum Institute for distribution to the Department of Fair Employment and Housing in connection with its jurisdiction to investigate violations of Government Code Section 11135.

Title: What Access to Justice Would Look Like in Probate Conservatorship Proceedings

if the ADA is Actually Implemented. (2019) Comment: This

[commentary](#) was written for Spectrum Institute for distribution to advocates who attended an educational forum on conservatorship reform sponsored by Alameda County Supervisor Nate Miley.

Title: ADA and Section 504: Meaningful Participation and Effective Communication by a

Pro Per Respondent in a Conservatorship Case. (2019) Comment: This

[commentary](#) was written for Spectrum Institute for ADA complaint to the Sacramento County Superior Court.

Title: Access to the Courts for People with Developmental Disabilities: California Statutes

and Regulations. (2019) Comment: This

[commentary](#) was written for Spectrum Institute and was submitted as part of an ADA complaint to the Sacramento County Superior Court.

Title: ADA Title II Guidance from the U. S. Department of Justice is Instructive to

Participants in the Limited Conservatorship System. (2018) Comment: This

[commentary](#) was written for Spectrum Institute for distribution to judges and attorneys involved in limited conservatorship proceedings in California.

Title: Compliance with the ADA Requires the Sacramento County Superior Court to Appoint

Lawyers for *All* Proposed Conservatees. (2018) Comment: This

[commentary](#) was written for Spectrum Institute for distribution to judges in the Sacramento County Superior Court.

Title: Washington State Recognizes the Appointment of an Advocate as a Necessary ADA Accommodation in Legal Proceedings. (2017) Comment: This [commentary](#) was written in connection with a complaint filed with the Washington Supreme Court.

Title: Sitting Ducks: 20 States Violate Federal Law by Not Appointing Attorneys for Guardianship Respondents. (2016) Comment: This [commentary](#) was written for Spectrum Institute for distribution to chief justices in states that do not require appointment of counsel for people with disabilities who are involuntary litigants in guardianship proceedings.

Title: Adult Patients with Intellectual Disabilities: Issues of Capacity and Waiver under the ADA. (2016) Comment: This [commentary](#) was written for Spectrum Institute in connection with a presentation to doctors and staff at Kaiser Permanente of Southern California.

Title: Limited Conservatorships and the Denial of Access to Justice: Who is Responsible under the ADA? (2015) Comment: This [commentary](#) was written for Spectrum Institute for submission to the United States Department of Justice for a class-based administrative complaint for ADA violations in the limited conservatorship system in California.

Title: New Research Exposes ADA Violations in Legal Services Program. (2015) Comment: This [commentary](#) was written for Spectrum Institute for distribution to the United States Department of Justice in connection with a class-action administrative complaint for ADA violations by the Los Angeles Superior Court in probate conservatorship proceedings.

Title: Concerns for Nevada Medical Providers: Use of AB 128 Form May Result in ADA Liability and Loss of Immunity. (2015) Comment: This [commentary](#) was written for Spectrum Institute and was submitted to the Nevada Legislature.

Amicus Curiae Briefs

Title: [Conservatorship of O.B.](#), California Supreme Court, No. S254938. (2020) Comment: This [amicus curiae brief](#) was written by Thomas F. Coleman on behalf of Spectrum Institute and other advocacy organizations in a probate conservatorship appeal. The brief educated the court on the systemic deficiencies in policy and practice in probate conservatorship proceedings and the need for heightened scrutiny on appeal when the sufficiency of evidence is challenged. The court agreed with this argument, ruling that appellate court must determine whether the record as a whole contains substantial evidence from which a reasonable fact-finder could have found it highly probable that the fact was true.

Title: [Conservatorship of A.E.](#), California Court of Appeal, No. B297092. (2020) Comment: This [amicus curiae letter](#) was sent to the Court of Appeal to remind the court of its duty under the ADA to appoint an attorney to represent a respondent with cognitive disabilities to ensure meaningful participation in the appeal. At the time the letter was submitted, the conservatee was not represented by counsel. The court did appoint counsel who then agreed with the appellant mother that respondent's rights were violated in the trial court. The Court of Appeal issued a [published opinion](#) reversing the order of conservatorship because respondent was not personally present during the trial proceedings.