



# Complaint to Sacramento County Superior Court

Per ADA Title II Regulations  
Sections 35.104, 35.107, 35.170(a)

Per Section 504 of the  
Rehabilitation Act of 1973

Per California Government  
Code Section 11135

Exhibit A

Communications from  
Alta California Regional Center and  
a CAC Panel Attorney in Sacramento



March 17, 2017

Thomas F. Coleman  
Legal Director  
Spectrum Institute  
9420 Reseda Blvd., #240  
Northridge, CA 91324

Mr. Coleman:

I am the Legal Services Manager of Alta California Regional Center (ACRC), a nonprofit corporation organized and existing pursuant to the laws of the State of California and contracted with the State of California to provide services and supports to individuals with developmental disabilities. Part of my responsibility at ACRC is to manage and provide oversight of conservatorships of regional center clients, including reviewing newly proposed conservatorships and monitoring clients under existing conservatorships. Based upon my years of experience in this role, I believe that the current conservatorship law and procedures in California are insufficient to protect the rights of individuals with developmental disabilities.

At our agency, for example, approximately 80% of our conserved clients are under general conservatorship, and not, as you might imagine under limited conservatorship, an arrangement which was designed specifically for Californians with developmental disabilities. And the law and probate courts treat general and limited conservatorships quite differently.

For example, proposed general conservatees are not provided a court-appointed attorney, as are proposed limited conservatees. Further, the Probate Code does not require the regional center to assess the proposed conservatee and file an assessment report for general conservatorship petitions, whereas this is mandatory for limited conservatorship petitions. The net result is that in general conservatorships, the probate courts are deprived of objective test data reflecting the proposed conservatee's level of intellectual and adaptive functioning, as well as the regional center's recommendations regarding conservatorship, in making these incredibly important decisions.

Moreover, I have concerns over the qualifications and focus of the court-appointed attorneys assigned our clients for limited conservatorship petitions. I have personally met court-appointed attorneys who represent themselves as Spanish speaking whose Spanish is so poor that they are unable to communicate with their Spanish-speaking clients. More concerning is the lack of familiarity and training of court-appointed attorneys about individuals with developmental disabilities and their rights. It is my understanding that an individual's attorney should advocate for the client to retain

his/her civil rights. In practice, the court-appointed attorneys I have seen nearly always support removal or restriction of their own client's civil rights. I'm unaware of why this should be different for an individual with a developmental disability.

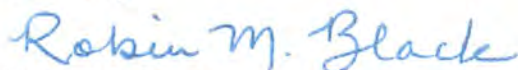
Additionally, petitioners and their attorneys are often unaware of the legal requirement to serve a copy of conservatorship petitions on the regional center at least 30 days prior to the conservatorship hearing. Savvy courts will not allow conservatorship hearings to proceed until after they receive proof the regional center has served at least 30 days before the hearing. However, I have seen multiple instances of courts granting conservatorship petitions without the regional center receiving notice, much less recommendations—this typically occurs in smaller counties.

Also, in my opinion, the presumption of attorneys and probate courts that parents and family members are always suitable conservators for their relatives with developmental disabilities should be reversed for our clients' protection. In my experience, even the most well-meaning and loving family member, once given conservatorship authority, can easily make decisions which unduly restrict the rights of the conservatee, and at worst, can seriously compromise the individual's health and safety. And the court's statutory biennial review of conservatorships (which does not always occur) has historically been insufficient to prevent this type of abuse.

Finally, conservatorship is not the least restrictive method of providing assistance and protection to individuals with developmental disabilities. Probate Code Section 1821(a)(3) requires conservatorship petitions to list all "alternatives to conservatorship considered by the petitioner or proposed conservator and reasons why those alternatives are not available." In reality, petitioners can simply check a checkbox on the petition form and need provide no explanation whatsoever of why the alternatives were not available. ACRC continues to recommend that clients and families consider and exhaust the use of less restrictive methods for providing assistance and protection to individuals with developmental disabilities before even considering seeking conservatorship. Such alternative methods include, but are not limited to, supported decision making, regional center funded services and supports, the regional center planning team process, powers of attorney, written consents for disclosure of records/information, and assignments of educational decision making rights. I note, however, that local school districts, juvenile dependency courts, and probate attorneys do not share this perspective.

Should you have any questions in this regard to this letter, please do not hesitate to contact me.

Sincerely,



Robin M. Black  
Legal Services Manager  
Alta California Regional Center  
(916) 978-6269  
[rblack@altaregional.org](mailto:rblack@altaregional.org)

**From:** Robin Black [mailto:rblack@altaregional.org]  
**Sent:** Wednesday, May 2, 2018 12:57 PM  
**To:** 'Tom Coleman - Spectrum Institute' <tomcoleman@spectruminstitute.org>  
**Subject:** RE: [Use Caution, unable to verify sender SPF] Follow up to your documentary interview -- request for assistance

Hi Tom,

Thanks for your email.

I would recommend you focus on Placer County Superior. El Dorado County would be a close runner up. Sacramento is the most evolved, although they still order general conservatorships without a court-appointed attorney in many if not most cases. I would also recommend focusing perhaps on 2015-2016 as those matters should by now be resolved. We note multiple proposed conservatorships in all counties from 2017-2018 that are still pending and may not provide you the best data.

As to the case numbers, I don't believe I'm legally authorized to share such a list with you. While I know the case numbers themselves are not confidential, compiling that list requires me to review our clients' confidential information, and provide you with information which you would know is related to regional center clients only.

You should be able to get an index from the court of general conservatorship filings, or of all probate filings, at that court for a specific time period and then review the general conservatorship petitions (at the courthouse) to determine whether the proposed conservatee is developmentally disabled – there is a checkbox for this on the petition. Minutes of hearings and/or probate notes, sometimes available online if you have the conservatee's name or case number, should be sufficient to determine whether or not an attorney was appointed for those individuals in that matter. (To give you an idea of the numbers you'd be facing, in Sacramento County in 2017, approximately 250-300 petitions for general conservatorship of ACRC clients were filed. You might expect half of that or slightly less for Placer County for a year.)

Please do note that ACRC reviews and assesses all clients upon receipt of a conservatorship petition, and the only instance in which we do not file any report or recommendations is when it's a general conservatorship and we have no serious objections. So we do not wait for a judge to "order" us to file a report—we do it on our own.

You should know also that there are rogue counties (or judges), like the current probate judge in Nevada County, which have repeatedly granted general conservatorships when they are aware that the regional center has not even been served with notice of hearing and petition, as required by Probate Code, thus depriving our clients of both input from the regional center, as well as legal representation of a court appointed attorney.

I hope this information was helpful. Please let me know if you have any questions. Thanks,

**Robin Black**  
ACRC Legal Services Manager  
(916) 978-6269

**From:** Nora Baladerian [<mailto:nora@disability-abuse.com>]  
**Sent:** Thursday, May 03, 2018 4:40 AM  
**To:** Tom Coleman <[tomcoleman@earthlink.net](mailto:tomcoleman@earthlink.net)>  
**Cc:** Robin Black <[rblack@altaregional.org](mailto:rblack@altaregional.org)>  
**Subject:** [Use Caution, unable to verify sender SPF] Re: Sacramento court records

So, who is recommending to the parents///guiding them///to choose the general conservatorship process rather than the limited process? Folks in general do not know the difference, so there must be some agency/entity that is providing the information to the parents? The schools? The regional centers?

Nora

**From:** Robin Black [<mailto:rblack@altaregional.org>]  
**Sent:** Thursday, May 3, 2018 12:35 PM  
**To:** 'Nora Baladerian' <[nora@disability-abuse.com](mailto:nora@disability-abuse.com)>; Tom Coleman <[tomcoleman@earthlink.net](mailto:tomcoleman@earthlink.net)>  
**Subject:** RE: [Use Caution, unable to verify sender SPF] Re: Sacramento court records

Some attorneys recommend general in almost all instances for our clients. Conservatorship attorneys in our area also offer free seminars at school districts and advocacy organizations (e.g., MIND Institute, Warmline) where they explain their view of conservatorship (our clients must be conserved at age 18) and offer discount on conservatorship legal services. (School districts advise parents they must obtain conservatorship of our clients at age 18.)

We've heard that Placer County Superior Court's self-help center always recommends general to families who come to them for assistance.

Also, we just last week heard from a local conservatorship attorney that he charges less for general conservatorship because it typically only requires one hearing. Limited is more expensive because there are typically two hearings required; the first hearing is when the court appoints the CAC; then hearing is continued for receipt and review of CAC report. He reported that even when he recommends a limited, parents often choose general because of the cost. How's that for unintended consequences...?

ACRC does not recommend conservatorship, except in limited instances when APS is involved and refers a client to a public guardian's office or DDS for conservatorship to protect a client from abuse or neglect by his/her own family members. L

**Robin Black**  
ACRC Legal Services Manager  
(916) 978-6269

## Tom Coleman - Spectrum Institute

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**From:** panel attorney  
**Sent:** Monday, July 30, 2018 11:16 AM  
**To:** Tom Coleman - Spectrum Institute <tomcoleman@spectruminstitute.org>  
**Subject:** RE: Questions about the Probate Court Appointed Attorney Panel

Hi Tom

Both Sac and Placer counties operate their own CAC panel lists. Placer has no requirements; Sacramento requires 5 years as attorney and experience in both conservatorship and guardianships. No training in Placer at all, Sacramento in the past has training, but no longer does so. No maximum hours at either Placer or Sacramento; Placer pay \$60 an hour Sacramento about \$82 an hour – both subject to court approval. For estates where funds are available, counsel paid at their hourly rate. Not sure how attorney selected in Placer County; Sacramento by alphabetical rotation. Both Placer and Sacramento always appoint for LPS and dementia powers, both counties on a case by case basis in other matters, but usually where there is an objection by a party.

Hope this helps

**From:** Tom Coleman - Spectrum Institute [<mailto:tomcoleman@spectruminstitute.org>]  
**Sent:** Monday, July 30, 2018 11:08 AM  
**To:** Sacramento panel attorney  
**Subject:** Questions about the Probate Court Appointed Attorney Panel

I am doing some research into various CAC panels in California that are operated for conservatorship proceedings. I noticed that you are on the panel in Sacramento and am wondering if you would be willing to answer a few questions about how that panel operates for attorneys appointed to represent proposed conservatees.

My preliminary questions are:

- 1) Does the court operate the panel or is it done through the bar association or some other third party?
- 2) How does an attorney get on the panel?
- 3) Are there MCLE requirements or experience requirements to get listed on the panel to represent conservatees?
- 4) Are there periodic training programs for attorneys to stay on the panel, and if so, who conducts the trainings?
- 5) How much per hour are attorneys compensated for time on a case? Any maximum hours?
- 6) Who decides which attorneys are appointed to specific cases? Court clerk? Probate examiner? Is it done on rotation?
- 7) Are attorneys appointed for all proposed conservatees or just some? If just some, about what % of cases do not have an attorney appointed?

I really would appreciate any information you can provide on these matters.

Thank you very much for considering this request.