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11 Counsel for proposed *amici curiae*

12 **SUPERIOR COURT FOR THE STATE OF CALIFORNIA**
13 **FOR THE COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

14 In re the Conservatorship of the Person and
15 Estate of

16 BRITNEY JEAN SPEARS
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Case No. BP1088790

DISABILITY RIGHTS
ORGANIZATIONS' APPLICATION
FOR LEAVE TO FILE *AMICI*
CURIAE BRIEF IN SUPPORT OF
CONSERVATEE BRITNEY
SPEARS' RIGHT TO SELECT HER
OWN ATTORNEY;

PROPOSED BRIEF OF *AMICI*
CURIAE

Date: July 14, 2021

Time: 1:30PM

Department: 4

Judge: Hon. Brenda J. Penny

ARGUMENT REQUESTED

1 **I. APPLICATION FOR LEAVE TO FILE BRIEF OF AMICI CURIAE IN SUPPORT**
2 **OF CONSERVATEE SPEARS**

3 Pursuant to California Rules of Court, rules 8.520(f) and 8.200(c),¹ the advocates listed
4 below respectfully request leave to file the accompanying brief. The brief provides guidance to the
5 Court on the importance of ensuring that a conservatee can select her own lawyer, where, as here,
6 she has expressed a desire and an ability to do so. The brief provides statutory and Constitutional
7 support for this right. The brief further outlines the importance of ensuring access to information
8 and tools relevant to the selection of counsel, and offering supported decision-making, if a
9 conservatee wishes.
10

11 Prospective *amici* are:

12 AIDS Legal Referral Panel
13 American Civil Liberties Union Foundation Disability Rights Program
14 American Civil Liberties Union Foundation of Southern California
15 The Arc of the United States
16 Autistic Self-Advocacy Network
17 Bazelon Center for Mental Health Law
18 Burton Blatt Institute
19 California Advocates for Nursing Home Reform
20 California Alliance for Retired Americans
21 Cardozo Bet Tzedek Legal Services
22 Center for Estate Administration Reform
23 Center for Public Representation
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27 ¹ The California Rules of Court do not specify a procedure for *amicus curiae* submissions in
28 Superior Court. Counsel for prospective *amici curiae* have therefore attempted to follow the
procedure set forth in the rules governing appellate litigation.

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- Choice in Aging
- Civil Rights Education and Enforcement Center
- Coalition for Elderly and Disability Rights
- The Coelho Center for Disability Law, Policy and Innovation
- Communication FIRST
- Disability Rights California
- Disability Rights Education & Defense Fund
- Disability Rights Legal Center
- Disability Voices United
- Justice in Aging
- Legal Aid at Work
- Mental Health Advocacy Services
- National Resource Center for Supported Decision-Making
- Quality Trust for Individuals with Disabilities
- TASH

INTERESTS OF *AMICI CURIAE*

Proposed *amici* are disability rights and civil rights organizations that advocate for the civil rights, civil liberties, and effective counsel rights of underrepresented and marginalized people, including people with disabilities. Proposed *amici* include organizations that represent, are composed of, and advocate for, the autonomy, rights, choices, and right to support of people with all types of disabilities across the country. Collectively, proposed *amici* work with and support millions of people with disabilities across California and nationwide.

Proposed *amici* have an interest in ensuring that every person in a conservatorship, or at risk of a conservatorship, enjoys full, meaningful due process rights, in light of the significant

1 liberty and autonomy interests at stake in these proceedings, and the long duration of the loss of
2 rights that often occurs in conservatorships. Proposed *amici* believe that these due process rights
3 include effective assistance of counsel throughout the conservatorship process, including the right
4 to an attorney who zealously represents their interests, and the right to select and retain the
5 attorney of their choice. Proposed *amici* further have an interest in ensuring that people with
6 disabilities, people perceived to have disabilities, and people with a record of disabilities, can use
7 voluntary supports to make their own, informed choices. Proposed *amici* are proponents for
8 supported decision-making as a tool to help people with disabilities retain and exercise their rights
9 and make their own decisions.
10

11 Proposed *amici* are interested in this case as an important instance of a situation that is
12 common but rarely visible to the public. Although comprehensive data are not available, the
13 National Center for State Courts has estimated that over one million American adults are currently
14 under conservatorship or guardianship in the United States.² All of these people are disabled, or
15 perceived to be disabled. Further, it appears people who lose their rights through conservatorship
16 are disproportionately members of multiple historically marginalized groups – including women
17 with disabilities and Black people with disabilities.³ Prospective *amici* believe that Britney Spears
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20 ² Abigail Adams, *Warren and Casey Want Conservatorship Data Amid Spears Case* (July 1,
21 2021) Time (quoting Sen. Elizabeth Warren and Sen. Robert P. Casey, Jr., Letter to the Honorable
22 Xavier Becerra and the Honorable Merrick Garland, July 1, 2021), available at
<https://time.com/6077374/elizabeth-warren-bob-casey-conservatorship-oversight-britney-spears/>.

23 ³ See S.L. Reynolds & K.H. Wilber, *Protecting persons with severe*
24 *cognitive and mental disorders: An analysis of public conservatorship in Los Angeles County,*
25 *California* (1997) *Aging & Mental Health*, 1:1, 87-98, DOI: 10.1080/13607869757425 (Black
26 people made up 23% of conservatees under age 70 and 12.5% of conservatees over age 70, both
27 much higher than percentage of Black people in general Los Angeles County population); Erica F.
28 Wood, *State-Level Adult Guardianship Data: An Exploratory Survey*, American Bar Association
Commission on Law and Aging for the National Center on Elder Abuse, (August 2006), at
<https://ncea.acl.gov/NCEA/media/docs/archive/State-Level-Guardianship-Data-2006.pdf> (67% of adult wards under guardianship were female).

1 is similarly situated to many other Americans who are entitled to effective counsel in the
2 conservatorship process, and access to supported decision-making in making major decisions such
3 as the choice of an attorney.⁴
4

5 **STATEMENT OF AUTHORSHIP AND MONETARY CONTRIBUTION**

6 No party or party’s counsel authored this brief in whole or in part, or made a monetary
7 contribution intended to fund the preparation or submission of this brief. (*See* Cal. Rules of Court,
8 rule 8.520(f)(4)(A).) Other than *amici*, no person or entity made a monetary contribution intended
9 to fund the preparation or submission of this brief. (See Cal. Rules of Court, rule 8.520(f)(4)(B).)
10

11
12 Respectfully submitted this 12th day of July, 2021

13 American Civil Liberties Union Foundation,

14 American Civil Liberties Union Foundation of Southern California
15

16 By: /s/ Zoë Brennan-Krohn
17

18 Attorneys for proposed *amici*:

19 AIDS Legal Referral Panel, American Civil Liberties Union
20 Disability Rights Program, American Civil Liberties Foundation of
21 Southern California, The Arc of the United States, Autistic Self-
22 Advocacy Network, Bazelon Center for Mental Health Law, Burton
23 Blatt Institute, California Advocates for Nursing Home Reform,
24 California Alliance for Retired Americans, Cardozo Bet Tzedek
25 Legal Services, Center for Estate Administration Reform, Center
26 for Public Representation, Choice in Aging, Civil Rights Education
27 and Enforcement Center, Coalition for Elderly and Disability
28

⁴ *See, e.g.*, Jameson, M., Riesen, T., Polychronis, S., Trader, B., Mizner, S., Hoyle, D., & Martinis, J. *Guardianship and the Potential of Supported Decision-Making for Individuals with Disabilities* (2015) *Research and Practice for People with Severe Disabilities*, 40(1), 1-16; Leslie Salzman, *Guardianship for Persons with Mental Illness – A Legal and Appropriate Alternative?* (2011) 4 *St. Louis U. J. Health L. & Pol’y* 279; K. Wilber, T. Reiser, and K. Harter, *New Perspectives on Conservatorship: The Views of Older Adult Conservatees and their Conservators*, 8:3, 225-240 (2001) DOI: 1382-5585/01/0803-225 (“Given the intensity, restrictiveness, and potentially negative outcomes of conservatorship, more work needs to be done to explore how to improve both the policies and the practice of conservatorship.”)

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Rights, The Coelho Center for Disability Law, Policy and Innovation, CommunicationFIRST, Disability Rights California, Disability Rights Education & Defense Fund, Disability Rights Legal Center, Disability Voices United, Justice in Aging, Legal Aid at Work, Mental Health Advocacy Services, National Resource Center for Supported Decision-Making, Quality Trust for Individuals with Disabilities, TASH

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PROPOSED BRIEF OF AMICI CURIAE

INTRODUCTION AND SUMMARY OF ARGUMENT

Britney Spears is under a probate conservatorship, and has been represented by a court-appointed attorney for most or all of its duration. On June 23, Ms. Spears informed this Court that she wishes to select her attorney. *See* Petn. for Appointment of Guardian Ad Litem (“GAL Petition”), July 7, 2021, Ex. A, p. 18 (original pagination from transcript). On July 6, Ms. Spears’ court-appointed attorney, Samuel Ingham III, filed a resignation, effective upon appointment of new counsel. *See* Application for Appointment of Counsel, July 6, 2021, Ex. A. A text message purportedly from Ms. Spears requested her temporary conservator’s assistance in selecting a replacement attorney. *See* GAL Petition, Ex. B (“I’m asking u for ur assistance in getting a new attorney”).

Ms. Spears has indicated her desire to select her own attorney, and *amici* urge this Court to ensure that Ms. Spears has the right to make this selection herself, with access to adequate information, and with neutral supports, if she wants such supports. *Amici* submit this brief to emphasize the importance – under California law, and under the California and United States Constitutions– of protecting a conservatee’s right to select an attorney whom they trust to advocate zealously for their expressed interests.

Amici further write to urge the Court to ensure that Ms. Spears has the tools necessary to effectuate this right – including information and confidential access to communication mechanisms such as telephone, internet, and videoconferencing platforms such as Zoom or Skype. In addition, *amici* urge the Court to offer Ms. Spears the opportunity to use supported decision-making in selecting a successor attorney. Supported decision-making is a well-recognized system that allows a person to work with trusted, neutral advisors to consider, make, and communicate their own decision.

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3 **ARGUMENT**

4 **I. The right to an attorney in conservatorship proceedings includes the statutory**
5 **and due process right to counsel of one’s choice.**

6 As a person under a probate conservatorship, Ms. Spears is subject to the authority of the
7 probate court and her conservator. By definition, this is a deprivation of certain rights and liberties.
8 Given the significance of the deprivation of rights that accompany conservatorships, California
9 state law recognizes the right to an attorney at key stages of the conservatorship process, including
10 in any proceedings to terminate a conservatorship; proceedings to remove a conservator; or any
11 proceeding for a court order affecting the legal capacity of a conservatee. (Cal. Prob. Code §
12 1471(a).)

13 Having created a statutory right to counsel in conservatorship proceedings, California has
14 conferred to conservatees an interest in effective assistance of counsel that is protected by the due
15 process clause of the United States Constitution. (*Conservatorship of David L.* (2008) 164
16 Cal.App.4th 701, 710 (citing *Wilson v. Superior Court* (1978) 21 Cal.3d 816, 823; *People v.*
17 *Williams* (2003) 110 Cal.App.4th 1577, 1591; *People v. Otto* (2001) 26 Cal.4th 200, 209)).

18 California courts have affirmed that this right to counsel, although based in statute,
19 incorporates many of the associated rights enshrined by the Sixth Amendment. Courts reach this
20 conclusion because, even though conservatorship proceedings are not criminal in nature, the
21 “liberty interests at stake in a conservatorship proceeding are significant.” (*Conservatorship of*
22 *David L., supra*, 164 Cal.App.4th at 711; see also *Michelle K. v. Superior Court* (2013) 221
23 Cal.App.4th 409, 445.) Thus, courts have affirmed that the right to counsel for conservatees
24 includes a right to counsel that is effective and independent. (*Michelle K., supra* at p. 445). Courts
25 have identified a right to be heard by the court if the conservatee believes their attorney is not
26 providing effective assistance in conservatorship proceedings, a right adopted from the Sixth
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1 Amendment, and derived from similar interests and rights to autonomy and liberty. (See
2 *Conservatorship of David L., supra*, 164 Cal.App.4th at 710).

3 The right to choose one’s own attorney is a core element of the right to counsel, that
4 should also attach to the rights of a conservatee. In 1932, the United States Supreme Court noted
5 that, “[i]t is hardly necessary to say that the right to counsel being conceded, a defendant should be
6 afforded a fair opportunity to secure counsel of his own choice.” (*Powell v. Alabama* (1932) 287
7 U.S. 45, 53). A person under conservatorship should enjoy the right to select that lawyer, subject
8 only to the same limitations applied in the criminal defense context. (See *Wheat v. U.S.* (1988) 486
9 U.S. 153, 159 [“The Sixth Amendment right to choose one’s own counsel is circumscribed in
10 several important respects ... [A]n advocate who is not a member of the bar may not represent
11 clients (other than himself) in court. Similarly, a defendant may not insist on representation by an
12 attorney he cannot afford or who for other reasons declines to represent the defendant. Nor may a
13 defendant insist on the counsel of an attorney who has a previous or ongoing relationship with an
14 opposing party.”]).

15 Allowing a conservatee to select their own lawyer is consistent with the California Probate
16 Code, which envisions that the Court will select and appoint an attorney on behalf of a conservatee
17 only in cases where the person under conservatorship is “unable to retain legal counsel” or “does
18 not plan to retain legal counsel.” (Cal. Prob. Code § 1471(a), (b).)

19 The right of a conservatee to select their own attorney is also consistent with principles of
20 autonomy and agency. As the Court of Appeal noted, “[t]he designation of a person as a
21 conservatee doesn’t divest them of their autonomy. The purpose of the statute is to ensure the care
22 and protection of people who need it, while maintaining their personal agency as much as is
23 practical.” (*Conservatorship of Navarrete* (2020) 58 Cal.App.5th 1018, 1030-31.) This reflects an
24 understanding that even if a person has been found “incapacitated” in some regards, they may still
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1 retain the ability and right to make other choices for themselves. This understanding of “capacity”
2 as a continuum is reflected in the California Probate Code. (See Cal. Prob. Code § 2531(a)
3 (personal rights remain with conservatee unless specifically authorized by the court),
4 *Conservatorship of Navarrete, supra*, 58 Cal.App.5th at p. 1030). Speaking more specifically to
5 the personal right to one’s own attorney, the Court of Appeal noted in *Michelle K.* that, even
6 though a conservator holds many rights on behalf of a conservatee, the conservator does not hold
7 the right to select the conservatee’s legal counsel. The Court concluded that the right to counsel “is
8 a right to independent counsel appointed to protect [the conservatee’s] fundamental right to
9 personal liberty.” Even though the conservator “is [the conservatee’s] legal representative for most
10 purposes,” the Court held, the conservator “may not replace the [conservatee’s lawyer] with
11 counsel of his choice.” (*Michelle K. v. Superior Court, supra*, 221 Cal.App.4th at pp. 444-45 (and
12 collecting cases).)

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15 In this case, the public record indicates that Ms. Spears is both able to retain legal counsel,
16 and plans to do so. The Court should ensure Ms. Spears’ right to do so is respected, and ensure
17 that she has the supports necessary to make this decision for herself. The Court should not
18 interfere with this decision unless Ms. Spears selects a person who is clearly unqualified for the
19 position, is unwilling to serve in this role, or has a significant conflict. (*See Wheat, supra*, 486
20 U.S. at p. 159.) Allowing Ms. Spears to select her own attorney, with supports if necessary, is
21 consistent with the California Probate Code and with Constitutional Due Process protections.
22

23 **II. Ms. Spears is entitled to information, communication, and the opportunity to use**
24 **supported decision-making in order to make a meaningful and knowing choice of**
25 **attorney.**

26 The right to select an attorney requires adequate access to information and communication
27 to identify options, evaluate merits, and ultimately select an attorney. This right is held by the
28 person under conservatorship, not their conservator. (*Michelle K v. Superior Court, supra, supra*,
221 Cal.App.4th at pp. 444-45). This right to select an attorney is illusory unless a person has the

1 tools to do so. Therefore, *amici* urge the Court to ensure that Ms. Spears has, at minimum, access
2 to the internet and the ability to conduct private meetings (in person and/or through telephone or
3 an internet-based videoconferencing platform such as Zoom) to interview and confer with
4 potential attorneys.

5
6 Supported decision-making is another option that Ms. Spears may wish to use in selecting
7 her own attorney. With supported decision-making, a person can use supports – including working
8 with trusted advisors, mentors, friends, or professionals – to help them understand, consider, and
9 make their own choices.

10 Supported decision-making is recognized across the country as a way that people with and
11 without disabilities can make their own, informed choices. Supported decision-making is one
12 method of supporting people with disabilities that is less restrictive than removing their choice and
13 preferences entirely. The Uniform Guardianship, Conservatorship and Other Protective
14 Arrangements Act recognizes supported decision-making, which it defines as “assistance from one
15 or more persons of an individual’s choosing in understanding the nature and consequences of
16 potential personal and financial decisions, which enables the individual to make the decisions, and
17 in communicating a decision once made if consistent with the individual’s wishes.” (Uniform
18 Guardianship, Conservatorship and Other Protective Arrangements Act (2017) § 102(31); see also
19 §§ 301(a)(1)(A); 310(a)(1).) Supported decision-making has been adopted expressly into several
20 states’ probate codes and has been recognized in numerous other pieces of legislation and statutes
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1 passed across the country.⁵ It has been embraced by the federal National Council on Disability,⁶
2 the American Bar Association,⁷ and the National Guardianship Association.⁸ Courts across the
3 country have issued orders or decisions noting and recognizing the importance and validity of
4 supported decision-making.⁹
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9 ⁵ At least 9 states have passed laws recognizing supported decision-making as legally enforceable
10 agreements. See *More States Pass Supported Decision-Making Agreement Laws* (2019), American
11 Bar Ass’n, available at: [https://www.americanbar.org/groups/law_aging/publications/bifocal/vol-
12 41/volume-41-issue-1/where-states-stand-on-supported-decision-making/](https://www.americanbar.org/groups/law_aging/publications/bifocal/vol-41/volume-41-issue-1/where-states-stand-on-supported-decision-making/). At least 40 states and
13 the District of Columbia have introduced one or more pieces of legislation or resolutions
14 specifically referring to supported decision making as of March 1, 2021. See National Center for
15 Supported Decision-Making, available at: www.supporteddecisionmaking.org/states (listing state
16 legislation and statutes referencing supporting decision-making by state).

17 ⁶ National Council on Disability, *Turning Rights Into Reality: How Guardianship and Alternatives*
18 *Impact the Autonomy of People with Intellectual and Developmental Disabilities* (2019) at 79-83:
19 available at: https://ncd.gov/sites/default/files/NCD_Turning-Rights-into-Reality_508_0.pdf
20 (listing key findings and recommendations including use of supported decision-making).

21 ⁷ American Bar Association (“ABA”) House of Delegates Resolution (2017), available at:
22 [https://www.americanbar.org/content/dam/aba/administrative/law_aging/2017_SDM_%20Resolut
23 ion_Final.pdf](https://www.americanbar.org/content/dam/aba/administrative/law_aging/2017_SDM_%20Resolution_Final.pdf); see also *Guardianship and Supported Decision-Making*, ABA, available at:
24 https://www.americanbar.org/groups/law_aging/resources/guardianship_law_practice/.

25 ⁸ National Guardianship Association, *Position Statement on Guardianship, Surrogate Decision*
26 *Making, and Supported Decision Making* (2017), available at: [https://www.guardianship.org/wp-
27 content/uploads/2017/07/SDM-Position-Statement-9-20-17.pdf](https://www.guardianship.org/wp-content/uploads/2017/07/SDM-Position-Statement-9-20-17.pdf).

28 ⁹ See *Ross and Ross v. Hatch* (Cir. Ct. of Newport News, Aug. 2, 2013), Case No. CWF-120000-
426 (Final Order); *In Re: Ryan Herbert King*, (D.C.Sup.Ct. (Probate), Oct. 6, 2016), Case No.:
2003 INT 249 (Final Order); *In Re: Tecora Mickel*, (D.C. Sup. Ct (Probate), 2015), Case No: 2015
INT 000291; *Matter of DD* (N.Y. Surr. Ct. Kings County, Oct. 28 2015), 50 NY Misc. 3d 666; *In Re:
the Guardianship of Jamie Beck* (Cir. Ct. of Wayne County, Indiana, June 12, 2018), Case No: 89CO1-
1011-GU-025 (Order to Terminate Guardianship); *In the Matter of the Guardianship of the Person
and Estate of KH* (2d Jud. Dist. Ct., County of Washoe, Nev., Sept. 11, 2017), Case No PR03-
00264; *In re C.B.* (Super. Ct of Vt, Orleans Unit, April 11, 2017) (Stipulation to Dismiss
Guardianship); *Matter of Eli T.* (N.Y. Sur. Ct. Kings County 2018) 89 N.Y.S.3d 844, 849; *In re
Guardianship of Michael Lincoln* (Fla. St. Lucie Ct., 19th Cir. Ct. Oct. 13, 2016) Case no. 56 2014 GA
000041PPXXXX, slip op. at 4; *In the Matter of John Francis McCarty* (Ga. Fulton County Prob. Ct.
Sept 16, 2018), Est. No. 225013, slip op. at pp. 1-2; *In re Joshua Damian Strong* (Knox County Prob.
Ct., Me., June 6, 2018) Docket No. 2002-0082, slip op. at p. 1.

1 The importance and availability of supported decision-making is not diminished because a
2 person is already under conservatorship. The National Guardianship Association noted in its 2017
3 position statement on the importance of supported decision-making:

4 Under all circumstances, efforts should be made to encourage every person under
5 guardianship to exercise his/her individual rights retained and participate, to the maximum
6 extent of the person's abilities, in all decisions that affect him or her, to act on his or her
7 own behalf in all matters in which the person is able to do so, and to develop or regain his
8 or her own capacity to the maximum extent possible. Supported decision making should be
considered for the person before guardianship, and the supported decision-making process
should be incorporated as a part of the guardianship if guardianship is necessary.¹⁰

9 Supported decision-making is also an example of a “reasonable modification” that a public entity,
10 like this Court, may be required to provide or facilitate under the Americans with Disabilities Act
11 and/or the Rehabilitation Act, in order to ensure that people with disabilities have equal access to
12 the Court’s proceedings and processes. (See 42 U.S.C. § 12131 *et seq.*, 29 U.S.C. § 794 *et seq.*)

13 The 2021 Fourth National Guardianship Summit recommended recognition of supported decision-
14 making as a reasonable accommodation.¹¹

15 Supported decision-making in choosing an attorney could involve selecting a neutral
16 advisor to help a person with identifying potential attorneys, brainstorming what their priorities
17 are in choosing an attorney, setting up interviews with potential attorneys, discussing pros and
18 cons of possible selections, and understanding and negotiating a retainer agreement. Using
19 supported decision-making in this way would not strip a person of their right to make their own
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22 ¹⁰ National Guardianship Association, *Position Statement on Guardianship, Surrogate Decision*
23 *Making, and Supported Decision Making* (2017) at 2, available at:
24 <https://www.guardianship.org/wp-content/uploads/2017/07/SDM-Position-Statement-9-20-17.pdf>.

25 ¹¹ Fourth National Guardianship Summit 2021, *Recommendations Adopted by the Summit* (2021),
26 available at: [http://law.syr.edu/academics/conferences-symposia/the-fourth-national-guardianship-](http://law.syr.edu/academics/conferences-symposia/the-fourth-national-guardianship-summit-autonomy-and-accountability)
27 [summit-autonomy-and-accountability](http://law.syr.edu/academics/conferences-symposia/the-fourth-national-guardianship-summit-autonomy-and-accountability) (“Recommendation 2.4: The Department of Justice and
28 other federal and state agencies should recognize that supported decision-making can be a
reasonable accommodation under the Americans with Disabilities Act of 1990, as amended, in
supporting an individual in making their own decisions and retaining their right to do so.”).

1 choice – rather, it would provide support to *enable* the person to make *their own* knowing
2 choice.¹²

3 A text message identified as coming from Ms. Spears, filed as Exhibit B to the GAL
4 Petition, indicates that Ms. Spears has requested assistance in choosing a successor attorney: “I’m
5 asking u for ur assistance in getting a new attorney.” *Amici* urge this Court to ensure that Ms.
6 Spears has the opportunity to consider and explore supported decision-making as a way to help her
7 make this important decision.

8
9 *Amici* urge this Court to take steps to ensure that Ms. Spears can consider and explore the
10 opportunity to learn about and use supported decision-making to select a successor attorney.

11 12 **CONCLUSION**

13
14 In conclusion, *amici* respectfully urge this Court to ensure that Ms. Spears is both legally
15 authorized and practically able to select her own successor lawyer. *Amici* urge this Court to ensure
16 that Ms. Spears is granted access to the information and tools necessary to select a lawyer,
17 including confidential internet and telephone access. *Amici* urge this Court to offer to Ms. Spears
18 the opportunity to use supported decision-making to select her lawyer.

19 Counsel for proposed *amici* respectfully request the opportunity to be heard briefly on
20 these issues at the hearing scheduled for July 14.

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26 _____
27 ¹² This concept is distinct from that of a Guardian Ad Litem (“GAL”). Typically, a GAL would be
28 assigned to represent a person’s “best interests,” as perceived by the GAL, rather than working
with the person to identify and communicate that person’s own *stated* preferences. *See, e.g.*, Cal.
Prob. Code § 1003(a).

1 DATED: July 12 2021

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AMERICAN CIVIL LIBERTIES UNION

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Attorneys for *Amici Curiae*

[[Word count certification]]

[cert of service]

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