

A Deeper Look into Guardianship and the Rights of the Disabled

Source 1: "Access to Justice for the Disabled" by Thomas F. Coleman, *Los Angeles Daily Journal* (January 11, 2018)

I. The Case of Theresa J.

- This section details the troubling situation of Theresa J., an 84-year-old woman placed under conservatorship despite evidence suggesting she was capable of making her own decisions. It highlights the questionable actions of the appointed fiduciary and the attorney representing Theresa, raising concerns about elder abuse and the potential for financial exploitation within the conservatorship system.

II. A Call for Reform

- This section argues that the current rules surrounding conservatorship are vague and need to be strengthened to better protect vulnerable individuals. Coleman emphasizes the importance of due process and the right of individuals with disabilities to access justice, advocating for stricter oversight and the implementation of ADA-compliant standards within the court system.

III. New Rules for Public Comment

- This section briefly discusses new rules proposed by the Judicial Council to address concerns about conservatorship appointments. It highlights the importance of public input and the need for continued scrutiny to ensure these rules adequately protect the rights of individuals subject to conservatorship.

Source 2: Excerpts from "The Spectrum Institute report on appointment of fiduciary.pdf"

I. Letter of Concern to Hon. Mary Thornton House (May 23, 2018)

- This letter, penned by Thomas F. Coleman, details the ethical concerns surrounding the court-appointed attorney representing Theresa J. in her conservatorship case. Coleman argues that the attorney has violated ethical standards by disclosing confidential information and failing to effectively represent his client's wishes, effectively acting against her best interests. He urges the court to investigate the attorney's conduct and potentially remove him from the case.

II. Response from Hon. Mary Thornton House (June 8, 2018)

- This brief letter acknowledges receipt of Coleman's concerns and confirms that a hearing will be scheduled to address the issues raised.

III. Court Order for Hearing (June 11, 2018)

- This document outlines the details of the court hearing scheduled to address Coleman's concerns, including the date, time, and the parties required to attend.

IV. Follow Up to Original Statement of Concern (August 21, 2018)

- This letter details Coleman's observations of the June 11th hearing and raises concerns about the judge's handling of the case. He specifically criticizes the judge's acceptance of the "dual role" argument, which posits that court-appointed attorneys represent the court rather than their assigned clients. He argues that this position contradicts existing legal and ethical standards and leaves individuals under conservatorship without genuine legal representation.

V. The Need for Recusal (August 21, 2018)

- This section focuses on the need for the presiding judge to recuse himself from the case due to his statements regarding the "dual role" of court-appointed attorneys. Coleman argues that these statements demonstrate bias and a predetermined position on crucial issues in the case, potentially impacting his ability to impartially adjudicate.

VI. Declaration of Thomas F. Coleman (August 21, 2018)

- This legal document formally declares the veracity of the information presented in Coleman's previous correspondence. It affirms his status as an attorney licensed to practice law in California and summarizes his attempts to alert the court to the ethical concerns surrounding Theresa J.'s case.

VII. California Code of Judicial Ethics (Excerpts)

- These excerpts highlight specific canons within the California Code of Judicial Ethics relevant to the Theresa J. case. The document emphasizes a judge's responsibility to promote public confidence in the judiciary and to avoid situations that could raise questions about their impartiality.

VIII. Recusal of Judge Cowan for Instructing Attorneys to be "eyes and ears of the court"

- This document further argues for the recusal of the presiding judge based on his instructions to attorneys acting as court-appointed counsel in conservatorship cases. It contends that directing these attorneys to be the "eyes and ears of the court" constitutes a conflict of interest and undermines the principles of due process and fair representation.

IX. Sections from the California Code of Civil Procedure

- This section provides specific legal citations from the California Code of Civil Procedure relating to judicial disqualification and recusal. These excerpts support Coleman's argument that the judge should be disqualified from Theresa J.'s case due to his stated views and actions.