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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. ~~XXXXXXXX~~ BP108870

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**  
2           **SUPPORT OF CONSERVATEE SPEARS**

3           Pursuant to California Rules of Court, rules 8.520(f) and 8.200(c),<sup>1</sup> 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           Prospective *amici* are:

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

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27           <sup>1</sup> 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.

- 1 The Coelho Center for Disability Law, Policy and Innovation
- 2 Communication FIRST
- 3 Disability Rights California
- 4 Disability Rights Education & Defense Fund
- 5 Disability Rights Legal Center
- 6 Disability Voices United
- 7 Justice in Aging
- 8 Legal Aid at Work
- 9 Mental Health Advocacy Services
- 10 National Resource Center for Supported Decision-Making
- 11 Quality Trust for Individuals with Disabilities
- 12 TASH

13 **INTERESTS OF *AMICI CURIAE***

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

20 Proposed *amici* have an interest in ensuring that every person in a conservatorship, or at  
21 risk of a conservatorship, enjoys full, meaningful due process rights, in light of the significant  
22 liberty and autonomy interests at stake in these proceedings, and the long duration of the loss of  
23 rights that often occurs in conservatorships. Proposed *amici* believe that these due process rights  
24 include effective assistance of counsel throughout the conservatorship process, including the right  
25 to an attorney who zealously represents their interests, and the right to select and retain the  
26 attorney of their choice. Proposed *amici* further have an interest in ensuring that people with  
27 disabilities, people perceived to have disabilities, and people with a record of disabilities, can use  
28 voluntary supports to make their own, informed choices. Proposed *amici* are proponents for

1 supported decision-making as a tool to help people with disabilities retain and exercise their rights  
2 and make their own decisions.

3 Proposed *amici* are interested in this case as an important instance of a situation that is  
4 common but rarely visible to the public. Although comprehensive data are not available, the  
5 National Center for State Courts has estimated that over one million American adults are currently  
6 under conservatorship or guardianship in the United States.<sup>2</sup> All of these people are disabled, or  
7 perceived to be disabled. Further, it appears people who lose their rights through conservatorship  
8 are disproportionately members of multiple historically marginalized groups – including women  
9 with disabilities and Black people with disabilities.<sup>3</sup> Prospective *amici* believe that Britney Spears  
10 is similarly situated to many other Americans who are entitled to effective counsel in the  
11 conservatorship process, and access to supported decision-making in making major decisions such  
12 as the choice of an attorney.<sup>4</sup>

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15 <sup>2</sup> Abigail Adams, *Warren and Casey Want Conservatorship Data Amid Spears Case* (July 1,  
16 2021) Time (quoting Sen. Elizabeth Warren and Sen. Robert P. Casey, Jr., Letter to the Honorable  
17 Xavier Becerra and the Honorable Merrick Garland, July 1, 2021), available at  
<https://time.com/6077374/elizabeth-warren-bob-casey-conservatorship-oversight-britney-spears/>.

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

27 <sup>4</sup> See, e.g., Jameson, M., Riesen, T., Polychronis, S., Trader, B., Mizner, S., Hoyle, D., & Martinis,  
28 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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**STATEMENT OF AUTHORSHIP AND MONETARY CONTRIBUTION**

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

Respectfully submitted this 12th day of July, 2021

American Civil Liberties Union Foundation,  
American Civil Liberties Union Foundation of Southern California

By: /s/ Zoë Brennan-Krohn

Attorneys for proposed *amici*:

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

1 **PROPOSED BRIEF OF AMICI CURIAE**

2 **INTRODUCTION AND SUMMARY OF ARGUMENT**

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

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

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

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1 **ARGUMENT**

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

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

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

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

27 The right to choose one’s own attorney is a core element of the right to counsel, that  
28 should also attach to the rights of a conservatee. In 1932, the United States Supreme Court noted

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

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

15         The right of a conservatee to select their own attorney is also consistent with principles of  
16 autonomy and agency. As the Court of Appeal noted, “[t]he designation of a person as a  
17 conservatee doesn’t divest them of their autonomy. The purpose of the statute is to ensure the care  
18 and protection of people who need it, while maintaining their personal agency as much as is  
19 practical.” (*Conservatorship of Navarrete* (2020) 58 Cal.App.5th 1018, 1030-31.) This reflects an  
20 understanding that even if a person has been found “incapacitated” in some regards, they may still  
21 retain the ability and right to make other choices for themselves. This understanding of “capacity”  
22 as a continuum is reflected in the California Probate Code. (See Cal. Prob. Code § 2531(a)  
23 (personal rights remain with conservatee unless specifically authorized by the court),  
24 *Conservatorship of Navarrete, supra*, 58 Cal.App.5th at p. 1030). Speaking more specifically to  
25 the personal right to one’s own attorney, the Court of Appeal noted in *Michelle K.* that, even  
26 though a conservator holds many rights on behalf of a conservatee, the conservator does not hold  
27 the right to select the conservatee’s legal counsel. The Court concluded that the right to counsel “is  
28 a right to independent counsel appointed to protect [the conservatee’s] fundamental right to



1 personal liberty.” Even though the conservator “is [the conservatee’s] legal representative for most  
2 purposes,” the Court held, the conservator “may not replace the [conservatee’s lawyer] with  
3 counsel of his choice.” (*Michelle K. v. Superior Court, supra*, 221 Cal.App.4th at pp. 444-45 (and  
4 collecting cases).)

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

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

15 The right to select an attorney requires adequate access to information and communication  
16 to identify options, evaluate merits, and ultimately select an attorney. This right is held by the  
17 person under conservatorship, not their conservator. (*Michelle K v. Superior Court, supra, supra*,  
18 221 Cal.App.4th at pp. 444-45). This right to select an attorney is illusory unless a person has the  
19 tools to do so. Therefore, *amici* urge the Court to ensure that Ms. Spears has, at minimum, access  
20 to the internet and the ability to conduct private meetings (in person and/or through telephone or  
21 an internet-based videoconferencing platform such as Zoom) to interview and confer with  
22 potential attorneys.

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

27 Supported decision-making is recognized across the country as a way that people with and  
28 without disabilities can make their own, informed choices. Supported decision-making is one

1 method of supporting people with disabilities that is less restrictive than removing their choice and  
2 preferences entirely. The Uniform Guardianship, Conservatorship and Other Protective  
3 Arrangements Act recognizes supported decision-making, which it defines as “assistance from one  
4 or more persons of an individual’s choosing in understanding the nature and consequences of  
5 potential personal and financial decisions, which enables the individual to make the decisions, and  
6 in communicating a decision once made if consistent with the individual’s wishes.” (Uniform  
7 Guardianship, Conservatorship and Other Protective Arrangements Act (2017) § 102(31); see also  
8 §§ 301(a)(1)(A); 310(a)(1).) Supported decision-making has been adopted expressly into several  
9 states’ probate codes and has been recognized in numerous other pieces of legislation and statutes  
10 passed across the country.<sup>5</sup> It has been embraced by the federal National Council on Disability,<sup>6</sup>  
11 the American Bar Association,<sup>7</sup> and the National Guardianship Association.<sup>8</sup> Courts across the  
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16 <sup>5</sup> At least 9 states have passed laws recognizing supported decision-making as legally enforceable  
17 agreements. See *More States Pass Supported Decision-Making Agreement Laws* (2019), American  
18 Bar Ass’n, available at: [https://www.americanbar.org/groups/law\\_aging/publications/bifocal/vol-  
19 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  
20 the District of Columbia have introduced one or more pieces of legislation or resolutions  
specifically referring to supported decision making as of March 1, 2021. See National Center for  
Supported Decision-Making, available at: [www.supporteddecisionmaking.org/states](http://www.supporteddecisionmaking.org/states) (listing state  
legislation and statutes referencing supporting decision-making by state).

21 <sup>6</sup> National Council on Disability, *Turning Rights Into Reality: How Guardianship and Alternatives*  
22 *Impact the Autonomy of People with Intellectual and Developmental Disabilities* (2019) at 79-83:  
23 available at: [https://ncd.gov/sites/default/files/NCD\\_Turning-Rights-into-Reality\\_508\\_0.pdf](https://ncd.gov/sites/default/files/NCD_Turning-Rights-into-Reality_508_0.pdf)  
(listing key findings and recommendations including use of supported decision-making).

24 <sup>7</sup> American Bar Association (“ABA”) House of Delegates Resolution (2017), available at:  
25 [https://www.americanbar.org/content/dam/aba/administrative/law\\_aging/2017\\_SDM\\_%20Resolut  
26 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:  
[https://www.americanbar.org/groups/law\\_aging/resources/guardianship\\_law\\_practice/](https://www.americanbar.org/groups/law_aging/resources/guardianship_law_practice/).

27 <sup>8</sup> National Guardianship Association, *Position Statement on Guardianship, Surrogate Decision*  
28 *Making, and Supported Decision Making* (2017), available at: [https://www.guardianship.org/wp-  
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).

1 country have issued orders or decisions noting and recognizing the importance and validity of  
2 supported decision-making.<sup>9</sup>

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

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

13 Supported decision-making is also an example of a “reasonable modification” that a public entity,  
14 like this Court, may be required to provide or facilitate under the Americans with Disabilities Act  
15 and/or the Rehabilitation Act, in order to ensure that people with disabilities have equal access to  
16 the Court’s proceedings and processes. (See 42 U.S.C. § 12131 *et seq.*, 29 U.S.C. § 794 *et seq.*)  
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19 <sup>9</sup> See *Ross and Ross v. Hatch* (Cir. Ct. of Newport News, Aug. 2, 2013), Case No. CWF-120000-  
20 426 (Final Order); *In Re: Ryan Herbert King*, (D.C.Sup.Ct. (Probate), Oct. 6, 2016), Case No.:  
21 2003 INT 249 (Final Order); *In Re: Tecora Mickel*, (D.C. Sup. Ct (Probate), 2015), Case No: 2015  
22 INT 000291; *Matter of DD* (N.Y. Surr. Ct. Kings County, Oct. 28 2015), 50 NY Misc. 3d 666; *In Re:*  
23 *the Guardianship of Jamie Beck* (Cir. Ct. of Wayne County, Indiana, June 12, 2018), Case No: 89CO1-  
24 1011-GU-025 (Order to Terminate Guardianship); *In the Matter of the Guardianship of the Person*  
25 *and Estate of KH* (2d Jud. Dist. Ct., County of Washoe, Nev., Sept. 11, 2017), Case No PR03-  
26 00264; *In re C.B.* (Super. Ct of Vt, Orleans Unit, April 11, 2017) (Stipulation to Dismiss  
27 Guardianship); *Matter of Eli T.* (N.Y. Sur. Ct. Kings County 2018) 89 N.Y.S.3d 844, 849; *In re*  
28 *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.

<sup>10</sup> National Guardianship Association, *Position Statement on Guardianship, Surrogate Decision Making, and Supported Decision Making* (2017) at 2, available at:  
<https://www.guardianship.org/wp-content/uploads/2017/07/SDM-Position-Statement-9-20-17.pdf>.

1 The 2021 Fourth National Guardianship Summit recommended recognition of supported decision-  
2 making as a reasonable accommodation.<sup>11</sup>

3 Supported decision-making in choosing an attorney could involve selecting a neutral  
4 advisor to help a person with identifying potential attorneys, brainstorming what their priorities  
5 are in choosing an attorney, setting up interviews with potential attorneys, discussing pros and  
6 cons of possible selections, and understanding and negotiating a retainer agreement. Using  
7 supported decision-making in this way would not strip a person of their right to make their own  
8 choice – rather, it would provide support to *enable* the person to make *their own* knowing  
9 choice.<sup>12</sup>

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

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

### 17 CONCLUSION

18 In conclusion, *amici* respectfully urge this Court to ensure that Ms. Spears is both legally  
19 authorized and practically able to select her own successor lawyer. *Amici* urge this Court to ensure  
20 that Ms. Spears is granted access to the information and tools necessary to select a lawyer,  
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23 <sup>11</sup> Fourth National Guardianship Summit 2021, *Recommendations Adopted by the Summit* (2021),  
24 available at: [http://law.syr.edu/academics/conferences-symposia/the-fourth-national-guardianship-  
25 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  
26 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.”).

27 <sup>12</sup> 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 including confidential internet and telephone access. *Amici* urge this Court to offer to Ms. Spears  
2 the opportunity to use supported decision-making to select her lawyer.

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

5 DATED: July 12, 2021

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7 By:

8  
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