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Communication and Offering Supported
12 Decision-Making Services

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

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16 In re the Conservatorship of the Person and
Estate of
17 BRITNEY JEAN SPEARS
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Case No. ~~BP108870~~ BP108870
PETITION BY AMERICAN CIVIL
LIBERTIES UNION FOR
CONFIDENTIAL
COMMUNICATION WITH
CONSERVATEE TO OFFER AND
PROVIDE SUPPORTED DECISION-
MAKING SERVICES

REQUEST FOR ARGUMENT

Date: July 14, 2021
Time: 1:30PM
Department: 4
Judge: Hon. Brenda J. Penny

1 **PETITION FOR CONFIDENTIAL COMMUNICATION WITH CONSERVATEE TO**
2 **OFFER AND PROVIDE SUPPORTED DECISION-MAKING SERVICES**

3 Petitioners American Civil Liberties Union Disability Rights Program and American Civil
4 Liberties Union of Southern California (collectively “ACLU”), respectfully petition this Court to
5 offer conservatee Britney Spears supported decision-making assistance in selecting her next
6 attorney.

7 This petition incorporates the arguments set forth in the proposed brief concurrently filed
8 by disability and civil rights organizations as *amici curiae* in this case. Petitioners represent a
9 diverse group of disability rights organizations in California and nationwide who, through their
10 proposed brief, urge this Court to allow Ms. Spears to select her own attorney, and to ensure that
11 she has access to resources, including supported decision-making services, that can help Ms.
12 Spears make her own, informed choice. The proposed brief of *amici* highlights the importance of
13 ensuring that Ms. Spears has the opportunity to choose her own lawyer, and that she has a
14 meaningful opportunity to make this choice, including through supported decision-making, should
15 she so desire.

16 Petitioners do not have information at present as to whether Ms. Spears identifies herself as
17 having disabilities, whether she seeks the assistance of a neutral supporter to help her navigate the
18 selection of counsel, or what kinds of assistance might be most helpful. Petitioners observe,
19 however, that many people under conservatorship have been isolated, with limited access to the
20 internet and external advice. People with and without disabilities may benefit from, and wish to
21 have, support or guidance from a neutral advisor for an important decision such as the one
22 currently before Ms. Spears. Petitioners will *not* serve in the role of engaging in supported
23 decision-making with Ms. Spears except with Ms. Spears’ interest and consent,¹ and seek an
24 opportunity now to determine whether Ms. Spears is interested in this process.

25 _____
26 ¹ Petitioners are aware of media reports that Ms. Spears may have already identified a
27 commercial litigator whom she hopes to retain as her conservatorship counsel, but also of other
28 media reports indicating that she does not have consistent access to the internet or to private phone
calls. Petitioners accordingly offer Ms. Spears help ensuring that she has identified the
considerations most important to her in selecting and retaining a legal team as well as the full
universe of attorneys potentially available to her, if and only if she is interested in such help.

1 Supported decision-making is defined in the Uniform Guardianship, Conservatorship, and
2 Other Protective Arrangements Act as, “assistance from one or more persons of an individual’s
3 choosing in understanding the nature and consequences of potential personal and financial
4 decisions, which enables the individual to make the decisions, and in communicating a decision
5 once made if consistent with the individual’s wishes.” (Uniform Guardianship, Conservatorship
6 and Other Protective Arrangements Act (2017) § 102(31); see also §§ 301(a)(1)(A); 310(a)(1).)
7 As outlined in the proposed *amici* brief, supported decision-making is a well-respected and widely
8 used and recognized system that allows people to use trusted supporters and advisors to
9 understand, make, and communicate their own choices. *Amici* describe how supported decision-
10 making can be used both within and in lieu of conservatorships. In their brief, proposed *amici* urge
11 the Court to facilitate the use of supported decision-making to help Ms. Spears select her own
12 successor attorney.

13 This petition offers the Court and Ms. Spears a mechanism to make that system of
14 informed, supported choice a reality. Petitioners here request confidential communication with
15 Ms. Spears to make sure she is aware of the concept of supported decision-making, and to learn
16 whether she wishes to use supported decision-making to select a successor lawyer. If she so
17 wishes, and if she wishes to consider Petitioners as supporters, Petitioners seek the Court’s leave
18 to provide this support to Ms. Spears.

19 As non-profit organizations with no vested interest in the outcome of this case, Petitioners
20 offer their services confidentially and without cost. Members of Petitioners’ legal team have
21 experience providing support to people through supported decision-making to help them
22 understand, select, and communicate their own choices.² They have developed supported decision-
23 making tools and materials used around the country, and have provided training, continuing legal
24 education programming, and direct supported decision-making services to individuals and
25 organizations for the past five years. Petitioners have no financial or other interest in whom Ms.
26 Spears selects as her successor lawyer, and do not themselves seek to be appointed as successor

27 _____
28 ² See, e.g., ACLU, *Supported Decision-Making Resource Library*, available at:
www.aclu.org/supported-decision-making-resource-library (last visited July 12, 2021).

1 attorneys in the conservatorship.

2 **CONCLUSION**

3 Petitioners respectfully request that the Court:

- 4 • Permit Petitioners to be heard briefly on this matter at the upcoming July 14, 2021 hearing;
- 5 • Authorize and order that within 10 days, conservatee Britney Spears be permitted to
6 communicate confidentially with Petitioners to discuss the concept and possibility of
7 supported decision-making in selecting an attorney; and
- 8 • Allow Petitioners to file a status report, drafted with Ms. Spears' agreement on what
9 information will be filed publicly and what will remain confidential, within one week of
10 any meeting with Ms. Spears to report whether and in what capacity Ms. Spears requests
11 supported decision-making assistance, what progress has been made if applicable, and
12 what mechanism for future engagement, if any, she and Petitioners propose.

13 DATED: July 12, 2021

14 AMERICAN CIVIL LIBERTIES UNION
By:

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