



# CEDAR

COALITION FOR ELDER & DISABILITY RIGHTS

August 18, 2021  
US Department of Justice  
950 Pennsylvania Avenue, NW  
Civil Rights Division  
Disability Rights Section – 1425 NYA  
Washington, D.C. 20530

Re: Case number: 94490-HGN  
Violation of due process in *Conservatorship of Britney Spears*  
Violation of civil rights in *Conservatorship of Britney Spears*

Individuals under conservatorship are adjudicated to lack capacity. Therefore, all conservatees are guaranteed protections under the Americans with Disabilities Act (ADA).

In 2008, a California court placed Britney Spears under conservatorship, granting her father James Spears nearly absolute control over Ms. Spears' person and estate. The initial conservatorship proceedings were characterized by denial of due process. The ensuing thirteen years of conservatorship have been and continue to be plagued by civil rights violations. These matters fall under the jurisdiction of the Department of Justice in their role of investigating and prosecuting civil rights violations.

## **THE COURT DENIED DUE PROCESS OF LAW**

The 14<sup>th</sup> Amendment states the following: *No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law...*

## **DENIED NOTICE OF CONSERVATORSHIP HEARING**

Probate Code 2250(e)(2) states, (2) *Notice of the hearing shall be personally delivered to the proposed conservatee...* Media reported that Ms. Spears was not served notice of her initial conservatorship hearing.

## **DENIED RIGHT TO ATTEND CONSERVATORSHIP HEARINGS**

Probate Code 2250.4 states: *The proposed temporary conservatee shall attend the hearing...* Media reported that Ms. Spears was not allowed to attend her initial conservatorship hearings.

## **DENIED RIGHT TO COUNSEL OF CHOICE**

American Civil Liberties Union (ACLU) in their 2021 [Amici curiae](#) provided extensive legal argument supporting Ms. Spears' right to counsel of choice. The 2021 court agreed with the ACLU. Media reported that in 2008, Ms. Spears attempted to retain legal counsel to defend against the conservatorship. The 2008 court dismissed Ms. Spears counsel of choice. For thirteen

years, court appointed counsel failed to represent Ms. Spears' rights and wishes, as evidenced by Ms. Spears' having no knowledge of her right to petition to terminate.

### **CONSERVATOR AND COURT APPOINTED COUNSEL DENIED CIVIL RIGHTS**

The [Notice of Conservatorship](#) states: *Every conservatee has the right to be treated with understanding and respect and to have his or her wishes considered. Every conservatee has all basic human rights and the right to be well cared for by his or her conservator. ... The conservator must give due regard to the preferences of the conservatee and encourage the conservatee's participation in decision making.*

### **DENIED RIGHT TO COUNSEL OF CHOICE AND DENIED RIGHT TO EFFECTIVE REPRESENTATION OF COUNSEL**

The Notice of Conservatee's Rights states the right to: *Ask a judge to replace the conservator; Ask a judge to end the conservatorship.* Probate Code 1471(a)(2) states that *a proceeding to terminate the conservatorship* is a duty of the court appointed counsel. For thirteen years, Ms. Spears' court-appointed attorney concealed from Ms. Spears that she had a right to petition to terminate her conservatorship.

In *Tedesco v. White*, California's Court of Appeal ruled that a conservatee lacks standing to seek a civil remedy without permission from the conservator or the court. Ms. Spears could not retain counsel or initiate litigation without permission. Her only access to the court was through an attorney who concealed crucial information about her rights and failed to advocate for her rights and wishes.

### **INVOLUNTARY SERVITUDE**

The 13th Amendment abolished slavery and involuntary servitude. *Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States...* New York Times reported that in 2019, Ms. Spears told the court that she was forced to perform when she had a fever of 104 degrees. Ms. Spears reportedly told the court *it was one of the scariest moments in my life.*

In 2021 Ms. Spears told the court: *My management said if I don't do this tour, I will have to find an attorney, and by contract my own management could sue me if I didn't follow through with the tour. He handed me a sheet of paper as I got off the stage in Vegas and said I had to sign it. It was very threatening and scary. And with the conservatorship, I couldn't even get my own attorney. So out of fear, I went ahead and I did the tour. ... If I don't do this, what they tell me to enslave me to do, they're gonna punish me. ... I worked seven days a week, no days off, which in California, the only similar thing to this is called sex trafficking.*

### **DENIED RECEIPT AND CONTROL OF EARNINGS**

California's Notice of Conservatee's Rights states the right to *directly receive and control his or her salary.* Ms. Spears had substantial earnings during the thirteen years of conservatorship. Yet, the conservator receives and controls Ms. Spears' earnings. Ms. Spears receives an allowance that is not commensurate with her earnings, and the conservator maintains control over Ms. Spears' expenditures from her allowance.

#### **INVOLUNTARY PSYCHOTROPIC MEDICATION**

Probate Code Section 2354(b) states the following: *The conservator may require the conservatee to receive medical treatment, whether or not the conservatee consents to the treatment, if a court order specifically authorizing the medical treatment has been obtained pursuant to Section 2357.* Ms. Spears' conservator authorized involuntary administration of the psychotropic medication lithium without any court order permitting such medical treatment. Ms. Spears told the court: *Three days later, after I said no to Vegas... He immediately, the next day, put me on lithium... You can go mentally impaired if you take too much, if you stay on it longer than five months. But he put me on that, and I felt drunk."*

#### **INVOLUNTARY INVASIVE MEDICAL PROCEDURE**

Probate Code Section 2354(c) states that the conservator may unilaterally consent to medical treatment to be performed on the conservatee only *where the conservator determines in good faith based upon medical advice that the case is an emergency case in which the medical treatment is required because (1) the treatment is required for the alleviation of severe pain or (2) the conservatee has a medical condition which, if not immediately diagnosed and treated, will lead to serious disability or death.* Ms. Spears was forced to accept an involuntary intra-uterine device (IUD) intended to prevent pregnancy. Ms. Spears was not experiencing an *emergency case in which the medical treatment of an involuntary IUD would prevent serious disability or death.* The treatment of an involuntary IUD was not intended to *alleviate severe pain.* Rather, the involuntary IUD likely caused Ms. Spears severe emotional pain as she was denied any right to exercise reproductive freedom.

#### **DENIED RIGHT TO VISITATION**

Probate Code Section 2351(b) states that a conservator's control *shall not extend to personal rights retained by the conservatee, including, but not limited to, the right to receive visitors, telephone calls, and personal mail, unless specifically limited by court order.* No court order was issued limiting Ms. Spears' personal right to visitation. Yet, Ms. Spears' visits with her boyfriend and her children were contingent upon her complete cooperation with the conservator and his agents.

#### **DENIED RIGHT TO PRIVACY**

California's Notice of Conservatee's Rights states: *The conservatee will be allowed the greatest degree of freedom and privacy possible consistent with the underlying reasons for the conservatorship.* Regardless of any law, the right to privacy of one's body has increasingly become a substantial part of today's social code such that that any infraction is viewed as a violation of our human dignity. Ms. Spears told the court: *They watched me change every day — naked — morning, noon, and night. My body — I had no privacy door for my room. Staff watching Ms. Spears change every day — naked — morning, noon, and night was not consistent with the underlying reasons for the conservatorship.* Such violation of privacy and dignity served only to cause Ms. Spears emotional trauma and to satisfy the prurient interests of the conservator and his agents.

### **DENIED RIGHT TO MARRY**

Probate Code Section 1900 states: *The appointment of a conservator ... does not affect the capacity of the conservatee to marry...* Ms. Spears stated to the court that the conservator denied her right to marry.

### **CALIFORNIA'S FAILURE TO OVERSEE CONSERVATORSHIP**

Ms. Spears' case raises the question of how many vulnerable adults the California probate courts have dropped into the abyss of conservatorship with no due process and with negligible oversight going forward. The information below was collected from conservators' billings submitted to the court, reviewed by the court, and approved by the court.

- Licensed Professional Fiduciary Frumeh Labow routinely billed clients over 24 hours a day. See the attached chart of Court Approved Daily Billings - Frumeh Labow.
- Licensed Professional Fiduciary Sally Cicerone billed clients as much as 57 hours a day, including 19 trips to the Post Office in a single day. See the attached chart of Court Approved Daily Billings - Sally Cicerone.
- A third Licensed Professional Fiduciary billed over 60 hours in a single day. Those data are not specifically reported here, due to the family's fear of retaliation.

The Los Angeles County and Orange County Probate Court practices of approving conservators billing over 24 hours a day demonstrate the lack of substantive oversight for Los Angeles County and Orange County conservatorships.

### **CAUSE FOR CONCERN**

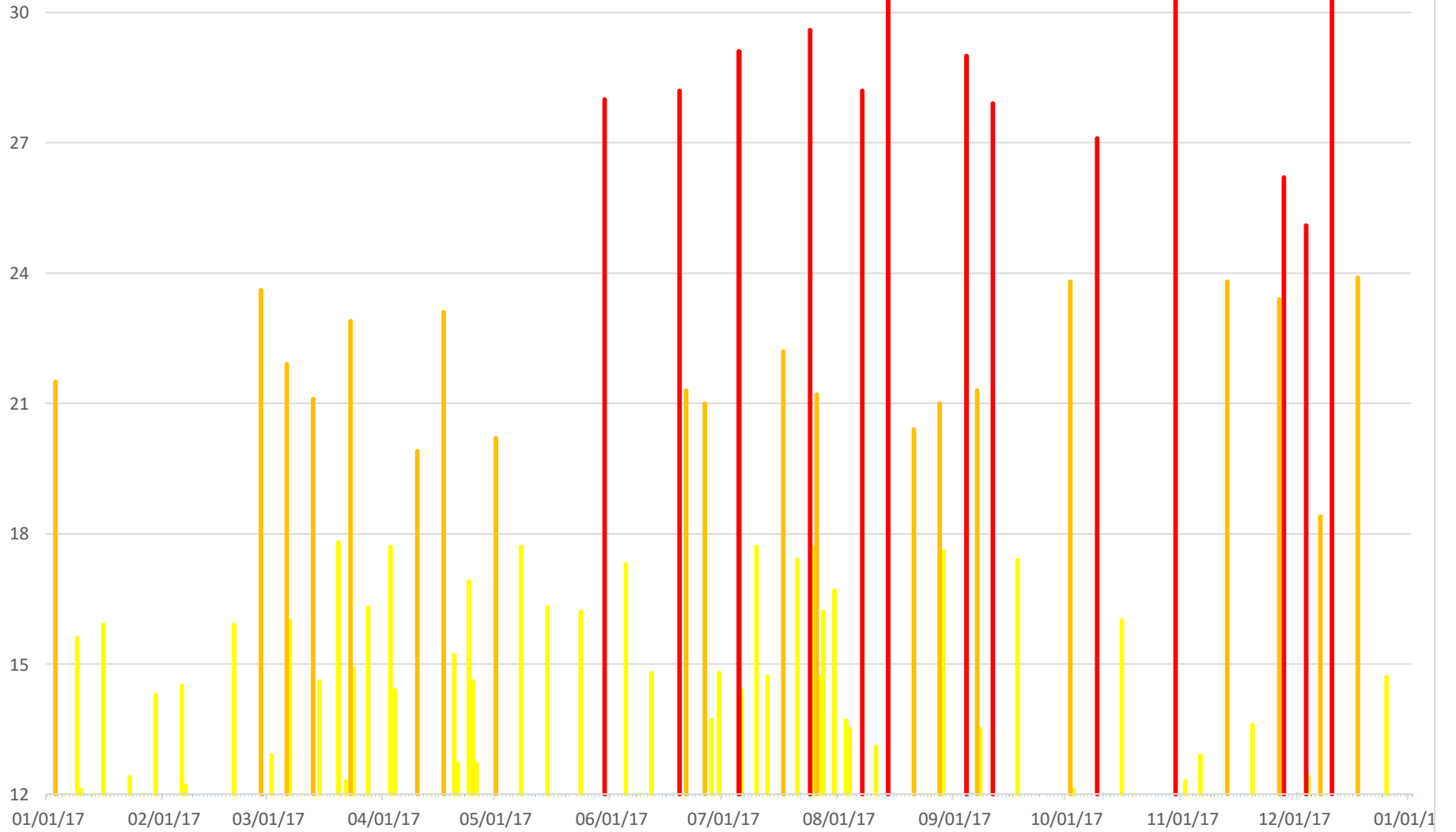
Many conservatees are denied due process in their conservatorship proceedings. Many conservatees are denied civil rights throughout their conservatorships. Many conservatorships receive little to no court oversight. Those procedural flaws appear widespread and have been common practice for at least a decade.

Respectfully,  
Linda Kincaid, MPH

Attachments:

Court Approved Daily Billings - Frumeh Labow  
Court Approved Daily Billings - Sally Cicerone

# Daily Billable Hours



Court Approved / Daily Billings / Orange County / Sally Cicerone, Pro-Fid #164

12-18. 18-24. 24+

