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COMMENT

TOXIC:¹ THE CASE OF BRITNEY SPEARS SHEDS LIGHT ON ISSUES WITH CALIFORNIA CONSERVATORSHIP LAWS

BERENICE QUIRINO*

INTRODUCTION

Britney Spears is one of the best-selling recording artists of all time,² and for nearly fourteen years, she was the subject of one of the most, if not the most, highly publicized conservatorship cases in recent history.³ A conservatorship is a legal arrangement in which one person is responsible for the affairs of another, presumably because that person cannot manage alone.⁴ Britney⁵ was one of the estimated three million adults in

¹ BRITNEY SPEARS, *Toxic*, on *IN THE ZONE* (Jive Records, 2003).

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² Travis Clark, *The 50 best-selling music artists of all time*, *BUS. INSIDER* (Sept. 22, 2021), <https://www.businessinsider.com/best-selling-music-artists-of-all-time-2016-9#49-britney-spears-345-million-units-2>.

³ Joe Coscarelli & Julia Jacobs, *Judge Ends Conservatorship Overseeing Britney Spears's Life and Finances*, *N.Y. TIMES* (Nov. 12, 2021), <https://www.nytimes.com/2021/11/12/arts/music/britney-spears-conservatorship-ends.html>.

⁴ Lawrence Friedman & Mark Savage, *Taking Care: The Law of Conservatorship in California*, 61 *S. CAL. L. REV.* 273, 273 (1988).

⁵ There has been criticism in recent years regarding naming women by their first name instead of last, as is typical for men. Research shows that gender bias exists with the use of first rather than last name: “simple difference in reference affects judgments of eminence, with participants judging those professionals described by surname as more eminent and 14% more deserving of a career award.” STAV ATIR & MELISSA J. FERGUSON, *How gender determines the way we speak about professionals* 7728 (Susan T. Fiske 2018), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6048538/pdf/pnas.201805284.pdf>. However, this Comment will use Britney in reference to Britney Spears. On a practical level, as multiple members of the Spears family will be mentioned, using Britney clarifies who is being discussed. Furthermore, it has been this author’s personal experience that a substantial amount of people recognize Britney on a first-name basis. An example of

the United States who cannot make decisions about their own lives.⁶ Instead, the court transfers the decision-making role to another person, known as a conservator.⁷ This drastically reduces the legal status of the person under conservatorship, known as a conservatee.⁸ A court-appointed conservator may have the ability to make decisions about the conservatee's income, assets, healthcare and medications, marriage, voting, sexual choices, social media, and other lifestyle choices.⁹ In some instances, a conservator even has the power to sterilize a conservatee.¹⁰

Britney's case is a prime example of the difficulties associated with conservatorships.¹¹ The court established Britney's conservatorship after her highly publicized mental health struggles.¹² Paparazzi followed her around the clock,¹³ and created a narrative of an unstable individual.¹⁴ In October 2008, Britney became a permanent conservatee,¹⁵ controlled by her father, Jamie Spears,¹⁶ and attorney Andrew Wallet.¹⁷ However, Britney never wanted Mr. Spears as her conservator.¹⁸ On multiple occasions, Britney unsuccessfully asked the court to remove Mr. Spears as

Britney's cultural impact in this sense can be seen in the viral hashtag #FreeBritney and not #FreeBritneySpears.

⁶ AM. BAR ASS'N, HOUSE OF DELEGATES RESOLUTION 105, 4 (2020), <https://www.americanbar.org/content/dam/aba/administrative/news/2020/08/2020-am-resolutions/105.pdf>.

⁷ ERICA WOOD, PAMELA TEASTER & JENICA CASSIDY, RESEARCH AND RECOMMENDATIONS ON RESTORATION OF RIGHTS IN ADULT GUARDIANSHIP 19–20 (2017), https://www.americanbar.org/content/dam/aba/administrative/law_aging/restoration%20report.authcheckdam.pdf.

⁸ *Id.*

⁹ *Id.*

¹⁰ CAL. PROB. CODE § 1950 *et seq.*

¹¹ Conservatorships are regulated by state laws, and this Comment will focus on California's laws. ABA COMM'N ON LAW AND AGING & SALLY BALCH HURME, MONITORING FOLLOWING GUARDIANSHIP PROCEEDINGS (STATUTORY REVISIONS AS OF AUGUST 2020) 1-18 (2020), https://www.americanbar.org/content/dam/aba/administrative/law_aging/chartmonitoring.pdf.

¹² Spears v. Conservatorship Papers, No. BP108870, 2008 WL 460912 (Cal. Super. Feb. 1, 2008); Sandra Song, *Inside #FreeBritney: A Stan Movement to Help Their Pop Savior*, PAPER MAG. (Sept. 23, 2020), <https://www.papermag.com/inside-free-britney-2647769346.html?rebellitem=8#rebellitem8>.

¹³ See generally *The Britney Economy*, ENTREPRENEUR (Jan. 1, 2008), <https://www.entrepreneur.com/article/189432>.

¹⁴ See generally *Framing Britney Spears*, N.Y. TIMES (Nov. 2, 2021), <https://www.nytimes.com/article/framing-britney-spears.html>.

¹⁵ Reuters Staff, *Britney Spears' Dad Retains Control of Her Affairs*, REUTERS (Oct. 28, 2008), <https://www.reuters.com/article/us-spears/britney-spears-dad-retains-control-of-her-affairs-idUSTRE49R8R420081028>.

¹⁶ Hayley Phelan, *The Oracle of Britney*, VANITY FAIR (Nov. 12, 2020), <https://www.vanityfair.com/style/2020/11/the-oracle-of-britney-spears>.

¹⁷ Gretchen Smail, *What To Know About Britney Spears' Former Co-Conservator Andrew Wallet*, BUSTLE (Feb. 5, 2021), <https://www.bustle.com/entertainment/who-is-andrew-wallet-britney-spears-co-conservator>.

¹⁸ Jennifer Vineyard, *Britney Spears' 'Lawyer' Ejected from Courtroom After Judge Doesn't Recognize Him as Her Counsel*, MTV NEWS (Feb. 4, 2008), <http://www.mtv.com/news/1580917/britney-spears-lawyer-ejected-from-courtroom-after-judge-doesnt-recognize-him-as-her-counsel/>.

her conservator.¹⁹ She told the court she feared him, that he was obsessed with her and with controlling every detail of her life.²⁰ Britney testified that she was traumatized, abused, and did not feel like she could live her full life.²¹ She said she was drugged and forced to keep her birth control device in place while under the conservatorship.²² Britney felt compelled to work against her will²³ while Jamie made millions from his salary as Britney's conservator as well as from merchandise and touring commissions.²⁴ None of this was enough to remove Mr. Spears as conservator. It was not until Mr. Spears agreed to step down that the court finally removed him.²⁵

California conservatorship laws permit the abuse and exploitation of the very people the laws are intended to protect.²⁶ Since Britney's conservatorship ended, California amended the law to address some of the concerning provisions.²⁷ The law now includes guidance for court investigators reviewing a conservatorship to determine more of what the conservatee wants.²⁸ Additionally, the updated code now has a burden of proof requirement to show a conservatorship is still needed,²⁹ as well as a burden of proof requirement for terminating a conservatorship.³⁰ However, this Comment will argue that additional amendments are still necessary. Part I will detail how conservatorships are established and how

¹⁹ Liz Day, Samantha Stark & Joe Coscarelli, *Britney Spears Quietly Pushed for Years to End Her Conservatorship*, N.Y. TIMES, <https://www.nytimes.com/2021/06/22/arts/music/britney-spears-conservatorship.html> (last updated Nov. 2, 2021).

²⁰ *Id.*

²¹ Joe Coscarelli, *Britney Spears: 'I Just Want My Life Back'*, N.Y. TIMES (June 23, 2021), <https://www.nytimes.com/2021/06/23/arts/music/britney-spears-conservatorship-hearing.html>.

²² *Id.*

²³ Day, Stark & Coscarelli, *supra* note 19.

²⁴ Chantal Da Silva & Diana Dasrath, *Britney Spears Says Father Took Millions During Conservatorship*, NBC NEWS (Jan. 19, 2022, 5:02 PM), <https://www.nbcnews.com/news/britney-spears-says-father-took-millions-conservatorship-rcna12694>.

²⁵ Elizabeth Wagmeister, *Britney Spears' Father Jamie Spears Agrees to Step Down From Conservatorship*, VARIETY (Aug. 12, 2021, 2:10 PM), <https://variety.com/2021/music/news/britney-spears-father-jamie-spears-quits-conservator-1235040690/>.

²⁶ See CAL. PROB. CODE § 1800.

²⁷ AB 1194, 2021-2022 Reg. Sess. (Cal. 2021).

²⁸ Compare CAL. PROB. CODE § 1851 (2018), with PROB. § 1851, amended by AB 1194, 2021-2022 Reg. Sess. (Cal. 2021) (updating section to include instructions to determine if the conservatee "wishes the court to remove the conservator and appoint a successor conservator").

²⁹ Compare PROB. § 1851 (2018), with PROB. § 1851, amended by AB 1194, 2021-2022 Reg. Sess. (Cal. 2021) (updating section to include instructions to determine whether the conservatorship is still needed by clear and convincing evidence, as required by section 1801 of the California Probate Code). In California courts, the burden of proof "means the obligation of a party to establish by evidence a requisite degree of belief concerning a fact in the mind of the trier of fact or the court." CAL. EVID. CODE § 115.

³⁰ Compare CAL. PROB. CODE § 1863, with PROB. § 1863, amended by AB 1194, 2021-2022 Reg. Sess. (Cal. 2021) (updating section to require proving by clear and convincing evidence that the conservatee still needs the arrangement).

they function. Part II will focus on Britney and the known history of her conservatorship. Finally, Part III will highlight issues in conservatorship laws that Britney's case has exemplified and offer two suggestions for amendments. First, a conservatee's desire to remove and replace a conservator should be included as an explicit cause for removing a conservator if the court finds the conservatee shows the capacity to make this decision. Second, a court investigator should file a petition to remove a conservator if the conservatee expresses such a wish.

I. CALIFORNIA CONSERVATORSHIP LAWS

A. ESTABLISHING A CONSERVATORSHIP

Conservatorship proceedings begin with a petition alleging why the conservatorship is necessary.³¹ In urgent situations, a petitioner may file for a temporary conservator pending the court's final determination.³² Individuals who may file a petition include the proposed conservatee, their domestic partner, a relative, any interested governmental agency of California, or any other interested person or friend.³³ A conservatee must receive notice of the hearing on the petition unless the court for good cause otherwise orders.³⁴ Good cause is shown by exigent circumstances in a particular case.³⁵

A court investigator must review the allegations of the conservatorship petition.³⁶ The investigator must personally interview the proposed conservatee and various interested parties.³⁷ The investigator must determine the proposed conservatee's ability to attend the hearing, understand and appreciate the consequences of their actions related to their personal needs and finances, and the conservatee's desire for a conservatorship and choice of conservator.³⁸ Additionally, the court investigator must inform the proposed conservatee of their rights, including the right to counsel, attend the hearing, and have a jury trial, as well as inform the proposed conservatee of the nature, purpose, and effect of the proceeding.³⁹

³¹ CAL. PROB. CODE § 1821(a).

³² CAL. PROB. CODE § 2250(b).

³³ CAL. PROB. CODE § 1820(a)(1)-(5).

³⁴ PROB. § 2250 (e)(1).

³⁵ *Edward W. v. Lamkins*, 99 Cal. App. 4th 516, 545 (2002).

³⁶ CAL. PROB. CODE § 1826(a)(4).

³⁷ PROB. § 1826(a)(1).

³⁸ PROB. § 1826(a).

³⁹ PROB. § 1826(a)(2).

A court should grant a conservatorship only if it finds the conservatorship is the least restrictive action to protect the proposed conservatee.⁴⁰ Conservatorships typically take two forms: a conservatorship of the person and a conservatorship of the estate.⁴¹ A court will establish a conservatorship of the person if clear and convincing evidence shows the proposed conservatee “is unable to provide properly for [their] personal needs for physical health, food, clothing, or shelter.”⁴² A court will establish a conservatorship of the estate if clear and convincing evidence shows the proposed conservatee is “substantially unable to manage [their] own financial resources or resist fraud or undue influence.”⁴³

B. APPOINTING A CONSERVATOR

A proposed conservatee with sufficient capacity to form an intelligent preference may nominate a conservator when a petition for conservatorship is filed.⁴⁴ The court will appoint the nominee as conservator unless it finds it is not in the best interest of the conservatee.⁴⁵ If the court finds the conservatee does not have sufficient capacity to choose their conservator, and there are other qualified persons, the court will appoint a conservator based on the following order of preference: the conservatee’s spouse or domestic partner, an adult child of the conservatee or the child’s nominee, the parent of the conservatee or the parent’s nominee, a sibling of the proposed conservatee or the sibling’s nominee, then, any other person or entity eligible.⁴⁶ A judge may also appoint a trust company as a conservator of an estate.⁴⁷

By appointing a conservator, the court gives another person, or persons, the duty and power to make decisions for the conservatee and requires third parties to honor the conservator’s decisions.⁴⁸ Generally, conservatees continue to keep some personal rights including the right to control an allowance; make a will;⁴⁹ to counsel;⁵⁰ and receive visitors,

⁴⁰ PROB. § 1800.3(b).

⁴¹ CAL. PROB. CODE § 1801.

⁴² PROB. § 1801. “Clear and convincing evidence” is a higher standard of proof than the usual “preponderance of evidence” because of the high level of importance the legislature gives to such a determination. Bruce S. Ross, *Conservatorship Litigation and Lawyer Liability: A Guide Through the Maze*, 31 STETSON L. REV. 757, 760 (2002).

⁴³ PROB. § 1801.

⁴⁴ CAL. PROB. CODE § 1810.

⁴⁵ *Id.*

⁴⁶ CAL. PROB. CODE § 1812.

⁴⁷ CAL. PROB. CODE § 300.

⁴⁸ Jenica Cassidy, *Restoration of Rights in the Termination of Adult Guardianship*, 23 ELDER L.J. 83, 84 (2015).

⁴⁹ CAL. PROB. CODE § 1871(a)-(c).

⁵⁰ CAL. PROB. CODE § 3205.

telephone calls, and mail.⁵¹ The duties of a conservator of the person include arranging for a conservatee's care and protection, deciding where the conservatee will live, making arrangements for the conservatee's meals, healthcare, clothing, personal care, housekeeping, transportation, shelter, recreation, and well-being.⁵² The duties of a conservator of the estate include managing the conservatee's finances, collecting the conservatee's income, making a budget to show what the conservatee can afford, paying the conservatee's bills, and locating, controlling, and protecting the conservatee's assets.⁵³ By performing these duties, a conservator may petition a court for compensation of services rendered by the conservator, as well as by the conservator's attorney, that are in the best interest of the conservatee.⁵⁴ A conservator may also petition for periodic payments related to services rendered by the conservator and the conservator's attorney.⁵⁵

A conservatee, their spouse or domestic partner, a relative or friend of the conservatee, or any interested person may file a petition to the court to remove a conservator.⁵⁶ There are numerous causes to remove a conservator.⁵⁷ A court may remove a conservator for (1) "failure to use ordinary care and diligence" in managing the estate; (2) failure to file an inventory or account; (3) continued failure to "perform duties or incapacity to perform duties suitably"; (4) a felony conviction; (5) gross immorality; (6) having adverse interests that create an unreasonable risk that the conservator will not faithfully perform their duties; (7) placing the conservatee in a mental health facility against their will, giving the conservatee an experimental drug or electroconvulsive treatment, or sterilizing the conservatee; (8) a conservator's insolvency or bankruptcy; (9) a jurisdictional issue with appointment; or (10) any other reason a court determines is in the best interest of the conservatee.⁵⁸ If the court removes the conservator, it will appoint a successor in the same manner allowed when initially appointing a conservator.⁵⁹

⁵¹ CAL. PROB. CODE § 2351(b).

⁵² *Conservatorship*, CALIFORNIA COURTS, <https://www.courts.ca.gov/selfhelp-conservatorship.htm> (last visited April 25, 2022).

⁵³ *Id.*

⁵⁴ CAL. PROB. CODE § 2640.

⁵⁵ CAL. PROB. CODE § 2643.

⁵⁶ CAL. PROB. CODE § 2651.

⁵⁷ CAL. PROB. CODE § 2650.

⁵⁸ *Id.*

⁵⁹ CAL. PROB. CODE § 2688.

C. REVIEWING A CONSERVATORSHIP

A court investigator generally reviews the conservatorship six months after it is established, one year after it is established, then annually thereafter.⁶⁰ The court investigator must determine whether the conservator is acting in the best interest of the conservatee by evaluating the conservatee's placement, quality of care, and the conservatee's finances.⁶¹ As of January 2022, a court investigator is required to determine if the conservatee wishes to terminate the conservatorship and to replace their conservator; if the conservatee still meets the criteria to establish a conservatorship, clear and convincing evidence; and if the conservatorship remains the least restrictive alternative to protect the conservatee.⁶²

On receipt of the investigator's report, the court must consider whether to terminate the conservatorship.⁶³ A court will also consider whether to terminate a conservatorship if a petition to terminate it is filed by a conservator, conservatee, or another interested party.⁶⁴ Unless the court finds by clear and convincing evidence the conservatee continues to meet the criteria for a conservatorship and the conservatorship remains the least restrictive alternative to protect the conservatee's needs, the court shall terminate the conservatorship.⁶⁵

II. BRITNEY BACKGROUND

A. CHAOTIC:⁶⁶ BRITNEY'S LIFE BEFORE THE CONSERVATORSHIP

Britney—now forty years old—has been in the public eye most of her life.⁶⁷ She ascended to teen pop stardom in 1998 at sixteen with her debut album, “. . .Baby One More Time.”⁶⁸ It would go on to sell millions of copies, as did each subsequent album Britney released before she

⁶⁰ CAL. PROB. CODE § 1850.

⁶¹ PROB. § 1851.

⁶² *Id.*

⁶³ PROB. § 1850.

⁶⁴ CAL. PROB. CODE § 1861(a)(1)-(3).

⁶⁵ PROB. § 1863.

⁶⁶ BRITNEY SPEARS, *Chaotic*, on BRITNEY & KEVIN: CHAOTIC (Jive Records, 2006).

⁶⁷ Megan McCluskey, *What to Know About Britney Spears, Her Conservatorship and the #FreeBritney Movement*, TIME (Jan. 8, 2021, 10:00 AM), <https://time.com/5921720/britney-spears-conservatorship-free-britney/>.

⁶⁸ Amanda Macias, *We finally know the meaning of 'Hit Me Baby One More Time,' but it's not what you think*, INSIDER (Mar. 8, 2016, 10:18 AM), <https://www.businessinsider.com/hit-me-baby-one-more-time-meaning-2016-3>.

became a conservatee.⁶⁹ She worked relentlessly—touring, recording studio sessions, and doing photo shoots—and she blew off steam by partying.⁷⁰ Britney’s reputation eventually became that of a socialite whose “[m]onths of wild partying” and “drunken exploits” culminated with the twenty-five-year-old popstar shaving her head in February 2007.⁷¹ More than seventy paparazzi captured the event,⁷² which dominated national news media in print, broadcast, and gossip websites.⁷³ By then, Britney had become tabloid fodder, with eager paparazzi fighting for a shot of Britney any time she left the house.⁷⁴

In early January 2008, Britney reportedly refused to relinquish her two sons to their father, Britney’s ex-husband, Kevin Federline.⁷⁵ Britney eventually handed her older child over but then locked herself in a bathroom with her one-year-old son.⁷⁶ Mr. Federline’s lawyer called the police and fire department.⁷⁷ The emergency responders burst into Britney’s home to deal with the reportedly intoxicated singer.⁷⁸ Britney was ultimately rolled out of her home strapped to a gurney and followed by a swarm of paparazzi.⁷⁹ She was transported to a hospital and placed on a “5150” psychiatric hold.⁸⁰ Before the end of the month, Britney would be placed on another 5150 hold.⁸¹

⁶⁹ Gary Trust, *Ask Billboard: Britney Spears’s Career Sales*, BILLBOARD (March 24, 2015), <https://www.billboard.com/pro/ask-billboard-britney-spears-career-sales>.

⁷⁰ Ronan Farrow & Jia Tolentino, *Britney Spears’s Conservatorship Nightmare*, NEW YORKER (July 3, 2021), <https://www.newyorker.com/news/american-chronicles/britney-spears-conservatorship-nightmare>.

⁷¹ Paul Harris, *Months of wild partying. And now Britney shears in public*, THE GUARDIAN (Feb. 17, 2007, 7:19 PM EST), <https://www.theguardian.com/world/2007/feb/18/musicnews.music>.

⁷² Daniella Scott, *The upsetting reason Britney Spears shaved her head in 2007*, COSMOPOLITAN (Nov. 4, 2019), <https://www.cosmopolitan.com/uk/entertainment/a29681281/britney-spears-shaved-head-reason-2007/>.

⁷³ Harris, *supra* note 71.

⁷⁴ Farrow & Tolentino, *supra* note 70.

⁷⁵ Daniel Kreps, *Britney Spears Hospitalized After “Hostage Brituation” Involving Her Two Kids; Released Next Day*, ROLLING STONE (Jan. 4, 2008, 4:08 PM EST), <https://www.rollingstone.com/music/music-news/britney-spears-hospitalized-after-hostage-brituation-involving-her-two-kids-released-next-day-73967/>.

⁷⁶ Farrow & Tolentino, *supra* note 70.

⁷⁷ *Id.*

⁷⁸ Kreps, *supra* note 75.

⁷⁹ *Id.*; PEOPLE Staff, *Britney Spears: Inside the Ambulance*, PEOPLE (Jan. 4, 2008, 12:00 PM) (featuring a slideshow of photos of Britney in an ambulance), <https://people.com/celebrity/britney-spears-inside-the-ambulance/?slide=2043612#2043612>.

⁸⁰ Kreps, *supra* note 75. A 5150 hold occurs “[w]hen a person, as a result of a mental health disorder, is a danger to others, or to himself or herself.” CAL. WELF. & INST. CODE § 5150(a). That person may, upon probable cause, be taken into custody for up to seventy-two hours for evaluation and crisis intervention. *Id.*

⁸¹ Ken Lee, *Britney Spears Hospitalized Again for Evaluation*, PEOPLE (Jan. 31, 2008, 5:20 AM), <https://people.com/celebrity/britney-spears-hospitalized-again-for-evaluation/>.

B. TROUBLE FOR ME:⁸² ESTABLISHING BRITNEY'S CONSERVATORSHIP

On February 1, 2008, Mr. Spears filed petitions to be appointed conservator of Britney's person and co-conservator of Britney's estate with Mr. Wallet.⁸³ That same day, Judge Reva G. Goetz appointed Mr. Spears and Mr. Wallet as temporary conservators without Britney's presence.⁸⁴ Mr. Spears and Britney's mother, Lynne Spears, claimed a man named Osama "Sam" Lutfi was controlling Britney's life, home, and finances.⁸⁵ Britney's parents feared giving Britney notice would create a significant risk that Mr. Lutfi would harm Britney and her estate if he was faced with the likelihood of losing control.⁸⁶ Given this information, Judge Goetz found good cause to excuse notice of the hearing to Britney.⁸⁷

The petitions for conservatorships of both Britney's person and estate were filed under orders related to dementia.⁸⁸ The petitions stated Britney lacked the capacity to give informed consent for medical treatment.⁸⁹ Additionally, Britney was unable to provide for her personal needs of "physical health, food, clothing, or shelter,"⁹⁰ and substantially unable to manager her "financial resources or resist fraud or undue influence."⁹¹ The court investigator assigned to Britney's case spoke with her for fifteen minutes and concluded Britney "'did not understand' the na-

⁸² BRITNEY SPEARS, *Trouble for me*, FEMME FATALE (Jive Records 2011).

⁸³ Request for Judicial Notice in Support of Motion to Remand [28 U.S.C. § 1447(c)] at 10, 24, In re the Conservatorship of the Person and the Estate of Britney Spears, Temporary Conservatee, C.D. Cal. (March 17, 2008) (No. CV 08-1021).

⁸⁴ *Spears v. Conservatorship Papers*, 2008 WL 460912.

⁸⁵ In Ex Parte Application for Order Finding Good Cause for Excusing Notice of Hearing on Petition for Appointment of Temporary Conservator of the Estate; Memorandum of Points and Authorities, In re the Conservatorship of the Estate of: Britney Jean Spears, Proposed Conservatee, Super. Ct. Cal. (Feb. 01, 2008) (No. BP108870) 2008 WL 460946 at 5.

⁸⁶ *Id.*

⁸⁷ Order Dispensing with Notice, Britney Jean Spears v. Conservatorship Papers, Super. Ct. Cal. (Feb. 01, 2008) (No. BP108870), 2008 WL 460914.

⁸⁸ Request for Judicial Notice in Support of Motion to Remand [28 U.S.C. § 1447(c)] *supra* note 83, at 11, 25. The term "dementia" encompasses various types of diseases that impair a person's memory, ability to think, and make decisions on daily life activities. *Alzheimer's Disease and Related Dementias*, CTR. FOR DISEASE CONTROL AND PREVENTION (April 5, 2019), <https://www.cdc.gov/aging/dementia/index.html>. Most cases of dementia affect people older than sixty-five. *Alzheimer's Disease and Related Dementias*, CTR. FOR DISEASE CONTROL AND PREVENTION (April 5, 2019), <https://www.cdc.gov/aging/dementia/index.html>. Only 5% to 6% of people with dementia have symptoms that appear when they are between thirty and sixty years old. Mayo Clinic Staff, *Young-onset Alzheimer's: When symptoms begin before age 65*, MAYO CLINIC (July 8, 2020), <https://www.mayoclinic.org/diseases-conditions/alzheimers-disease/in-depth/alzheimers/art-20048356>. Spears was twenty-six at the time of the court filing. See LYNNE SPEARS & LORILEE CRACKER, *THROUGH THE STORM* 31 (2008).

⁸⁹ Request for Judicial Notice in Support of Motion to Remand [28 U.S.C. § 1447(c)] *supra* note 83, at 10, 24.

⁹⁰ *Id.* at 13.

⁹¹ *Id.* at 27.

ture of the proceedings and the impact the process could have on her affairs” and lacked the legal capacity to retain counsel.⁹² Thus, Judge Goetz ejected from the courtroom attorney Adam Streisand, who said he represented Britney during a February 4, 2008, hearing regarding the conservatorship.⁹³ The judge named Samuel D. Ingham III as Britney’s court-appointed attorney.⁹⁴

Judge Goetz made the conservatorship permanent in October 2008, telling media outlets “[t]he conservatorship is necessary and appropriate for the complexity of financial and business entities and [Britney] being susceptible to undue influence.”⁹⁵ Mr. Spears remained as conservator of Britney’s person and co-conservator of Britney’s estate with Mr. Waller.⁹⁶ According to court filings, Mr. Spears oversaw Britney’s business, costuming, personal and household items, as well as legal matters, which touched upon entertainment, music, and business opportunities.⁹⁷

C. WORK BITCH:⁹⁸ CONSERVATORS, COUNSEL MADE MILLIONS OFF BRITNEY

As a conservatee, Britney felt forced to work against her will.⁹⁹ She told the court she “worked seven days a week, no days off.”¹⁰⁰ Less than two months after the temporary conservatorship was approved in 2008, Britney made a guest appearance on the television series “How I Met Your Mother.”¹⁰¹ A little more than a month after Judge Goetz made the conservatorship permanent, Britney released the full-length album “Cir-

⁹² Vineyard, *supra* note 18.

⁹³ *Id.*; Nature of Proceedings: Petition for Appointment of Temporary Conservator of the Person and the Estate, Spears, Britney Jean—Conservatorship, Super. Ct. Cal. (Feb. 04, 2004) (No. BP108870) 2004 WL 5536225.

⁹⁴ *Id.*

⁹⁵ Reuters Staff, *supra* note 15.

⁹⁶ Korin Miller, *The Full Timeline of Britney Spears’ Conservatorship Spans More Than a Decade*, WOMEN’S HEALTH MAG. (Feb. 11, 2021), <https://www.womenshealthmag.com/life/a33336398/britney-spears-conservatorship-timeline/> [perma.cc/5FA6-ENYQ].

⁹⁷ Anna-Drake Stephens, Student Article, “Don’t You Know That You’re Toxic?” A Look at Conservatorships Through The #Freebritney Movement, 45 LAW & PSYCHOL. REV. 223, 234–235.

⁹⁸ BRITNEY SPEARS, *Work Bitch*, on BRITNEY JEAN (RCA Records, 2013). “Work Bitch” is the track title on the album Britney Jean released in 2013. See also, SPOTIFY, <https://open.spotify.com/album/5r1B2HPoNHg2m1wmmh0TRv> (last visited Nov. 24, 2020).

⁹⁹ Day, Stark & Coscarelli, *supra* note 19.

¹⁰⁰ Maya Salam, *Britney Spears, in Her Own Words*, N.Y. TIMES (June 24, 2021), <https://www.nytimes.com/interactive/2021/06/24/arts/music/britney-spears-what-happened.html>.

¹⁰¹ *Britney Spears*, IMDB, https://www.imdb.com/name/nm0005453/?ref_=TT_cl_t7#actress (last visited Nov. 24, 2020).

cus”¹⁰² and was touring by March 2009.¹⁰³ She toured the world four times over and released four albums as a conservatee.¹⁰⁴ She charted the Billboard Hot 100 twenty times with songs she released while under a conservatorship, bringing her career total songs on the Billboard Hot 100 to thirty-five.¹⁰⁵ Britney began her Las Vegas residency in 2013, titled “Britney: Piece of Me.”¹⁰⁶ During those shows, she performed two dozen songs for a ninety-minute set that featured Britney inside a ring of fire, suspended by a harness floating in mid-air,¹⁰⁷ and jumping off a prop tree more than thirty-feet tall.¹⁰⁸ Altogether, Britney performed 248 shows during a four-year period, bringing in half a million dollars for each performance.¹⁰⁹

Britney earned millions as a conservatee.¹¹⁰ She served as a judge on a season of the reality singing competition “The X Factor” in 2012, a deal reportedly worth \$15 million.¹¹¹ Britney earned \$30 million for the first two years of her Las Vegas residency,¹¹² and another \$35 million when her conservators signed her to a second two-year contract.¹¹³ The Las Vegas residency would go on to be one of the highest grossing in the city’s long history of residencies.¹¹⁴ It grossed \$137.7 million based on

¹⁰² BRITNEY SPEARS, *CIRCUS* (Jive Records, 2008); *Britney’s ‘Circus’ Debuts Atop Album Chart*, BILLBOARD (Dec. 10, 2008), <https://www.billboard.com/articles/news/266126/britneys-circus-debuts-atop-album-chart>.

¹⁰³ Serge F. Kovalski & Joe Coscarelli, *Is Britney Spears Ready to Stand on Her Own?*, N.Y. TIMES (May 4, 2016), <https://www.nytimes.com/2016/05/08/arts/music/is-britney-spears-ready-to-stand-on-her-own.html?r=0>.

¹⁰⁴ Phelan, *supra* note 16.

¹⁰⁵ *Chart History: Britney Spears*, BILLBOARD, <https://www.billboard.com/artist/britney-spears/chart-history/HSI> (last visited Feb. 11, 2022).

¹⁰⁶ Jon Caramanica, *Heckfire and Brimstone*, N.Y. TIMES (Dec. 29, 2013) <https://www.nytimes.com/2013/12/30/arts/music/britney-piece-of-me-britney-spearss-las-vegas-residency.html>.

¹⁰⁷ *Id.*

¹⁰⁸ Kovalski & Coscarelli, *supra* note 103.

¹⁰⁹ Phelan, *supra* note 16.

¹¹⁰ Madeline Berg, *As The #FreeBritney Movement Grows, A Look At Britney Spears’ Net Worth*, FORBES (Feb. 10, 2021, 8:49 AM), <https://www.forbes.com/sites/maddieberg/2021/02/10/as-the-freebritney-movement-grows-a-look-at-britney-spears-net-worth/?sh=48b5b8b810ad>.

¹¹¹ Katie Atkinson, *Britney Spears Joins ‘X Factor’ as a Judge*, MTV NEWS (May 9, 2012), <http://www.mtv.com/news/1684813/britney-spears-x-factor-judge/>.

¹¹² *See Britney Spears — Vegas Contract Is TITANIC . . . But She Can’t Touch Celine*, TMZ (Sept. 16, 2013, 6:30 AM), <https://www.tMZ.com/2013/09/16/britney-spears-las-vegas-contract-planet-hollywood-celine-dion/>.

¹¹³ Kovalski & Coscarelli, *supra* note 103.

¹¹⁴ Eric Frankenberg, *Top 10 Highest Grossing Las Vegas Residencies Of All Time: Celine Dion, Britney Spears, Elton John and More*, BILLBOARD (Dec. 27, 2018), <https://www.billboard.com/articles/columns/chart-beat/8491648/highest-grossing-las-vegas-residencies>.

nearly one million seats sold.¹¹⁵ Moreover, one of Britney's global headlining tours alone grossed \$131 million.¹¹⁶ Despite these earnings, Britney's conservators limited her allowance to \$2,000 per week.¹¹⁷

Meanwhile, Mr. Spears made millions as a conservator.¹¹⁸ According to former FBI agent Sherine Ebadi, who reviewed some of the accounting of Britney's estate, Mr. Spears used the conservatorship to "enrich himself and those loyal or useful to him."¹¹⁹ In 2016, Mr. Spears made about \$11,000 per month as Britney's conservator and was reimbursed for the rent on office space.¹²⁰ By 2021, his salary increased to about \$16,000 per month and he received \$2,000 a month for his office.¹²¹ Mr. Spears made 1.5% gross revenue of sales and merchandising from Britney's Las Vegas residency.¹²² He also received a 2.95% commission for Britney's *Femme Fatale* tour in 2011.¹²³

Mr. Spears was not the only person to profit from Britney's conservatorship. During the first eleven months of her conservatorship alone, Britney's estate paid an estimated \$2.7 million in legal fees.¹²⁴ In total, Britney paid more than \$30 million in legal fees for Mr. Spears.¹²⁵ Starting in 2018, Mr. Wallet made \$426,000 a year, or \$35,500 per month, as Britney's co-conservator of the estate.¹²⁶ Mr. Ingham reportedly made up to \$10,000 per week as Britney's counsel, and made millions in the years he represented Britney.¹²⁷

In January 2019, Britney announced an indefinite work hiatus and canceled her new Las Vegas residency scheduled to begin the following month.¹²⁸ In March of that same year, Mr. Wallet resigned as Britney's

¹¹⁵ Bob Allen, *Britney Spears' Piece of Me Vegas Residency Final Figures: 248 Shows, 916,184 Tickets Sold, \$137.7M Earned*, BILLBOARD (Jan. 23, 2018), <https://www.billboard.com/pro/britney-spears-piece-of-me-residency-final-figures>.

¹¹⁶ Farrow & Tolentino, *supra* note 70.

¹¹⁷ Day, Stark & Coscarelli, *supra* note 19.

¹¹⁸ Da Silva & Dasrath, *supra* note 24.

¹¹⁹ *Id.*

¹²⁰ See Kovaleski & Coscarelli, *supra* note 103.

¹²¹ Day, Stark & Coscarelli, *supra* note 19.

¹²² Kovaleski & Coscarelli, *supra* note 103.

¹²³ Day, Stark & Coscarelli, *supra* note 19.

¹²⁴ Harriet Ryan, *Lawyers Surround Britney Spears*, L.A. TIMES (Mar. 24, 2009, 7:00 AM), <https://www.latimes.com/archives/la-xpm-2009-mar-24-me-spears24-story.html>.

¹²⁵ Da Silva & Dasrath, *supra* note 24.

¹²⁶ Smail, *supra* note 17.

¹²⁷ Sara Nathan, *Britney Spears' Father Didn't Starve Her Lawyer of Cash in Sinister Move*, PAGE SIX (Sept. 17, 2020, 9:35 AM), <https://pagesix.com/2020/09/17/britney-spears-dad-jamie-didnt-try-to-keep-money-from-her-lawyer/>.

¹²⁸ Joe Coscarelli, *Britney Spears Announces 'Indefinite Work Hiatus,' Cancels Las Vegas Residency*, N.Y. TIMES (Jan. 4, 2019), <https://www.nytimes.com/2019/01/04/arts/music/britney-spears-cancels-vegas-residency.html>.

co-conservator, earning \$100,000 as part of his resignation, and leaving Mr. Spears as the sole conservator.¹²⁹

D. OUTRAGEOUS:¹³⁰ LAW ALLOWED COURT TO DISREGARD
BRITNEY'S CHOICE OF CONSERVATOR

Britney never wanted her father as her conservator.¹³¹ Years of instability, “‘verbal abuse, abandonment’ and ‘erratic behavior’” by Mr. Spears haunted Britney’s childhood.¹³² During the February 4, 2008, hearing, Mr. Streisand said Britney had a strong desire not to have Mr. Spears appointed as her conservator.¹³³ Mr. Streisand said Britney and her father were already estranged, and the situation was creating a “greater estrangement.”¹³⁴ Mr. Streisand asked the court to name Howard Grossman, Britney’s business manager, and Northern Trust Bank as co-conservators.¹³⁵ However, Judge Goetz ignored these claims when she removed Mr. Streisand as Britney’s attorney because, according to the court investigator, Britney lacked capacity to retain counsel.¹³⁶

For years thereafter, Britney tried to remove Mr. Spears as her conservator.¹³⁷ In 2014, Britney requested removing Mr. Spears as her conservator, citing a “shopping list” of grievances including heavy drinking.¹³⁸ In August 2020, Britney requested to permanently remove her father as her conservator of both her estate and person.¹³⁹ Mr. Spears had temporarily relinquished his role as conservator of Britney’s person to her care manager, Jodi Montgomery, due to personal health reasons in September 2019, but continued to control Britney’s estate.¹⁴⁰ According to court documents, Britney strongly opposed her father returning as conservator.¹⁴¹ Britney said she was afraid of her father, and she refused to perform again so long as Mr. Spears remained in charge of her career.¹⁴² Britney asked the court to permanently appoint Ms. Montgomery as con-

¹²⁹ Dan Clarendon, *Britney Spears’ Dad Jamie Becomes Her Sole Conservator After Lawyer Quits*, US WEEKLY (Mar. 4, 2019), <https://www.usmagazine.com/celebrity-news/news/britney-spears-dad-jamie-becomes-sole-conservator-after-lawyer-quits/>; Smail, *supra* note 17.

¹³⁰ BRITNEY SPEARS, *Outrageous*, on IN THE ZONE (Jive Records, 2003).

¹³¹ Vineyard, *supra* note 18.

¹³² Day, Stark & Coscarelli, *supra* note 19.

¹³³ Vineyard, *supra* note 18.

¹³⁴ *Id.*

¹³⁵ *Id.*

¹³⁶ *Id.*

¹³⁷ Day, Stark & Coscarelli, *supra* note 19.

¹³⁸ *Id.*

¹³⁹ McCluskey, *supra* note 67.

¹⁴⁰ *Id.*

¹⁴¹ *Id.*

¹⁴² *Id.*

servator of her person, and a “qualified corporate fiduciary” to replace Mr. Spears as conservator of her estate.¹⁴³ Instead, Judge Brenda Penny extended the temporary arrangement, with Ms. Montgomery as co-conservator, until February 1, 2021.¹⁴⁴ In November 2020, Britney again requested to remove Mr. Spears and Judge Penny again denied that request, but did appoint Bessemer Trust Company, at Britney’s request, as co-conservator of her estate.¹⁴⁵ Judge Penny reaffirmed the appointment on February 11, 2021, when she overruled Mr. Spears’s objection against adding the trust company as a co-conservator.¹⁴⁶

On July 14, 2021, Judge Penny approved a petition by Mr. Ingham to be removed as Britney’s counsel.¹⁴⁷ Thirteen years after the court found Britney lacked the capacity to retain her own counsel, Judge Penny finally allowed Britney to hire her own attorney, Matthew Rosengart, a former federal prosecutor who has represented the likes of Sean Penn and Steven Spielberg.¹⁴⁸ Less than two weeks after his appointment, Mr. Rosengart filed to remove Mr. Spears as conservator.¹⁴⁹ Mr. Rosengart cited serious questions about Mr. Spears’s conduct, which included conflicts of interest, conservatorship abuse, and the dissipation of Britney’s fortune.¹⁵⁰ Mr. Rosengart stated that Mr. Spears squandered Britney’s multi-million dollar estate.¹⁵¹ Ms. Montgomery also supported the decision to remove Mr. Spears, and stated Britney’s medical team was in favor of removing Mr. Spears too.¹⁵² At no point, however, did the court remove Mr. Spears as Britney’s conservator because of her express wishes, arguments from multiple attorneys, or support from those intimately aware of Britney circumstances. Instead, Mr. Spears simply agreed to step down in August 2021.¹⁵³

¹⁴³ *Id.*

¹⁴⁴ *Id.*

¹⁴⁵ Caitlin O’Kane, *Judge Denies Britney Spears’ Request to Remove Father as Conservator*, CBS NEWS (Nov. 11, 2020, 12:24 PM), <https://www.cbsnews.com/news/britney-spears-request-remove-dad-jamie-conservatorship-denied/>.

¹⁴⁶ Haley Victory Smith, *Judge Overrules Objections of Britney Spears’s Father to Co-conservatorship Order*, WASH. EXAM’R (Feb. 11, 2021, 9:35 PM), <https://www.washingtonexaminer.com/news/judge-overrules-objections-britney-spears-conservatorship>.

¹⁴⁷ McCluskey, *supra* note 67.

¹⁴⁸ Joe Coscarelli, Liz Day & Lauren Herstik, *Britney Spears Can Hire a New Lawyer of Her Choice, Judge Rules*, N.Y. TIMES, <https://www.nytimes.com/2021/07/14/arts/music/britney-spears-conservatorship-lawyer.html> (last updated Sept. 30, 2021).

¹⁴⁹ McCluskey, *supra* note 67.

¹⁵⁰ Caleb Triscari, *Britney Spears’ Lawyer Files Petition to Remove Her Father Jamie as Conservator*, NME (July 27, 2021), <https://www.nme.com/news/music/britney-spears-lawyer-files-petition-to-remove-her-father-jamie-as-conservator-3003246>.

¹⁵¹ Wagmeister, *supra* note 25.

¹⁵² McCluskey, *supra* note 67.

¹⁵³ Wagmeister, *supra* note 25.

Mr. Rosengart said removing Mr. Spears was a necessary and substantial step toward ending Britney's conservatorship and restoring her liberty.¹⁵⁴ As conservator, Mr. Spears maintained Britney needed the conservatorship.¹⁵⁵ Once removed, it took only three months before Judge Penny found that Britney's conservatorship was no longer required.¹⁵⁶ On November 12, 2021, after nearly fourteen years, Britney regained control of her life.¹⁵⁷

III. COURTS SHOULD EXPLICITLY CONSIDER A CONSERVATEE'S DESIRE AS A CAUSE FOR REMOVING A CONSERVATOR

Britney's conservatorship sheds light on challenges a conservatee faces when they want to replace their conservator. She tried to remove Mr. Spears as her conservator several times without success.¹⁵⁸ In doing so, Britney was responsible for paying not just her own lawyers' fees, but the fees of those arguing against her as well.¹⁵⁹ Had Mr. Spears not resigned,¹⁶⁰ Britney would have had to prove wrongdoing by Mr. Spears to remove him as conservator unless the court exercised its discretion.¹⁶¹

The law makes it difficult for a conservatee to replace a conservator, thereby creating a greater opportunity for "neglect, abuse, and exploitation."¹⁶² This stands in sharp contrast to the codified intent of the California Probate Code to "[p]rotect the rights of persons who are placed under conservatorship."¹⁶³ While the current probate code allows a conservatee to petition to remove a conservator, without showing wrongdoing by the conservator, it is unlikely the court will remove the conservator, as was Britney's case.¹⁶⁴ The case shows that even with allegations of being forced to work, drugged, and squandering a fortune, among other claims, may not be sufficient to satisfy a cause for re-

¹⁵⁴ Emily Kirkpatrick, *Jamie Spears Says His Suspension as Conservator Is "a Loss for Britney,"* VANITY FAIR (Sept. 30, 2021), <https://www.vanityfair.com/style/2021/09/jamie-spears-response-to-conservatorship-suspension-britney-spears-lawyer-mathew-rosengart#>.

¹⁵⁵ *Britney Spears: Singer's Conservatorship Case Explained*, BBC (Nov. 12, 2021), <https://www.bbc.com/news/world-us-canada-53494405#>.

¹⁵⁶ Coscarelli & Jacobs, *supra* note 3.

¹⁵⁷ *Id.*

¹⁵⁸ Day, Stark & Coscarelli, *supra* note 19; McCluskey, *supra* note 67; O'Kane, *supra* note 145.

¹⁵⁹ Coscarelli, Day & Herstik, *supra* note 148.

¹⁶⁰ Wagmeister, *supra* note 25.

¹⁶¹ *See* PROB. § 2650.

¹⁶² AM. BAR ASS'N, *supra* note 6, at 3.

¹⁶³ PROB. § 1800(a).

¹⁶⁴ *See* PROB. § 2650.

moval.¹⁶⁵ Further, although a court investigator is required to determine if the conservatee wishes to replace their conservator, the investigator is not required to do anything other than report the conservatee's wish.¹⁶⁶ Even if the investigator were required to file a petition to remove a conservator if the conservatee wishes, a conservatee's wish, without more, is insufficient for removal.¹⁶⁷ The statute listing causes to remove a conservator focuses on the conservator's actions without contemplating the conservatee's desires.¹⁶⁸

Given the broad control a conservator has over a conservatee's life, it is important for the court to appropriately consider who a conservatee wants to have such control. Guiding the court to remove a conservator when a conservatee with sufficient capacity wants to do so would help ensure that the court considers "what appears to be for the best interests of the proposed conservatee."¹⁶⁹ Allowing someone to remain a conservator when the conservatee continues to express a contrary desire is likely not in the conservatee's best interest.

Section 2650 of the California Probate Code should be amended to explicitly include as a cause for removing a conservator the conservatee's wish that the court to remove the conservator and appoint a successor. The inquiry in such situations should not be whether the conservator acted wrongfully, but rather whether the conservatee has sufficient capacity at the time to form an intelligent preference for successor conservator. It is the same standard the court uses when first appointing a conservator.¹⁷⁰ Adding a conservatee's wish as a cause for removing a conservator is in line with the most recent amendments to the probate code, which now include new considerations about what the conservatee wants.¹⁷¹ Not allowing a capable conservatee to replace their conservator renders the conservatee susceptible to an arrangement that leaves them unhappy, intimidated, and oppressed—like Britney.¹⁷²

Had the suggested amendment been in place, Britney may have been spared costly litigation expenses,¹⁷³ and the court may have been spared from its own expenses associated with it as well. Investigating whether Britney had the capacity to replace Mr. Spears as her conservator would

¹⁶⁵ Day, Stark & Coscarelli, *supra* note 19; Coscarelli, *supra* note 21; Da Silva & Dasrath, *supra* note 24.

¹⁶⁶ PROB. § 1851.

¹⁶⁷ See PROB. § 2650.

¹⁶⁸ *Id.*

¹⁶⁹ PROB. § 1812.

¹⁷⁰ PROB. § 1810.

¹⁷¹ See PROB. § 1851(a)(1)(B).

¹⁷² Day, Stark & Coscarelli, *supra* note 19.

¹⁷³ Nathan, *supra* note 125.

have likely required less resources than investigating causes for removal section 2650 currently allows, such as whether a conservator failed to perform duties, acted with gross immorality, or had adverse interests to the conservatorship.¹⁷⁴ If the court evaluated Britney, it may have found she had the capacity to make an intelligent preference for a successor conservator, especially in light of the demanding work she had the capacity to do since her conservatorship was first established. It is also supported by the fact that Judge Penny approved Britney's request to appoint Bessemer Trust Company as co-conservator of her estate.¹⁷⁵

Further, section 1851 of the California Probate Code should be amended to instruct the court investigator reviewing a conservatorship to file a petition to remove a conservator if the conservatee wishes for the court to do so. Although a conservatee has the right to petition to remove their conservator,¹⁷⁶ they may not know they can or lack the resources to file the petition. For example, Britney did not know she could file a petition to terminate her conservatorship herself.¹⁷⁷

This amendment would give substantive instructions for the court investigator to follow, otherwise, a conservatee's wish to replace a conservator may be reported, and nothing else may come of it.¹⁷⁸ In Britney's case, despite telling a court investigator she wanted to end her conservatorship, nothing ever happened because the court investigator was not required to take any action beyond reporting it. Legislators have already amended section 1850 of the California Probate Code from preventing such circumstances in the future, as it now requires a court to consider terminating a conservatorship as part of the periodic review of the conservatorship.¹⁷⁹ Legislators should address similar inaction in replacing a conservator and require a court investigator to file a petition to remove a conservator on the conservatee's behalf when the investigator determines the conservatee wishes to do so.

CONCLUSION

Removing Mr. Spears as Britney's conservator was the catalyst that allowed Britney to finally break free from her conservatorship and regain control of her life and the millions of dollars she earned.¹⁸⁰ For those who genuinely need a conservatorship, allowing those with sufficient ca-

¹⁷⁴ PROB. § 2650.

¹⁷⁵ O'Kane, *supra* note 145.

¹⁷⁶ PROB. § 2651.

¹⁷⁷ Coscarelli, *supra* note 21.

¹⁷⁸ See PROB. § 1851.

¹⁷⁹ PROB. § 1850(a)(2).

¹⁸⁰ Berg, *supra* note 110.

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capacity to replace their conservator increases their prospects for feeling safe and secure around the person or persons who have such vast control over their lives. This would help further the state's codified intent to "[p]rotect the rights of persons who are placed under conservatorship."¹⁸¹

¹⁸¹ PROB. § 1800(a).