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# Conservatorships Like Britney Spears' Can Be 'Civil Death Sentence'

By Marisa Herman

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Singer Britney Spears attends the announcement of her new residency, "Britney: Domination" at Park MGM on Oct. 18, 2018, in Las Vegas, Nevada. (Ethan Miller/Getty Images)

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*Family law attorney Martha Stine, a founding partner of New York-based firm Cohen Stine Kapoor LLP, said conservatorships are typically put in place for people who can't make sound decisions for themselves due to a debilitating mental disability, like dementia, where they are losing cognitive ability every week that passes...we don't take away people's civil rights just because they have a diagnosis of a mental health issue.*

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The #FreeBritney movement has garnered the attention of Congress in the days following pop star Britney Spears' virtual court appearance where she discussed ending the judge-ordered conservatorship that has been in place for her over the past 13 years.

Spears, 39, had her motion denied on Wednesday despite arguing that the conservatorship, which has mostly been controlled by her father Jamie Spears, has been too domineering, personally and professionally.

Now, Rep. Matt Gaetz, R-Fla., wants Spears to share her story with lawmakers. He wrote a letter to Spears on Wednesday inviting her to the Capitol to testify.

"You have been mistreated by America's legal system," Gaetz wrote. "We want to help. The United States Congress should hear your story and be inspired to bipartisan action. What happened to you should never happen to any other American. Congress can make things better and you can inform our policy decisions. If you will speak to Congress, we are ready to listen."

He noted that some of his colleagues have been following her conservatorship battle with "deep concern."

"We could see the struggle and torment you were enduring," Gaetz wrote. "We could see the obvious financial, emotional and psychological abuse at the hands of your conservators."

The conservatorship was put in place in 2008 after Spears suffered a mental breakdown and was treated in a psychiatric ward. Since then, Spears has released several albums, performed in a Las Vegas residency, and served as a judge on two TV shows.

Family law attorney **Martha Stine**, a founding partner of New-York based firm **Cohen Stine Kapoor LLP**, said conservatorships are typically put in place for people who can't make sound decisions for themselves due to a debilitating mental disability, like dementia, where they are "losing cognitive ability every week that passes."

"It's very rare to see conservatorship used in a case like Britney Spears, a young person who had an episodic period of time and not a permanent condition," **Stine** said. "We don't take away people's civil rights just because they have a diagnosis of a mental health issue."

**Stine** described conservatorships as a "legal stripping" of a person's rights and the "most punitive civil penalty that can be levied" on a person that is "nothing short of a civil death sentence."

That's because a person under a conservatorship must seek approval for most major life decisions, such as getting married, having children, and spending money.

Gaetz also noted in his letter that Spears' "life, liberty, and happiness" have been taken away from her.

Aspects of Spears' life have been under control by different entities. Under her conservatorship arrangement, she is under the management of her father. But Bessemer Trust Co. controls her estate and professional conservator Jodi Montgomery oversees Spears' personal affairs.

During the hearing, Spears told Los Angeles County Superior Court Judge Brenda Penny she had to perform when she didn't want to, was forced to take birth control despite wanting to have more children, and her medication was changed against her wishes.

Documents show that the conservatorship arranges when she can see her children, has the authority to make medical decisions on her behalf, and oversees her business dealings.

"I don't feel like I can live a full life. ... I want this conservatorship to end without having to be evaluated," Spears told the judge.

Spears, however, is only the most recent of several celebrities who have been placed under conservatorships.

Years before Spears even achieved a measure of fame, Brian Wilson, a founding member of the Beach Boys who wrote, produced, and performed on nearly all their biggest hits, was placed under a conservatorship at the request of his relatives – some of whom were fellow band members – in the early 1990s.

The request came after Wilson's brother, Beach Boys guitarist and singer Carl Wilson, and cousins, including Beach Boys lead singer Mike Love, claimed Eugene Landy, a psychologist, brainwashed and took advantage of the musical great.

According to an Associated Press article published in 1991, Wilson and Landy were brought together after Wilson had a nervous breakdown in the mid-1970s. Wilson said Landy saved his life via a 24-hour-a-day technique where Landy, and his staff, controlled Wilson's every move.

According to the outlet, Wilson was under Landy's supervision from 1983 to 1986. The two became business partners, too, with Landy earning money from two of Wilson's albums that included songs he co-wrote and by co-writing Wilson's first autobiography "Wouldn't it Be Nice - My Own Story."

Landy's controversial method was flagged by state medical authorities and he ultimately had to surrender his license to the California Board of Medical Quality Assurance for a period of time.

"Brian Wilson has entered into a settlement agreement which will allow Brian to receive guidance and assistance while at the same time allowing him the freedom to lead his own life as he chooses," said a statement released at the time the conservatorship was put in place.

But where Wilson's family contended Landy was bilking Wilson out of money and controlling every aspect of his life, many legal experts contend that Spears has demonstrated that she can work, earn her own money, and make decisions for herself.

"It's a proceeding designed to protect people who can't care for themselves," **Stine** said of conservatorships. "These laws are designed to protect people who truly can't manage the tasks of daily living and truly can't manage their finances. They are meant to protect people and not hurt them."

She said if Spears were incompetent she "wouldn't be able to be performing, releasing albums, and choreographing dance routines."

"Somebody like Spears doesn't exhibit the incompetence that these laws contemplated," **Stine** said. "The dangers of a legal conservatorship are really on display here. We see a successful performer being deemed incompetent to care for herself."

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Because conservatorships are usually intended to be put in place for an extended period of time, and often until the end of someone's life, she said it is very difficult to undo them.

"It's a status quo that gets put in place," **Stine** said of a conservatorship status. "Once it's in place it's very difficult to meet the requirements for the termination. It's difficult for the incompetent person to prove that he or she is no longer incompetent."

Stine said the judge overseeing Spears' case faces immense pressure to end the conservatorship because of the media attention it has garnered. For years, the pop star's fans advocated for her through the #FreeBritney movement. Her conservatorship was the focus of a recent New York Times documentary "Framing Britney Spears."

Even with all the attention on how Spears has been able to work and financially support herself, Stine said the court tends to be cautious about terminating a conservatorship.

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*"The professionals involved are going to claim she is incompetent," Stine said. "The voice of the alleged incompetent person is a very weak voice in the proceedings."*

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While Spears makes her own case for the conservatorship status to be eliminated, Stine said the conservators will be mounting their arguments for the judge to keep the conservatorship in place.

Overall, **Stine** said conservatorships are supposed to protect people. She fears in Spears' case those laws are doing more harm than good.

"When we see the laws being abused and when we see the abuse that can be inherent in guardianship and conservatorship proceedings, it's very stark and it's very shocking," she said.

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