

Reinvention:

# Fight to Free Britney Spears Highlights ‘Toxic’ Side of Conservatorship

The legal arrangements are meant to protect people unable to make their own decisions. A burgeoning movement sees it as a vehicle for abuse.

By Bob Van Voris, Claire Ballentine, and Charlie Wells

October 1, 2021, 6:50 AM PDT



*Supporters of Britney Spears protest in front of the Stanley Mosk Courthouse in Los Angeles, Calif. on Sept. 29. Photographer: Valerie Macon/AFP/Getty Images*

Britney Spears is freer. Completely free? Not quite yet.

A judge in Los Angeles on Wednesday suspended the singer's father from the conservatorship that has run her life and her \$60 million estate for the past 13 years. A hearing next month will decide if the entire arrangement should be terminated.



*Britney Spears Photographer: Valerie Macon/AFP/Getty Images*

The pop star is going through a pivotal moment. That one of the world's most famous people could ever find herself effectively placed in the legal position of a child — without control over her money, life, children or body — spawned a global movement under the hashtag [#FreeBritney](#). It led to no less than three documentaries, fan Twitter accounts like Britney Law Army, countless news articles and even a rare accord between Republican Senator Ted Cruz and Democrat Elizabeth Warren, who both questioned Spears's predicament.

But more than anything, the bumpy road the woman long known as the “Princess of Pop” is taking from guardianship to freedom has highlighted the fraught role of the [conservatorship](#) in American life.

“Many people are put under a conservatorship for life and that's taking away their liberty,” said Christopher Melcher, a California [top family law attorney](#) who represents celebrities in family law matters. Spears's situation “is causing an examination of this entire area,” he said.

Relatively obscure until they were thrust into the national spotlight by Spears, conservatorships are theoretically used to help protect people who can't make decisions on their own.

To wind up in one, a person must be deemed by a judge to be temporarily or permanently unable to make financial decisions on their own because they would be subject to fraud or undue influence.

“Not that they just make bad financial decisions, but they would be taken advantage of because of weakness of health or mind,” said [celebrity divorce lawyer](#) Christopher C. Melcher. “If that’s shown, a conservator over the estate or finances would be appointed to control the money.”

There is another type of conservatorship — one that oversees “the person.” In this case, the conservator controls not just money, but also where the person lives, travels and whom they see. Spears had both. Her father, James Spears, served as personal conservator until 2019. He oversaw her finances until Wednesday.

“There are a few gaps in the system that Britney’s case has really highlighted,” said Tamar Arminak, conservatorship attorney at Arminak Law in California. “When a person is working and making money, that should be a sign to the judge that the conservatorship might not be needed.” It’d be better for independent fiduciaries to have oversight when large amounts of personal wealth is involved, she said.

Spears was put under the conservatorship in 2008 following behavior over the prior year that sparked a slew of tabloid headlines, including shaving her head and swinging at a paparazzo’s car with an umbrella. She was charged with a hit-and-run and driving without a license. (Those charges were later dropped.) She also went through a public divorce and custody battle with Kevin Federline.

While her life was being monitored by her father, she continued to generate profits — far from the normal case in conservatorships. Since 2008, she’s released albums including *Femme Fatale* and *Glory*, and had a four-year Las Vegas residency called “Britney: A Piece of Me.” She also served as a judge on the reality music contest “The X Factor” and even made guest appearances on TV shows like “Glee” and “How I Met Your Mother.”

Most conservatorships don’t involve people who are “even close to as functional as Britney,” said Harry Nelson, a healthcare lawyer who has been consulted by someone with a connection to the popstar’s conservatorship, but hasn’t advised

Britney or Jamie Spears. “The vast majority that I’ve seen have been people with significant disabilities who have a demonstrable inability to take care of themselves.”

Another area where conservatorships loom over the cultural psyche is the abuse of the elderly. In “I Care a Lot,” a Netflix drama released in February starring Rosamund Pike, a manipulative guardian gains control over seniors’ estates to enrich herself. Her most prized victims are mentally incapacitated and rich.

“The vast majority of the conservatorships I have been involved with involve an elderly person,” said Lisa MacCarley, an attorney in California who founded Bettys’ Hope, a charity that fights against probate court abuse. “In the past 25 plus years, I’ve only had one case where a young person was conserved.”

Substance abuse, hounding by the paparazzi, public-relations pressure or even proximity to enablers can combine to put some stars’ fortunes at risk. But even then it’s extraordinarily rare for them to be subject to conservatorships, said Andrew Mayoras, probate attorney at Barron, Rosenberg, Mayoras & Mayoras P.C. in Michigan.

“Somebody has to be significantly impaired to be subject to a conservatorship,” he said. “It’s one of the harshest legal remedies that exists in our society.”

While Spears is the most famous person in a conservatorship, others have ended up in similar situations. Walt Disney’s adult grandson, Bradford Disney Lund, is currently in a guardianship dispute with his \$200 million inheritance at stake. In September, a judge extended until 2023 the conservatorship of Amanda Bynes, an early aughts actress who starred in the teenage romcom “She’s the Man.”

Yet these constitute just a minority of the cases. That may be because the law says that conservatorships should be a last resort. A judge must find that there is no less restrictive alternative. In this way conservatorships are not normally seen as the go-to, they’re considered the last resort.

“A conservatorship is an unnatural concept because you are trying to have one person manage the life of another person, but the conservatorship structure can work well,” said Scott Rahn, managing partner of RMO LLP, a litigation law firm

focused on probate disputes. “I’m sure there are probably other celebrities out there that have been conserved just quietly and no one has paid attention because they’re not as high profile as Britney. Her story grabbed people’s attention.”

Nelson, the healthcare lawyer, says the judge in the Spears case could permit an investigation into how her affairs were handled.

“This case really has called attention to the fact that the system is very easy to abuse,” he said.

It certainly has caught the attention of lawmakers in Washington. In July, Warren and Democratic Senator Bob Casey called for more federal oversight of conservatorships in a letter to Health Secretary Xavier Becerra and Attorney General Merrick Garland.

“Ms. Spears’ case has shined a light on longstanding concerns from advocates who have underscored the potential for financial and civil rights abuses of individuals placed under guardianship or conservatorship,” they wrote.

[International family law attorney](#) Christopher C. Melcher said he thinks the star is likely to sue her father and the lawyers, security people and managers he hired to help him run her life. Some of the extreme surveillance they subjected her to could even be the subject of criminal charges, he said.

In Los Angeles on Wednesday, Superior Court Judge Brenda Penny said the Spears situation was simply untenable. Describing it further, she used a word with great meaning to fans of the artist, calling it one thing: “Toxic.”