

#FreeBritney: New York Times Documentary Sparks New Debate About Britney Spears, and Legal Conservatorship

In early February 2012, The New York Times debuted a documentary, “Framing Britney Spears,” which covered Britney Spears’ rise to fame, publicly chronicled personal conflict, and comeback.¹ The documentary brought renewed attention the often-sexist media coverage of the then teenage pop star at the beginning of her career, and the constant presence of paparazzi in her life. The documentary also awakened a new discussion about another aspect of Spears’ life, the conservatorship placed over her life and assets.

When a court determines that an adult is so ill or mentally unstable that they cannot take care of their own needs, they may create a conservatorship (sometimes called a guardianship), under which another adult is appointed to manage their affairs.² When assets are managed, it is called a “conservatorship of the estate,” and when health decisions are managed, it is called “conservatorship of the person.”³ Conservatorships are incredibly difficult to challenge. Because a judge has already determined that the person under a conservatorship is unable to make personal decisions, it is difficult for them to even hire an attorney to fight the conservatorship in court.⁴

Britney Spears was placed under conservatorship of the estate and person in 2008 and her personal and financial affairs were placed under the control of her father, Jamie.⁵ The conservatorship was granted after Britney’s purported mental health issues and hospitalization was brought to the attention of the courts. The conservatorship was originally temporary but became permanent after Spears was released from a treatment facility.⁶

Britney’s arrangement was particularly unique because conservatorships are typically for older or cognitively impaired individuals, not world-famous pop stars in their mid-twenties. While Jamie argues that Britney’s recent career success is proof that the conservatorship is working, Britney’s legal team and fans believe that it is instead further evidence that the arrangement is unnecessary and should be modified or rescinded.⁷ Fans have been using the social media hashtag #FreeBritney, for years in an attempt to raise awareness of Britney’s situation, and to support what they believe is a cry for help from the pop star.⁸

Attorneys have noted that Spears’ case is obviously unique because of her stardom and relatively young age, but it also reveals the stories of thousands of people placed under conservatorship by courts as a “first resort” after signs are seen of difficulties or disability.⁹ Because of the high level of control placed over someone in a conservatorship, it can be difficult for a person to fight not only against the placement itself, but also against potential abuse or neglect by the conservator

¹ <https://www.cbsnews.com/news/britney-spears-conservatorship-explained/>

² <https://www.nbcnews.com/think/opinion/britney-spears-conservatorship-can-be-both-totally-legal-quite-bad-ncna1247750>

³ *Id.*

⁴ <https://www.nextavenue.org/guardianship-u-s-protection-exploitation/>

⁵ <https://www.npr.org/2021/02/11/967176455/judge-rules-against-britney-spears-father-in-conservatorship-dispute>

⁶ <https://www.glamour.com/story/the-britney-spears-conservatorship-situation-fully-explained>

⁷ <https://www.cbsnews.com/news/britney-spears-conservatorship-explained/>

⁸ <https://www.glamour.com/story/the-britney-spears-conservatorship-situation-fully-explained>

⁹ <https://www.cbsnews.com/news/britney-spears-conservatorship-explained/>

over financial assets or mental or physical health.¹⁰ As alleged by Britney’s lawyer, a conservator can control the business affairs, personal budget, and relationship decisions of the person under their conservatorship.¹¹ Civil rights attorneys have advocated for more resources being dedicated by courts to overseeing potential and ongoing conservatorship, in order to more accurately assess risks and benefits of the arrangements.¹²

On February 11, 2021, the Los Angeles County Superior Court upheld a lower court ruling that added a financial institution, Bessemer Trust, as co-conservator over Britney’s financial affairs with Jamie, over Jamie’s objections.¹³ While the ruling was not a total win for Spears, her team called the decision evidence that the court is “chipping away at the sole control Jamie has enjoyed over Britney and her affairs.”¹⁴ While it is uncertain how Britney’s conservatorship will unfold, it is likely that it will continue to bring a critical interest is legal conservatorship, from legal professionals and casual music listeners alike.

--*Nicole Johnson*

In February 2021, The New York Times’ “Framing Britney Spears” brought new attention to Britney Spears life and extremely successful career. It also brought new attention, and concern about, the practice of legal conservatorship, under which an adult, determined by a court to be legally incapable, has their personal and/or financial affairs placed under the control of another.

Nicole is a 2L from Raleigh, North Carolina. After graduation, she plans on practicing at a firm in New York. Nicole recommends readers watch “Framing Britney,” available to stream in the U.S. on Hulu, to learn more about this issue.

¹⁰ <https://www.cbsnews.com/news/britney-spears-conservatorship-explained/>

¹¹ <https://www.glamour.com/story/the-britney-spears-conservatorship-situation-fully-explained>

¹² <https://www.cbsnews.com/news/britney-spears-conservatorship-explained/>

¹³ <https://www.nbcnews.com/news/us-news/britney-spears-conservatorship-ruling-was-blow-father-experts-say-n1257737>

¹⁴ *Id.*