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The Blind Side: Unmasking the Real- Life Conservatorship Drama

Michael Oher's conservatorship win questions the Tuohy family's motives. Trust & Will explores his legal battle for movie profits and the dangers of conservatorship.



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Why was Michael Oher placed under conservatorship, rather than adoption, by the Tuohy family?

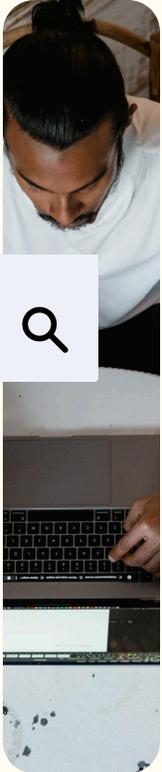
The 2009 movie "The Blind Side" starring Sandra Bullock and Quinton Aaron is based on the life of now-retired NFL player Michael Oher. While the film depicts a rosy story of Oher's adoptive family and his rise to football fame, new allegations are being made and a different truth is surfacing.



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At Trust & Will, we strive to provide you with knowledge and resources for estate planning, including important news that often provide cautionary tales. In this article, we delve into the details of the conservatorship drama surrounding the real-life story behind "The Blind Side."



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"The Blind Side" summary

For those who may not be familiar, "The Blind Side" is a heartwarming and inspiring film based on the true story of Michael Oher, a homeless and traumatized teen who was taken in by the Tuohy family and eventually became an NFL player. The movie stars famous actors such as Sandra Bullock, Quinton Aaron, Tim McGraw, Kathy Bates, and Lily Collins. However, while the movie portrays the Tuohys as good samaritans, there are allegations that suggest otherwise.

The Oher v. Tuohy case: key facts

The Hollywood Reporter recently [released new details](#) of the case. The Tuohys may have exploited Michael's story and

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likeness for personal financial gain, particularly in terms of profits from the movie. This raises questions about their intentions and whether they truly had Michael's best interests at heart.

Here are the key facts of the Oher v. Tuohy Conservatorship Case:

1. Conservatorship Over Adoption:

Shortly after Michael Oher turned 18, the Tuohy family opted for conservatorship instead of adoption, which has raised eyebrows. Unlike adoption, a conservatorship keeps the ward under the control and supervision of the guardian or conservator without transferring parental rights. Under the terms of the conservatorship, Oher was stripped of his capacity to manage his own financial and legal matters—a privilege he would have retained had adoption been the chosen path.

2. Legal Battle: On August 14, 2023, Oher (now 37 years old) filed a 14-



page petition to the Probate Court in Shelby County, Tennessee, seeking justice. He accused the Tuohys of tricking him into signing documents that named them as his

Conservators, as opposed to adoptive parents, thus retaining control over his personal and financial affairs. This maneuver allowed them to profit heavily from 'The Blind Side,' which was based on his life story. Oher alleged that the conservatorship arrangement granted the Tuohys control over his name, likeness, and image rights.

3. **Profits from "The Blind Side":** The film "The Blind Side" is an adaptation of a book of the same title that depicts Michael Oher's life. The film became a box-office hit, grossing over \$300 million worldwide. It is alleged that the Tuohy family received a significant portion of these earnings, leading to questions about exploitation. This includes a deal with 20th Century Studios that



gave the Tuohys and their two children \$225,000 and 2.5 percent of all future net proceeds from the movie while Oher received nothing.

4. **Removal of Conservatorship:**

Following a protracted legal battle, the conservatorship over Michael Oher was eventually removed, giving him complete control over his earnings and life decisions.

These facts shed light on the complexities of the Oher v. Tuohy case and raise serious questions about the nature and purpose of conservatorships.

Conservatorship vs. adoption: what's the difference?



A **conservatorship** is a legal concept in which a guardian or protector is appointed by a judge to manage the financial affairs and/or daily life decisions of another due to physical or mental limitations, or old age. A conservatorship is often established for individuals who are unable to make their own decisions and lack the capacity to manage their own financial affairs. These arrangements have varying degrees of control and oversight, depending on the individual's specific circumstances.

On the other hand, **adoption** is a process whereby a person assumes the parenting for another and, in doing so, permanently transfers all rights and responsibilities from the original parent or parents. In an adoption, the adoptive parents are fully responsible for the adopted child and have the same rights and obligations as if the child were their biological offspring.

Here are some key differences between conservatorship and adoption:



- **Rights and Responsibilities:** In an adoption, the adoptive parents have the same rights and responsibilities as biological parents, while a conservatorship does not confer parental rights and is more focused on managing and protecting the individual's assets and wellbeing.
- **Duration:** Adoption is a permanent arrangement, while a conservatorship can be temporary or permanent, depending on the needs and circumstances of the individual.
- **Purpose:** Adoption is primarily for minors who need a permanent family, while conservatorships are usually for adults who cannot take care of themselves or their finances.
- **Control:** In a conservatorship, the conservator may have control over the individual's assets and finances,

while adoption gives the adoptive parents complete control over the child's upbringing, education, and welfare.



Understanding these differences is crucial when considering the circumstances surrounding the Tuohy family's choice of conservatorship over adoption for Michael Oher.

Conservatorship: doing more harm than good?

The appropriateness of the Tuohys' conservatorship over Michael Oher has been a subject of debate. [Conservatorships](#) typically come into play when a person is incapable of making decisions regarding their personal life or financial matters. In Michael's case, he was a young man with a promising future in



football, and while he did come from a disadvantaged background, it's unclear whether he was truly unable to manage his affairs.

In fact, this situation bears a striking resemblance to another [high-profile conservatorship case](#) of Britney Spears. Conservatorships are legal mechanisms designed to protect someone who doesn't have the capacity to take care of themselves. As adults, both Michael and Britney appear to be able to manage their own affairs. In both cases, the conservatorships appeared to do more harm than good, where their conservators themselves benefited from personal financial gain.

A conservatorship should be a last resort, considering the level of control it gives to the conservator. Moreover, it's not a decision that should be taken lightly, as it can have far-reaching implications for the individual's future. The question is whether the Tuohys



obtained conservatorship for Michael's protection or for their own benefit, as some critics suggest. The Tuohys have been accused of profiting from Michael's story, which raises ethical questions about their motives. If these accusations turn out to be true, then this could potentially turn into a case of [conservatorship abuse](#).

Michael Oher conservatorship terminated

On September 29, 2023, Judge Kathleen Gomes of the Shelby County, Tennessee Probate Court officially terminated the Conservatorship over Michael Oher.

Oher's petition further pleads for an injunction to prevent the Tuohys from exploiting his name and image. The significant demand also includes a



comprehensive audit of the financial gains the Tuohys have accrued through the use of Oher's identity. The request also insists on Oher receiving his rightful portion of the profits, in addition to an unspecified amount for compensatory and punitive damages. We have yet to see the conclusion of this legal battle over the "Blind Side" movie profits.

However, the removal of the Conservatorship is a big win for Michael. The termination suggests that the courts found that the arrangement was no longer necessary nor in Michael's best interest.

All in all, while the Tuohys may have played an instrumental role in Michael's life, the appropriateness of their conservatorship over him is not clearly black or white. It's a complex situation that invites a closer look at the conservatorship laws and how they can be exploited. Like in Britney Spears' case, the Oher conservatorship case calls for

more scrutiny and transparency in such matters.



A shadow is now cast over the critically-acclaimed novel and film, "The Blind Side." What was once received as a heartwarming and inspiring film, we are now faced with a serious question of exploitation. The Tuohys were painted as a wonderful family that took in a once-homeless and at-risk youth, but based on the facts of the case, one might wonder if they were actually opportunists who saw a young man with promise and potential, and opted to implement a long con.

**Protect yourself
against predatory
behavior through
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Estate planning can act as a powerful safeguard against predatory practices. What Michael and Britney's cases demonstrate to us is that predators may try to leverage legal tools such as Conservatorship to gain control or take advantage over you. When they aren't applied appropriately, they can do more harm than good.

Through a detailed and comprehensive estate plan, you can decide in advance who will manage your affairs if you ever become unable to do so yourself, bypassing the need for a court-appointed Conservator. This key figure, selected by the individual, is typically a trusted family member or friend who has your best interests at heart. Here are some options:

- Designate a [Power of Attorney \(POA\)](#), which allows you to appoint someone you trust to manage your financial affairs should anything happen.



- Establishing a **Living Trust** with an appointed Trustee. In this scenario, you (the Trustor) transfers your assets into a Trust, which is managed by a designated Trustee. On becoming incapacitated, the Successor Trustee—chosen by you—steps in to manage the Trust's assets.
- An **Advance Healthcare Directive**, also referred to as a Living Will, allows you to lay out your end-of-life care wishes and appoint an agent to make healthcare decisions on your behalf if you are unable to do so.

By proactively arranging these legal safeguards, you can ensure your well-being and financial security, helping to reduce the risk of falling into a conservatorship that could potentially be exploited.



Protect yourself with a Trust & Will estate plan today

The legal battle over profits from "The Blind Side" has shed light on the complexities of conservatorships and how they can be manipulated for personal gain. The removal of the conservatorship in Michael Oher's case raises even more questions about the true nature of the Tuohys' involvement. It is critical to question the complexities of these legal arrangements and their impact on those they are meant to protect. They should only be used to ensure they are used in the best interest of those who need them most. Only then can we truly learn from and prevent the (alleged) exploitation seen in real-life cases like Michael's.



By creating a comprehensive estate plan that includes a Living Trust and Advance Healthcare Directive, you can protect yourself and your loved ones from potential abuse or manipulation within a conservatorship. At Trust & Will, we are committed to helping individuals take control of their futures and safeguard their assets with our easy-to-use platform and expert guidance. Don't wait until it's too late – start planning for the future with Trust & Will today. Find out more about how to create your estate plan [here](#).

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