



HARRY E. HULL, JR.  
ASSOCIATE JUSTICE

STATE OF CALIFORNIA

## Court of Appeal

THIRD APPELLATE DISTRICT  
STATE LIBRARY AND COURTS BUILDING  
914 CAPITOL MALL  
SACRAMENTO, CALIFORNIA 95814

PHONE: (916) 654-0228  
E-MAIL: [harry.hull@jud.ca.gov](mailto:harry.hull@jud.ca.gov)

6 January 2015

Thomas F. Coleman  
Legal Director  
Disability and Abuse Project  
2100 Sawtelle, Suite 204  
Los Angeles, CA 90025

Re: *Disability and Abuse Project*

Dear Mr. Coleman;

I chair the Judicial Council Rules and Projects Committee, which committee oversees the work of the Judicial Council Probate and Mental Health Committee. I am responding to your further letter to the Chief Justice dated 29 December 2014 regarding reforms to the Adult Guardianship System in the state of Indiana after a task force convened in Indiana reported its findings to the Indiana Supreme Court.

When your concerns over California's handling of limited conservatorships were first brought to our attention last year, those concerns were forwarded to the Probate and Mental Health Committee for its consideration.

I am advised by that committee that, at its November 2014 public meeting, the Probate and Mental Health Advisory Committee heard you and your supporters state your concerns to the committee directly. You asked the committee to recommend to the Judicial Council that the council convene a task force on limited conservatorships similar to the one convened in 2006 that reviewed and made recommendations on the subject of probate conservatorships in general. I am told that, at the November meeting, there was considerable discussion of the issues you raised, including a discussion of the cost of convening your requested task force.

I am further advised that, following your presentation, the Probate and Mental Health Advisory Committee decided that it, along with the California Center for Judicial Education and Research and the Probate and Mental Health Education Committee, would

undertake a review of some of your most prominent concerns.

The committee will go forward with its consideration of the issues you raise. I note the Rules and Project Committee, in its review of the 2015 annual agenda proposed by the Probate and Mental Health Advisory Committee, approved continued work on the issues you raise, specifically, the committee was authorized to “review and consider recommendations for changes in law, practice, and procedures for the developmentally disabled.”

As perhaps you know, the Legislature and the Governor have reduced judicial branch funding by an amount in excess of \$1 billion over the last four years. We have had to close courtrooms and, indeed, courthouses, all over the state and we continue to struggle with the resources that we have to insure as best we can access to justice for people throughout the state. That profound underfunding of the courts is far from being resolved. Simply put, the branch does not presently have the funds to commit to a task force such as the one that you have requested.

It would appear that your sincere concerns relating to California’s handling of limited conservatorship proceedings are being heard and considered by the Probate and Mental Health Advisory Committee and will be heard in the future by the Rules and Projects Committee and the Judicial Council itself, chaired by the Chief Justice. I have every confidence in a full and fair examination into the issues you raise.

If you have further questions, please let me know directly since matters such as these eventually come to me in any event.

Thank you.

Very truly yours,

  
Harry E. Hull, Jr.

cc: Chief Justice Tani Cantil-Sakauye  
Honorable John H. Sugiyama  
Douglas C. Miller, Esq.



2100 Sawtelle, Suite 204, Los Angeles, CA 90025 • (818) 230-5156  
www.disabilityandabuse.org • tomcoleman@disabilityandabuse.org

Justice Harry Hull  
Chair, Rules Committee  
Judicial Council  
914 Capitol Mall  
Sacramento, CA 95814

Dear Justice Hull:

I have received your letter dated January 6, 2015 and have given it careful review. I have also discussed its contents with my colleagues at the Disability and Abuse Project.

It is clear that the Judicial Council, due to lack of funding and staffing, is not prepared to move forward with the creation of a Task Force on Limited Conservatorships. Instead, the Council has decided to delegate to the Probate and Mental Health Advisory Committee a review of the myriad issues we have raised. That Committee has decided to conduct its review in consultation with the California Center for Judicial Education and the Probate and Mental Health Education Committee.

It is also clear that the Judicial Council itself has approved a formal, and funded, process for the Probate and Mental Health Advisory Committee to "review and consider recommendations for changes in law, practice, and procedures for the developmentally disabled."

In a letter to the Chief Justice, I suggested that the Judicial Council establish a small workgroup to begin gathering information from the Probate Court in each county in the state about the policies and practices involved in processing limited conservatorship cases. Perhaps a Workgroup on Limited Conservatorships would consist of a member of the Mental Health Education Committee, the Center for Judicial Education, and be chaired by a member of the Probate and Mental Health Advisory Committee. I would like to have a role in helping the workgroup survey the county courts and gather the information and documents needed for a proper review of each local system and of the statewide system. Conducting such a survey and gathering these documents does not have to be burdensome or costly.

Whether a formal workgroup is convened or not, the activities of the Judicial Council and its various advisory bodies should be open and transparent. There are more than 40,000 limited conservatees currently under court supervision and 5,000 new conservatees are being added each year. Their lives and the protection of their rights require such transparency.

I would like very much to meet in person with you and with members of the three agencies involved in this review to discuss future activities. I look forward to having such a meeting soon.

cc: Hon. John Sugiyama

Very truly yours,

A handwritten signature in blue ink that reads "Thomas F. Coleman".

THOMAS F. COLEMAN  
Legal Director

## Thomas F. Coleman

---

**From:** Thomas F. Coleman

**Sent:** Friday, January 16, 2015 11:45 AM

**Subject:** Response to Justice Hull

Dear Judge Sugiyama,

Today I put in the postal mail a letter to Justice Hull responding to his letter to me dated January 6, 2015.

I am pleased to see that a way has been found, within existing structures, to address the concerns that our Project has been raising about various aspects of the Limited Conservatorship System.

I also am pleased to see that you and Justice Hull have included other agencies within the judicial branch to work with you to address these concerns in a collaborative manner.

My letter to Justice Hull suggests that a formal structure for that collaborative effort should be created and that it should be called a "Workgroup on Limited Conservatorships." Without making it too cumbersome or adding any costs to the judicial budget, I believe that two or three people who are outside of the existing judicial branch agencies should be added to that workgroup. I would be pleased to be one of them.

Advocates for people with developmental disabilities, especially those with experience with, or who have analyzed, the limited conservatorship process should be a part of the collaborative effort.

I have asked Justice Hull to convene a meeting of people from the three entities he mentioned to discuss the next steps. I would like to participate in such a meeting.

I have no doubt that you have played an instrumental role in moving this effort forward and in obtaining approval to "review and consider recommendations for changes in law, practice, and procedures for the developmentally disabled." Thank you for whatever you have done in this regard.

I look forward to hearing from you and/or Justice Hull about future activities on these issues.

Yours truly,

Tom Coleman