



Disability and Guardianship Project

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Probate and Mental Health Advisory Committee
Judicial Council of California

Dear Committee Members:

We were pleased to learn that the 2016 Annual Agenda of the Advisory Committee includes two items that stem from proposals made by Spectrum Institute and its projects.

Item #5 involves an ongoing assessment of ways to improve access to justice for people with intellectual and developmental disabilities in limited conservatorship proceedings. Pursuant to this item, the committee reviewed legislation pertaining to the voting rights of conservatees (AB 1311 and SB 589). Hopefully, the committee will consider the special needs of limited conservatees as it completes the revised Conservatorship Handbook this year. We would like to see a draft of this publication before it is finalized and published. Please add us to your list of organizations to whom you will send it for review and comment.

Item #6 is a two-year project that would produce proposed new rules for training and performance standards for court-appointed attorneys in limited conservatorship proceedings. We provided the committee two documents for its consideration in developing such rules. (Proposals to Modify the California Rules of Court, May 1, 2015; Due Process Plus, October 1, 2015)

With this letter we are sending you one more document to review. (Efficiency vs. Justice, August 17, 2015) This report summarizes an audit of limited conservatorship cases handled by court-appointed attorneys in Los Angeles County. It shows, in practical terms, what a sample of attorneys are doing – and not doing – as they represent clients with developmental disabilities. The report was submitted to the United States Department of Justice, in connection with a complaint filed under the ADA in June 2015, to demonstrate a pattern and practice of ineffective assistance of counsel in these proceedings. We believe that members of this committee will have a better understanding of the need for training and performance standards by reviewing the results of this audit.

Although we understand that the committee's work is done in private, we encourage it to reach out to organizations that provide services to and advocacy for people with developmental disabilities. Collaboration with such organizations would help to improve the ultimate work product.

Very truly yours,

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