



Disability and Guardianship Project

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September 21, 2018

California Judicial Council
Rules and Projects Committee
Justice Harry Hull (Chair)
455 Golden Gate Avenue
San Francisco, CA 94102

Re: Request to Modify the California Code of Judicial Ethics;
Support from the California Judicial Council

Dear Justice Hull:

Spectrum Institute has just written to the Supreme Court pursuant to the court's jurisdiction under Article VI, Section 18(m) of the Constitution. That provision gives the court authority to establish a Code of Judicial Ethics to regulate the conduct of judges – both on and off the bench.

Based on research we have been conducting over the past six years, we are requesting the Court to modify the Code to clarify that judges may not operate or direct a legal services program involving attorneys who appear before the judges or their courts in individual cases.

The report we have submitted to the Supreme Court is enclosed. The report contains some information that should be familiar to you – information that was brought to the attention of RUPRO through my presentation at the meeting of the Probate and Mental Health Advisory Committee in November 2014. Then by the written report in May 2015. The problem is the failure of court-appointed attorneys to provide effective legal representation to clients in probate conservatorship proceedings. The Judicial Council is currently attempting to address part of the underlying problem that causes such deficient legal services – inadequate education and training.

However, even with improvements in education, the problem is likely to persist so long as legal services programs, such as the PVP program in Los Angeles, remain under the control of the judges who decide the cases. Our report to the Supreme Court shows a connection between judicial control of such legal services programs and ethical violations and deficient performance by court-appointed attorneys – resulting in adverse effects to clients with cognitive and communication disabilities.

We request the Judicial Council to support our proposal to the Supreme Court to amend the Code of Judicial Ethics to clarify that judges may not control or direct legal services programs involving attorneys who appear before the judges or their courts in individual cases.

Respectfully,

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