ACCOUNTABILITY

The Key to Real Guardianship Reform

A Presentation to Guardianship Reform Advocates

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Respondents Need Zealous Attorneys To Make the System ACCOUNTABLE
Methods to Achieve Accountability
Through Effective Legal Advocacy

We Need an Army of Dedicated Attorneys
Forcing Compliance with the Law
From Coast to Coast
The Challenge

Transforming Attorneys

From Law Violators
to
Law Enforcers
A Multi-Faceted Approach

- Challenge the Failure to Appoint Attorneys
- Eliminate Judicial Control of Legal Services
- Clarify the Role of Attorneys as Zealous Advocates
- Remove the Profit Motive for Attorneys
- Impose Performance Standards on Attorneys
- Develop Mechanisms to Monitor “The System”
- Provide Funding for Federal Oversight
- Look to What Other Nations Are Doing
A Multi-Faceted Approach

Challenge the Failure to Appoint Attorneys

Courts in 30 States Are Sitting Ducks for ADA Complaints

Examples:

Sacramento -- Washington -- Federal DOJ
A Multi-Faceted Approach

Eliminate Judicial Control of Legal Services

Clarify the Code of Judicial Ethics:
Judges Should Decide Cases, Not Coach Attorneys

Example:
California Supreme Court
A Multi-Faceted Approach

★ Clarify the Role of Attorneys as Zealous Advocates

Example:

Legislative Proposal in California

Current Law in Massachusetts & Maryland
A Multi-Faceted Approach

★ Remove the Profit Motive for Attorneys

Reasonable Salaries for Non-Profit Attorneys

Reasonable Salaries for Public Defenders

“Medicare” Type Fees for Private Attorneys

Example:

Legal Aid Center of Southern Nevada
A Multi-Faceted Approach

★ Impose Performance Standards on Attorneys

Examples:

Self Imposed: Legal Aid Center of Southern Nevada
State Mandated: Massachusetts and Maryland
Legislative Proposal: California
A Multi-Faceted Approach

⭐ Develop Mechanisms to Monitor “The System”

Example:
Alameda County District Attorney:
Proposal for Conservatorship Justice Project
A Multi-Faceted Approach

★ Provide Funding for Federal Oversight

Create New Positions at DOJ to Investigate and Prosecute Violations of the ADA by State Courts and Federal Criminal Laws by Participants in State Guardianship Proceedings
A Multi-Faceted Approach

Look to What Other Nations Are Doing

Shift Paradigm from Substituted Decision-Making
To Supported Decision-Making As Required by
CRPD Treaty Signed by 166 Nations
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For more information:
www.spectruminstitute.org/accountability

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