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In Memoriam:
Camilla Roberson
2010-2017

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To Whom It May Concern:

On behalf of The National Coalition for a Civil Right to Counsel (NCCRC), I write to express our support for the Spectrum Institute's proposed bill to provide effective assistance of counsel in probate conservatorship proceedings.

The NCCRC, organized and funded in part by the Public Justice Center, is an association of individuals and organizations committed to ensuring meaningful access to the courts for all. Founded in 2003, our mission is to encourage, support, and coordinate advocacy to expand recognition and implementation of a right to counsel for low-income people in civil cases that involve basic human needs such as shelter, safety, sustenance, health, and child custody. At present, the NCCRC has over 300 participants in 39 states, all of whom are committed to exploring how the right to counsel in civil cases can best be advanced in their particular jurisdiction.

At present, Cal. Health & Safety Code § 416.95 guarantees the automatic appointment of counsel for an adult developmentally disabled person for whom guardianship or conservatorship is sought. However, for guardianship and conservatorship proceedings for people other than developmentally disabled adults, appointment of counsel requires either a request for appointed counsel or a discretionary decision by the judge that "appointment would be helpful to the resolution of the matter or is necessary to protect the [person's] interests." Cal. Prob. Code §§ 1471(a), 1470(b). It is our position that with respect to the right to appointed counsel, California law should not treat these two types of guardianships differently: the proposed wards in both scenarios are equally vulnerable and often incapable of understanding the need for appointed counsel. Moreover, more than half the states currently require the automatic appointment of counsel for all wards for all types of guardianship proceedings without requiring a request, demonstrating that this is the accepted best practice. The proposed bill would implement this best practice in California, and we urge you to support it.

Thank you for your consideration in this matter.

Sincerely,

John Pollock