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April 22, 2020

Administrative Records Request  
c/o Central Civil Operations Administration  
Room 109, Stanley Mosk Courthouse  
111 N. Hill Street  
Los Angeles, CA 90012

Re: Administrative Records Request under Rule 10.500  
2016-2019 Records on GAL appointments: Policies and Practices

Dear Court Clerk:

This request for administrative records is submitted by Bettys' Hope, a nonprofit organization whose mission is to promote reforms in California's probate courts.

The purpose of this request is to obtain records of budget and management information pertaining to the recruitment, appointment, training, payment, monitoring, discipline, and removal of attorneys or others who are authorized by the superior court to serve as guardians ad litem in proceedings conducted in the probate division of the superior court, hereinafter referred to as the GAL program.

The information obtained from these records will be used in a report to be submitted later this year to the California Supreme Court regarding possible clarifications to the Code of Judicial Conduct to ensure that appointments of guardians ad litem are done in a manner consistent with judicial ethics.

A similar report on appointment of counsel in probate conservatorships was submitted to the Supreme Court in 2018 by Spectrum Institute.

<https://spectruminstitute.org/ethics/>

According to the Los Angeles County Bar Association, "Guardians ad litem ("GALs") are playing an increasingly frequent role in probate matters." ("Guardian ad Litem Mandatory Training," Website Announcement, Los Angeles County Bar Association, Feb. 6, 2018.) (<https://spectruminstitute.org/lacba-program.pdf>)

It is therefore important that the process used by the court in connection with its GAL program be transparent as well as fair in both practice and appearance. It is also important that all aspects of the program conform to judicial and legal ethics.

The request is made pursuant to Rule 10.500 of the California Rules of Court. This rule is intended to provide public access to judicial administrative records, including records of budget and management information relating to the administration of the courts. A judicial branch entity must allow inspection and copying of judicial administrative records unless the records are exempt from disclosure under this rule or by law.

If a judicial branch entity determines that a request seeks disclosable judicial administrative records, the judicial branch entity must make the disclosable judicial administrative records available promptly.

Judicial administrative records subject to inspection include, but are *not limited to*: budget information submitted to the Judicial Council; and other budget and expenditure document pertaining to the administrative operation of the court; payment information and policies concerning services provided by outside vendors; and final audit reports.

"Judicial administrative record" means any writing containing information relating to the conduct of the people's business that is prepared, owned, used, or retained by a judicial branch entity regardless of the writing's physical form or characteristics. "Writing" means any handwriting, typewriting, printing, photographing, photocopying, electronic mail, fax, and every other means of recording on any tangible thing any form of communication or representation, including letters, words, pictures, sounds, symbols, or combinations, regardless of the manner in which the record has been stored.

Upon receipt of an administrative records request, the court should *assist* the requestor in identifying records *and information* responsive to the request or purpose of the request and by *providing suggestions* for overcoming any practical basis for denying inspection or copying of the records or information sought. In other words, Rule 10.500 contemplates cooperation with the request, not avoidance, obstruction, or delay.

As the GAL program has been defined above, Bettys' Hope hereby requests access to or copies of judicial administrative records, as defined above, in possession of or under the control of the superior court, its judicial officers, or its employees regarding that program for the years 2016-2019, to wit:

1. Court policies regarding recruitment, qualifications, training, appointment, fees, payment, complaint procedures, discipline, and/or removal of attorneys and others to serve as a guardian ad litem in probate proceedings.
2. Instructions, directives, or guidelines to court personnel regarding the selection of attorneys to be appointed in specific cases in probate proceedings.
3. List of the names of attorneys and others who have been approved by the court for appointment as a guardian ad litem in probate proceedings or who are on a current GAL appointment list maintained for GAL appointments in the probate division.
4. The number of GAL appointments for each attorney on the approved list, including case numbers for these appointments.
5. A list of all payments of fees or orders made for payments of fees to attorneys and others for GAL services in probate proceedings, including case numbers for each appointment.
6. Communications between judicial officers or court staff and staff or members of the Los Angeles County Bar Association regarding GAL recruitment and training programs.
7. Communications, instructions, or directives between judicial officers and court staff regarding GAL appointments, including on procedures for appointment to cases and reasons for deviating from standard procedures for such appointments.
8. The number of times that attorneys were appointed as a GAL in probate proceedings without using a rotation process for such appointments, including case numbers where this occurred.
9. The number of attorneys who were disciplined by the court in connection with their role as a GAL.
10. The procedure for the court receiving and processing complaints against a GAL.

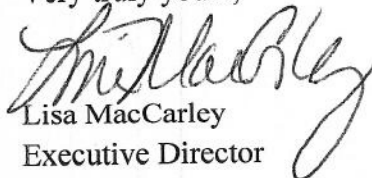
11. Materials used for GAL recruitment or training programs.
12. The procedure used by the court to remove an individual from the approved GAL appointment list.
13. The number of times a judge in the probate division appointed an attorney or other person as a GAL outside of the normal appointment process.
14. Qualifications a person must have to be included on the approved GAL appointment list.
15. List of court orders to Los Angeles county for payment through PACE for GAL services, including case numbers.

Please advise me regarding which records are available for inspection and which records are available for copying. If any of these requests is worded slightly incorrectly, but you understand what the intent of the request is, please advise how the request should be reworded so as to qualify for access to the records.

I have attached materials from the website of the Los Angeles County Bar Association indicating that the court does have policies and procedures related to the items listed in this request.

I look forward to your response within 10 calendar days as provided in Rule 10.500(e)(6) starting when the Los Angeles Superior Court has resumed normal business operations.

Very truly yours,

  
Lisa MacCarley  
Executive Director

- c: Tom Coleman, Spectrum Institute  
Elisa Arcidiacono, Justice Deputy, Los Angeles County Supervisor's office  
Anthony Portantino, California State Senator  
Josh Tosney, Counsel, Senate Judiciary Committee