



Mental Health Project
Disability and Guardianship Project

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September 7, 2021

Carmel Angelo
Chief Executive Officer
California Association of County Executives

Re: Publicly Funded Conservatorship Indigent Legal Defense Services

Dear Ms. Angelo:

Spectrum Institute has just released a report that documents ongoing and longstanding problems with indigent legal defense services in probate conservatorship proceedings. “Public Funding of Legal Services in Conservatorship Proceedings” – is available online at: <https://spectruminstitute.org/public-funding-report.pdf> The executive summary of the report can be found at: <https://spectruminstitute.org/public-funding-summary.pdf>

The report raises serious concerns about disparities in the way indigent legal defense services are delivered in California’s 58 counties. These services are funded by counties and provided either by public defender county departments, private law firms acting as contract public defenders, or attorneys on panels managed by superior courts.

Our study indicates there are excessive caseloads in some offices, caused by under funding and under staffing. In addition, we have found a lack of performance standards in many counties to guide attorneys as they provide legal defense services to clients in these proceedings. A lack of accountability and quality assurance monitoring is another issue.

We are urging executives in each county government to convene a team consisting of the public defender, county counsel, human resources and risk management to develop performance standards, caseload limits, and monitoring mechanisms to ensure that county-funded indigent legal services in probate conservatorship proceedings meet constitutional standards and disability nondiscrimination mandates under federal and state laws. Doing this will serve the dual purpose of improving the quality of legal services while at the same time reducing legal risks to counties for funding or operating deficient legal service programs.

We urge the association to forward this request to county executives.

Respectfully submitted:

Thomas F. Coleman
Legal Director