



**Mental Health Project
Disability and Guardianship Project**

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September 7, 2021

Civil Grand Jury
Fresno County
jmbello@fresno.courts.ca.gov

Re: A Request to Investigate Conservatorship Indigent Legal Defense Services

To the Grand Jury:

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 asking the civil grand jury in each county to look into the manner in which county funds are being used to provide conservatorship legal defense services. To our knowledge, no grand jury has ever looked into the way in which indigent defense services are being delivered to seniors and people with disabilities in these cases. Such a study is long over due. Our report could provide a roadmap to guide such a grand jury inquiry in your county.

Respectfully submitted:

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p.s. A similar request is being made of civil grand juries in all 58 counties.