

Judge James P. Gray (Ret.)
c/o Sam J. Sugar MD FACP
5630 Oaktree Avenue
Ft. Lauderdale FL 33312
August 4, 2020

The Honorable Steven R. Sanders
San Benito County Superior Court
450 Fourth Street
Hollister, California 995023

Re: Concerns about Guardianship Supervision

Dear Presiding Judge Sanders:

Based upon my experience presiding over the Probate Court in Orange County for several years, it was clear to me that, although I didn't personally see anything in my court to cause a particular alarm, this calendar had a great deal of potential for abuse by appointed guardians and their counsel. But this threshold concern was strongly increased when I first heard about Dr. Sam Sugar from Florida, interviewed him about this subject on a radio podcast and looked over his book. As such, Dr. Sugar has convinced me that there really are situations in some courts around the country, including California, that raise truly troubling allegations of deep and fundamental mismanagement of guardianships and conservatorships, if not actual fraud. Dr. Sugar's book is entitled *Guardianships and the Elderly: The Perfect Crime* (Square One Publishers, 2018).

Dr. Sugar argues that, in the absence of strict real-time supervision of guardians and conservators, as well as adequate monitoring of judicial actions, some judges around the country have used their positions in a way that greatly and inappropriately profits some court insiders. He goes on to say that, while it may be human nature to do favors for one's friends or simply people whom they are comfortable with, by judges repeatedly appointing the same people to lucrative guardianships and as counsel, those profits all too often have been wildly excessive.

As a result, the lifetime savings of a senior can vanish in a matter of months if the judge allows predatory and unmonitored guardians and their lawyers to engage in staged litigation. And, even worse than the money being taken, Dr. Sugar has tabulated large numbers of cases where, in addition to being impoverished, the wards and their families have been dragged through years of abuse, isolation, and routine overmedication, which can and has resulted in the death of the wards and the destruction of their families.

Obviously we judges are the ones who are tasked to supervise this probate process. But, we must all concede, some judges are stronger in their oversight desires and abilities than others. So, since the allegations are so serious and the opportunities for overcharging and mismanagement are so large, I request that you reinforce our obligations of supervision and the requiring of timely and proper accounting and, furthermore, that if you hear any allegations that any officers appointed by the court have abused their positions, you cause an independent investigation promptly to be conducted into each of those allegations. I believe this issue is that important.

Finally, I want to make it clear that I am sending this letter to all of the Presiding Judges in California, and I do not have any particular instance in your court's jurisdiction in mind. But I know you join me in holding our probate system in high regard due to the truly important role it plays in the protections we must take of those who are vulnerable and are trusted to our care. So, even though I agree that this is an unusual letter, and I know that presiding judges have many responsibilities, I wanted to reaffirm the importance to us all that the elderly and infirmed among us not be harmed and their assets inappropriately dissipated by those officers we have appointed to safeguard them.

Very truly yours,

Judge James P. Gray (Ret.)
Orange County Superior Court

P.S. If you have any questions or feel that I can assist you in any way, you can contact me either through Dr. Sugar at the above address, or through my email, which is JimPGray@sbcglobal.net.

Copy to: Dr. Sam Sugar