



Mental Health Project
Disability and Guardianship Project

1717 E. Vista Chino A7-384 • Palm Springs, CA 92262
(818) 230-5156 • <https://spectruminstitute.org/>

September 7, 2021

Civil Grand Jury
Santa Clara County
cgj@scscourt.org

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:

Thomas F. Coleman
Legal Director
tomcoleman@spectruminstitute.org

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



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September 7, 2021

Santa Clara County Public Defender
Molly O’Neal
120 West Mission Street
San Jose 95110
molly.oneal@pdo.sccgov.org

Re: Improving Indigent Legal Services in Probate Conservatorship Proceedings

Dear Molly:

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>

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We have made requests of various federal and state officials to investigate indigent legal defense delivery systems for clients in probate conservatorship systems. We are also asking public defender county departments, such as yours, to review your own policies and practices and to voluntarily take steps to improve the quality of services you provide these vulnerable clients. The first step would be to review this report in which your office is mentioned.

Respectfully submitted:

Thomas F. Coleman
Legal Director
tomcoleman@spectruminstitute.org



September 8, 2021

Thomas F. Coleman
Legal Director, Mental Health Project Disability and Guardianship Project
1717 E. Vista Chino A7-384
Palm Springs, CA 92262

Sent via email: tomcoleman@spectruminstitute.org

Dear Mr. Coleman,

The 2021 Santa Clara County Civil Grand Jury has received your complaint dated September 7, 2021.

Thank you for bringing this matter to our attention.

Sincerely,

A handwritten signature in cursive script that reads "Karen F. Delaney". The signature is written in black ink and is positioned to the right of the typed name.

Karen Delaney
Foreperson
2021 Civil Grand Jury

KD:bjh