



Disability and Guardianship Project

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January 24, 2020

California State Bar
Board of Trustees
Los Angeles Meeting

Re: Public Comment on Item 701 (Strategic Plan) and Item 113 (Legislative Priorities)

Spectrum Institute requests that the Board of Trustees take two actions in 2020:

- (1) Support a bill to protect the right to counsel for conservatorship respondents; and
- (2) Make the complaint system more accessible to people with cognitive disabilities.

Right to Counsel Bill. A bill we have developed and which is supported by several organizations would direct the State Bar to develop performance standards for attorneys who are appointed to represent seniors and other people with disabilities in probate conservatorships proceedings. Such standards are sorely needed. This is consistent with Goal 4(b) of the Strategic Plan to improve programmatic approaches to increasing access to justice. I refer you to a report on this bill published on the Spectrum Institute website. (<https://spectruminstitute.org/counsel.pdf>)

Complaint System Accessibility. The public should be informed that anyone who is aware of violations of the rules of professional conduct by an attorney may file a complaint with the State Bar against the alleged offender. Some people have been told that third party complaints are not allowed. This misinformation is inconsistent with Goal 5(b) which calls for effective communication about public protection to external audiences. I refer you to a commentary on this subject published in the Daily Journal legal newspaper on November 29, 2019. (<https://disabilityandabuse.org/complaint-system-accessibility.pdf>)

Seniors and other people with disabilities involved in conservatorship proceedings will not have access to justice unless they receive representation by competent counsel and unless the State Bar takes pro-active measures to make the complaint system accessible to them.

Respectfully,

Thomas F. Coleman
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