

# Disability complaint targets Superior Court

Class action says appointed attorneys routinely violate ADA in conservator cases.

BY STEPHEN CEASAR

A disability-rights group on Friday filed a federal complaint alleging that the Los Angeles County Superior Court has systemically violated the civil rights of intellectually disabled residents who are under limited conservatorships by failing to provide effective legal assistance through its court-appointed attorneys.

The class-action complaint, filed with the U.S. Department of Justice in Los Angeles, alleges that court-appointed attorneys routinely violate the Americans with Disabilities Act during limited-conservatorship proceedings.

Parents and other guardians can seek the power to make decisions related to their disabled child's resi-

dence, education, contracts, medical and other legal matters after they turn 18. The court-appointed attorneys represent the conservatees during the process.

The court determines who controls certain legal affairs of adults if they are deemed in court to be at least partially incapable of looking after themselves.

About 12,000 people have open limited-conservatorship cases in L.A. county, according to the complaint.

The complaint alleges that the court system has failed to provide adequate training to attorneys in how to comply with the Americans with Disabilities Act, has failed to train the attorneys on how to effectively work with a client who has developmental disabilities, and lacks qualification and performance standards.

The court also places a conflict of interests on these attorneys, the complaint alleges.

The court requires attorneys to advocate for the client while also assisting the



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**THE COURT** hasn't adequately trained lawyers for the intellectually disabled, the complaint says.

court in resolving the matter, violating the client's right to due process, the complaint alleges.

In a statement, the court said that it had not been served with the complaint and that it has not been notified by the Department of Justice that it will be investigating the matter.

"In litigation, potential conservatees are repre-

sented by counsel chosen from a panel selected and trained by a Bar Association. The determination of appropriate restrictions on conservatees is made in individual proceedings before a bench officer applying the applicable law," the statement said.

Thomas F. Coleman, an attorney and executive director of the Disability and

Guardianship Project who filed the complaint, called on federal authorities to investigate and force court officials to "clean up their act." The lack of effective representation leads to people with disabilities inappropriately losing their rights, Coleman said at a news conference.

"We're not interested in making people look bad — we're interested in solutions," he said. "But to get solutions, we need to tell the truth." The Disability and Guardianship Project filed a complaint last year with the U.S. Department of Justice contending that the court has wrongly stripped people under limited conservatorships of the right to vote if they couldn't fill out a voter registration affidavit. Last month, federal authorities announced they were investigating the allegations.

Nora J. Baladerian, director of the Disability and Abuse Project, said the court system for decades has mistreated and failed

some of society's most vulnerable citizens.

"The court routinely treats individuals with disabilities who come before them as 'less than.' Less than human, I'm sorry to say," she said.

Yolande Pam Erickson, conservatorship attorney at Bet Tzedek Legal Services, defended the court and its attorneys, saying they take on a difficult job with care and compassion for the families they serve.

"The court almost bends over backward to do the right thing," she said. "Are there some problems? Sure. But the attorneys, I believe, are advocating for the best interests of their clients."

Thom Mrozek, a spokesman for the U.S. Attorney's Office in Los Angeles, said officials will look into the allegations.

"The complaints will be reviewed to determine what, if any, action should follow," he said.

stephen.ceasar@latimes.com