



Disability and Guardianship Project

Disability and Abuse Project

9420 Reseda Blvd. #240, Northridge, CA 91324

(818) 230-5156 • www.spectruminstitute.org

To: Attorneys on the PVP Panel of the Los Angeles County Superior Court

From: Thomas F. Coleman (tomcoleman@spectruminstitute.org)

Re: Mandatory PVP Training Seminars of the Los Angeles County Bar Association

Date: October 19, 2015

On June 26, 2015, Spectrum Institute filed a complaint with the United States Department of Justice (DOJ) regarding noncompliance with the Americans with Disabilities Act (ADA) by the Los Angeles County Superior Court in a legal services program it operates (in which “PVP attorneys” represent clients with developmental disabilities in limited conservatorship cases). Information about the complaint is on our website. (<http://spectruminstitute.org/doj/>) The complaint was the focus of an op-ed article in the Los Angeles Daily Journal (<http://spectruminstitute.org/doj/deja-vu.pdf>) and a news story in the Los Angeles Times. (<http://spectruminstitute.org/los-angeles-times-article.pdf>)

We later audited the performance of PVP attorneys in a sample of cases and submitted our disturbing findings to the DOJ in a 90-page exhibit. (<http://spectruminstitute.org/efficiency-vs-justice.pdf>) The audit was summarized in the Daily Journal. (<http://disabilityandabuse.org/daily-journal.pdf>)

Earlier in the year, we submitted proposals to the Probate and Mental Health Advisory Committee of the Judicial Council of California, asking that court rules be adopted for the qualifications, training, and performance of attorneys appointed to represent limited conservatees. The proposals and exhibits that support them are available online. (<http://spectruminstitute.org/attorney-proposals/>)

Our most recent contribution to legal literature about the role of court-appointed attorneys who represent adult guardianship or conservatorship respondents is a White Paper we submitted this month to the DOJ. Using the training and advocacy standards contained in that report as a guide, the Los Angeles Superior Court is clearly violating Title II of the ADA by failing to properly train PVP attorneys and by failing to require them to adhere to ADA-compliant performance standards. You may find various liability issues addressed in the White Paper – especially those affecting court-appointed attorneys – to be of particular interest. (<http://spectruminstitute.org/white-paper/>)

This week we will be filing complaints with the State Bar of California regarding deficiencies in the mandatory PVP training program operated by the Los Angeles County Bar Association. These trainings, as documented by audits of seminars and materials over the past few years, do not comply with MCLE provider rules. Evidence obtained through the audits also reveals that the trainings are allowing – indeed they are actually encouraging – violations of the ADA by court-appointed attorneys in limited conservatorship cases. Since the trainings are mandated by the Superior Court, this constitutes a violation by the court of Title II of the ADA and Section 504 of the Rehabilitation Act of 1973. Information about the complaints to the State Bar will be available in the coming days on the “what’s new” page of our website. (<http://disabilityandabuse.org/whats-new.htm>)

cc: Hon. Tani Cantil-Sakauye, Chief Justice of California

Elizabeth Rindskopf Parker, Executive Director of the State Bar of California

(This letter is available online at: <http://spectruminstitute.org/pvp-letter.pdf>)