



Disability and Guardianship Project
Disability and Abuse Project

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October 20, 2015

Ms. Elizabeth Rindskopf Parker
Executive Director
State Bar of California
180 Howard Street
San Francisco, CA 94105

Re: Complaint Regarding PVP Training Programs
of the Los Angeles County Bar Association

Dear Ms. Parker:

I am writing on behalf of Spectrum Institute to file a formal complaint against the Los Angeles County Bar Association for deficiencies in its MCLE-approved training programs for court-appointed attorneys who represent clients in limited conservatorship proceedings. As explained below, there are three separate areas of complaint.

In order to be appointed to represent conservatorship respondents, attorneys must be placed on the Probate Volunteer Panel operated by the Los Angeles Superior Court. To be placed on the list and remain on the list, attorneys must attend mandatory training programs conducted by the Los Angeles County Bar Association. Although the training programs are operated by the bar association, attendance is mandated by the court. Attorneys who attend the seminars receive MCLE credits approved by the State Bar of California.

The County Bar Association is a “multiple activity provider” approved by the State Bar to give credits to attorneys who attend seminars it conducts. The rules of the State Bar authorize it to receive and investigate complaints against MCLE service providers. The rules also authorize it to conduct audits of the educational programs of service providers.

Based on our three complaints, we are asking the State Bar to conduct an audit of the PVP training programs of the Los Angeles County Bar Association from 2012 to the present. Such an audit will confirm the validity of our complaints.

These complaints are being filed with the State Bar after having exhausted other potential remedies. The complaints have been brought to the attention of the County Bar Association, the Presiding Judge of the Probate Court in Los Angeles, and the Chief Justice of California. Despite these complaints, systemic changes have not been made to the training programs. As a result, we filed a complaint with the United States Department of Justice and that complaint is pending. In the meantime, we decided that as the agency authorizing MCLE credits for a severely deficient training program, the State Bar should be made aware of these problems.

Complaint 1: Failure to Deliver Promised Training on Interviewing Skills

We are complaining about a segment of a seminar conducted on September 13, 2014. The presentation was by Richard Brightman, Ph.D. The program titled the one-hour presentation as “Interviewing and Working with Proposed Conservatees.”

Dr. Nora J Baladerian and I attended the seminar and listened to Dr. Brightman’s presentation. He did not address the topic as it was advertised. Instead, he told a personal story about his life and his involvement with people who have intellectual and developmental disabilities. Dr. Baladerian later spoke with Dr. Brightman and learned that he had no professional experience with conservatorships or in treating clients with disabilities. Interviewing skills is a critical topic for attorneys who represent limited conservatees – a topic that had never been addressed in these PVP trainings before. Continuing education credits were given for a topic that was not covered. Instead of apologizing to the audience for the deficient presentation, the then presiding judge and the representative of the County Bar thanked the speaker for an excellent presentation. (See the [enclosed letters](#) to Judge Maria Stratton about this problem.)

Complaint 2: Systemic deficiencies in failing to provide training needed to effectively represent limited conservatorship respondents

We are complaining that the PVP training program has systemic flaws that cause it to repeatedly fail to deliver information that PVP attorneys need to develop the skills necessary for them to provide effective representation to limited conservatees. Topics that should be included are not. Incorrect information is sometimes given by presenters – information that can cause harm to clients. Critical subjects are treated in a cursory manner.

Detailed descriptions of our complaints are found in two documents we submitted to the Judicial Council of California on May 1, 2015. (See: “Proposals to Modify the California Rules of Court: Qualifications, Continuing Education Requirements, and Performance Standards for Court-Appointed Attorneys in Limited Conservatorship Cases.” Also see pages 30-72 of the [“Exhibits”](#) to that report.) The exhibits provide ample evidence of systemic deficiencies in these training programs.

Complaint 3: The PVP training programs do not comply with Title II of ADA

The State Bar has been authorizing the Los Angeles County Bar Association to give MCLE credits for training programs that allow, or actually encourage, violations of the Americans with Disabilities Act. Attendance at these trainings is mandated by the Los Angeles Superior Court. The presiding judge of the probate court knows the content of the program and expressly endorses the content by prior approval or implicitly approves the content by attending the programs and then praising the speakers or the bar association for excellent presentations.

The State Bar is a public agency that is subject to the requirements of Title II of the Americans with Disabilities Act, as is the Los Angeles Superior Court. While the County Bar is a nonprofit corporation, it acts as an agent or contractor of these two public agencies when it operates these PVP training programs. The court delegates its responsibility to ensure the attorneys are properly trained. The State Bar delegates authority to confer MCLE credits. Thus Title II delegation liability is implicated in the PVP trainings authorized and approved by Title II public entities.

On June 26, 2015, we filed a complaint with the United States Department of Justice alleging that the Los Angeles Superior Court was violating Title II of the ADA by mandating and approving training programs that were severely deficient under ADA standards. [Excerpts](#) of that complaint are included with this letter.

We subsequently audited a sample of limited conservatorship cases in which PVP attorneys had represented limited conservatees in the Los Angeles Superior Court. What we found was a pattern of deficient performance by the attorneys in these cases. We believe that most of these deficiencies in performance can be attributed to deficiencies in the PVP training programs. A copy of the Exhibit titled "[Efficiency vs. Justice](#)" is also included with this letter.

We recently submitted a [White Paper](#) to the DOJ in which we describe ADA-compliant advocacy and training standards for appointed attorneys in guardianship and conservatorship cases. If the DOJ or the State Bar were to compare the PVP training programs of the County Bar with these standards, the programs would receive a failing grade.

Request for Relief

The State Bar of California is authorizing the Los Angeles County Bar Association to offer MCLE credits for PVP training programs that: (1) fail to provide information and skills necessary for the attorneys to effectively represent clients with intellectual and developmental disabilities in limited conservatorship cases; and (2) fail to assist attorneys in providing such clients access to justice as required by the ADA; and (3) implicitly encourage attorneys to handle cases for which they lack the requisite training and skills (a violation of the Rules of Professional Conduct).

The State Bar of California was previously unaware of these problems. But now that these complaints and supporting documents have been brought to its attention, the association has a responsibility to take corrective action. Part of that obligation is grounded in its authority to supervise MCLE providers. Another part is based on the bar association's duties, as a public entity, under Title II of the ADA and Section 504 of the Rehabilitation Act of 1973.

Regardless of the source of its responsibility to intervene, we urge the State Bar of California to audit previous PVP training programs of the Los Angeles County Bar Association to verify the deficiencies documented by our own audits. The association should also require the programs to undergo systemic changes in order to ensure that attorneys who attend such trainings in the future are truly educated on how to effectively represent clients with intellectual disabilities and how to provide them meaningful access to justice in limited conservatorship proceedings.

Respectfully submitted:



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cc: Trusts and Estates Section of the
Los Angeles County Bar Association