

# BET TZEDEK LEGAL SERVICES

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Hon. Robert W. Borne, Chair  
Probate Conservatorship Task Force  
Judicial Council of California

My name is Yolande Erickson. I am an attorney handling conservatorship cases for Bet Tzedek, a public interest law firm in Los Angeles. Bet Tzedek has a staff of more than 55 and an active volunteer corps of over 400 enabling us to serve more than 10,000 Los Angeles County residents annually. We provide assistance and advocacy free of charge to all eligible needy individuals regardless of their racial, religious or ethnic background.

I would like to address the appropriate role of the courts in providing assistance to self-represented or pro per litigants. Included in my testimony are suggestions for improving the conservatorship process overall.

Bet Tzedek advocates for clients in court and at administrative hearings. We do not have the staff to advocate for all of our clients, instead, we provide them with resources in the community which enables them to both better understand the nature of their legal issue and self advocate. Bet Tzedek publishes guides such as The Nursing Home Companion and The Caregivers Guide and works closely with government and social agencies to equip our clients with written materials and appropriate referrals.

When a client comes to see me in search of a conservatorship, my first step is to examine all alternatives. I look to see if there are less formal arrangements available such as Powers of Attorney for health care and finances, Representative Payee status for the proposed conservator, trusts, In Home Supportive or Caregiver Services. I then look to see if a conservatorship is needed over both the person and the estate or if some help with one aspect or the other can alleviate the need for both.

I am often asked to substitute into a case that has been filed as a pro per. Generally the pro-per did not understand the proceeding or the procedural steps necessary to complete the petition, nor did they receive any information about the alternatives to conservatorship. The Judicial Council's Conservatorship Handbook is available only after a petition has been filed. This results in a waste of precious time and resources for both the court and the pro per. Bet Tzedek is the only public interest law firm providing free representation to conservators in the Los Angeles area. Litigants who do not qualify for our services yet do not have adequate income to pay the thousands of dollars to a private attorney will self-represent. The number of proper or self represented litigants will only increase. The courts can and should provide much needed assistance to pro pers.

In the areas of general conservatorships and those with Alzheimer and Dementia powers, petitioners are usually coming to the courts for help. Their loved ones are neglecting themselves or their finances, they no longer have capacity to make decisions in one or both of these areas and someone has told them to get a conservatorship. Limited conservatorships are mandated once the conservatee turns eighteen. The proposed conservators have many more needs than just assistance with petitions. The court can be a gateway for information and referral to

petitioners. This assistance should start when the pro per arrives at the clerk's office. The court should provide self help conservatorship clinics. Such clinics can serve as resource centers as well, distributing an informational guide. Litigants need information about alternatives to conservatorships, state funded care-giver resource centers, eligibility for public benefits, regional centers, home care support and out of home placement information.

Litigants may seek information from offices in the probate court, including the clerks, probate attorneys and investigators. If each of the offices has knowledge of and access to a resource guide they can help open doors to the myriad of services that exist in the community. In the alternative, they can guide the litigant to the court's resource center. Probate Volunteer Panel attorneys (PVPs) are often asked by the courts to provide additional assistance to their clients. If they are aware of the resource center or guide, they will be better equipped to provide such assistance. Resource information can be provided to PVPs when they undergo court trainings.

When the conservatorship is filed, pro per litigants should receive a check list from the clerk's office with information on items needed to be completed before the hearing date. Litigants need information about the probate notes and how to access them on line. Consideration should be given to advising litigants not only of matters to be cleared, but how to clear them. For example, if notice needs to be given; to whom, what to send and how to complete a proof of service. This would go a long way toward preventing delays and continuances.

Limited conservatorships require a regional center report. Proposed conservators should receive information about noticing the regional center of the

hearing date. In my experience, regional centers require at least thirty days to complete a report. Courts may consider setting hearing dates for limited conservatorships six to eight weeks from the filing date to facilitate timely receipt of the report.

Once the conservatorship is in place, the courts should offer trainings to non-professional conservators. These trainings should be available to all non-professionals, self-litigants as well as those represented by an attorney. The Judicial Council's Conservatorship Handbook is a tool that can be used in conjunction with the training. In this forum, the need for resources is even more pronounced. For example, Conservators must choose a Medi-Care Part D plan for their conservatees who receive Medi-Care. This duty can be made less daunting by providing a referral to the Medicare website and agencies such as the Center for Healthcare Rights who can answer questions and troubleshoot. Similarly, conservators with conservatees in nursing homes need access to ombudsman programs, medi-cal eligibility and quality of care information.

The courts can stock resource centers or collect information for a resource guide by convening meetings in their communities with agencies that provide legal and social services to the elderly and disabled. Judge Aviva Bobb of the Los Angeles Superior Court with assistance from Probate Attorney Sandy Riley, Probate Investigator Tom Adamiak and Court Administrators Margaret Little and Linda Louie has convened such a committee. The Judge's Senior Services Providers Committee is looking at ways to connect court services with resources in the community.

The courts can and should provide much needed assistance to self represented litigants. The results will include a reduction in the filing of unnecessary conservatorships and of paramount importance, a saving of time and precious resources for both the courts and litigants.

Respectfully submitted,

Yolande Erickson

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**Yolande Erickson**  
Conservatorship Attorney, Bet Tzedek Legal Services

**Yolande Erickson** advocates for clients seeking general, limited, Alzheimer/dementia and small estate conservatorships. She is currently conducting trainings on limited conservatorships at the Los Angeles Superior Court for non-professional conservators. Ms. Erickson is serving on the Senior Service Providers Committee of the LASC Probate Department looking at ways to expand services to probate litigants, connect court services with resources in the community to assist conservators and conservatees and explore alternatives to conservatorships. Additionally, **Ms. Erickson** is working on conservatorship legislation Bet Tzedek is co-sponsoring in the California Legislature. She received her B.A. from Swarthmore College and her J.D. from Southwestern University School of Law.