

Clearinghouse Review, May-June 2013

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Making Self-Help Work: Bet Tzedek's Conservatorship Clinic

Bet Tzedek Legal Services has been running a **self-help conservatorship clinic** at the Los Angeles Superior Court since 2007. The project has been so successful that it assists in over 40 percent of all new conservatorship filings in the county. Well over 85 percent of all clinic litigants obtain conservatorships. The project is well respected in the community and is considered a model program by the court because of the project's timely, high-quality services to all who need assistance. Many of the lessons of the clinic apply not only to programs seeking to have similar services but also to any program establishing high-quality self-help.

The Need for Conservatorships

An ever-increasing number of families find themselves caring for a severely disabled adult and needing conservatorship—or “adult guardianship” as the term is known



in most states—to care properly for their loved one. Longer life expectancies result in more cases of dementia, including Alzheimer's disease: one in eight individuals over 65 and nearly half of those over 85 have a form of dementia (Alzheimer's Association, **2011 Alzheimer's Disease Facts and Figures** 12 (2011)). Longer life expectancies also mean more adults with developmental disabilities. Frequently these adults have caregivers who need to make medical decisions for them, assist in determining their living arrangements, manage their finances, or protect them from financial abuse. At the same time, to protect these adults from unnecessary, overbroad, or abusive conservatorships, legislatures have created procedural and substantive hurdles that must be overcome to establish a conservatorship. This complexity has led private attorneys to charge higher rates for conservatorship matters, resulting in more *pro per* litigants attempting to obtain conservatorships on their own.

Background of Bet Tzedek's Self-Help Conservatorship Clinic

To assist *pro per* litigants as they navigate the complexities of the court system, many courts in California have developed **Self-Help Legal Access Centers**. Few of those centers, however, handle conservatorship matters, even though most conservatorships are well suited to self-help. Although the pleadings and related paper work are complex, the actual court hearings are quite straightforward. The cases are rarely adversarial, and the hearings are relatively short. The experience of most litigants is that if their pleadings are in order, the hearings are not that difficult.

Bet Tzedek opened its conservatorship clinic in January 2007. Bet Tzedek created the clinic in part because Bet Tzedek was receiving referrals from the court to assist *pro per* litigants who had filed petitions that were inadequate in some way. A **partnership grant** from the California State Bar initially funded the clinic. We saw early on that traditional models of self-help would not work.

First, although the information required for the pleadings was straightforward, the number of forms and the difficulty of completing them frequently caused litigants to file inadequate pleadings. Second, California requires that all relatives of the first or second degree be served by mail with a copy of the pleadings (**Cal. Prob. Code § 1822(b) (2011)**). Litigants must serve all parents, grandparents, children, grandchildren, siblings, and spouses of proposed conservatees. In certain cases litigants must also serve the Veterans Administration or the applicable **regional center** (nonprofit agencies serving developmentally disabled individuals) (*id.* § 1822(e)). Third, litigants need to prepare multiple posthearing documents so that they can receive the court documents that they need to act on behalf of the conservatee.

When we began, more than 50 percent of our litigants were referred to us from a courtroom because they had made mistakes. Learning from our experience with those litigants, we modified traditional self-help practices to ensure that litigants who came to the clinic would not make those errors. First, we prepared the pleadings based on information from litigants in a questionnaire instead of having the litigants complete the forms themselves. Second, we served the requisite notice by mail ourselves instead of having the litigants mail the notices. Third, we assisted in the preparation and submission of posthearing documents instead of leaving those for the litigants to complete. We thereby ensured that, at the end, litigants received certified copies of the “letters of conservatorship” that give them the power to act.

Partnership with the Court

The project benefitted from an excellent partnership with the Los Angeles Superior Court. The original funding for the clinic was obtained through a partnership with the court, whose judges had the foresight to see that a well-run self-help clinic would benefit not only the litigants but also the courts themselves. First, the court gave Bet Tzedek space at the courthouse. This space was located in the probate clerk’s office, immediately adjacent to the filing window. Litigants we assisted could immediately file their cases, and if they had a problem, we were available to resolve it. If a litigant we had not assisted showed up at the filing window with clearly inadequate

documents, the clerk could refer the litigant to the clinic. Second, the court gave us electronic access to the public documents filed in a case, including minute orders, so that we could easily determine a filed case's status and identify any problems. Third, we had regular group meetings with the presiding probate judge, the court's director of self-help, and key managers from the court's Probate Department. Such meetings allowed us to resolve problems that we had observed and to get feedback about how to improve clinic operations.

To assist the court, the clinic stayed open an hour after the morning calendar ended so that court referrals could be handled on the day of appearance. Soon the courtroom referrals nearly stopped altogether because almost all unrepresented litigants came through the clinic first. Litigants prepared by the clinic understood the process better than other unrepresented litigants. Court clerks were grateful to have the clinic staff nearby to assist litigants who were confused or overwhelmed by the court process. Well-prepared and correctly served pleadings reduced the number of court appearances and lightened the court's calendars.

Adapting to Overwhelming Demand

The original grant from the California State Bar anticipated that the clinic would serve 150 litigants in the first year. However, demand quickly exceeded that projection. In the first year, the clinic assisted nearly 500 litigants. The demand was overwhelming for a single paid staffer, and we had to modify the program. In the beginning we recruited volunteers and used technology to manage the demand. Later we used groups to streamline operations. After we hired an additional staffer and extended services to two more courthouses, the clinic assisted over 1,400 new litigants in 2012. One of the three clinic locations is open every weekday morning.

Volunteers. When we realized that we needed volunteers to keep up with the demand for services, we developed a volunteer plan. The clinic benefitted from Bet Tzedek's extensive system of volunteer recruitment. But because our clinic did not give legal advice and required little legal training for a volunteer, we were able to



expand the potential pool of volunteers from attorneys and law students to paralegal students and college students and

graduates. With smart and consistent volunteers, we were able to assist every litigant who came to the clinic with a problem within our priorities. We never turn away litigants because we have prioritized recruiting and retaining enough volunteers. We could assist only a fraction of the litigants without our volunteers.

We use the volunteers in different ways. Volunteers assist in triage and prescreening, conduct virtually all the initial intakes, prepare the documents for filing, meet with the litigants to review and sign their documents, copy the documents for filing, and ensure that all posthearing documents are complete. These tasks are extremely time-consuming. Having volunteers do them frees up the project's staff attorneys to supervise the entire clinic.

The project attorneys' main tasks are to direct the volunteers, keep track of the work flow to make sure everything runs smoothly, and answer any difficult questions. Between fifteen and forty-five litigants walk in on any given day. Having proper systems in place frees up the attorney to delegate tasks. The clinic runs smoothly and can close shortly after its walk-in hours end at noon.

Technology. One of the unique qualities of the clinic is that it prepares all the forms necessary for obtaining a conservatorship. Each conservatorship case requires litigants to complete fifty to sixty pages of forms. We developed a simple questionnaire, in English and Spanish, for preparing the forms. After the litigant completes the questionnaire, a clinic volunteer meets with the litigant to ensure accurate and complete information. Bet Tzedek volunteers then prepare the necessary forms. California and Los Angeles County have developed a **complete set of the forms** to be filed for a conservatorship.

We use a legal forms program to complete the documents. Initially we assigned volunteers to prepare all the forms by using the questionnaire information from the litigants. However, because of frequent turnover, the staff was spending too much time training volunteers to use the program and correcting volunteers' mistakes until they became familiar with the forms and the program.

To improve our workflow, we had one of our more experienced volunteers prepare detailed instructions on how to complete the forms. The instructions were designed so that a new volunteer could complete the forms packet in two to four hours without having to ask the staff any questions. After a while, the quickest volunteers could prepare the pleadings in less than an hour, and almost all volunteers could complete them in less than two. The staff reviewed the forms for accuracy and had the volunteers make any necessary changes.

Although this procedure improved efficiency greatly, we knew that we could improve it further. For example, because the forms program was designed for general legal practice, it had separate fields for "lawyer," petitioner, and proposed conservator, even though they were all the same in these cases. And the forms program frequently

did not transfer the information from the state forms to the Los Angeles County forms.

Harry Jacobs, a senior attorney with the [California Administrative Office of the Courts](#), creates automated forms for self-represented litigants. He had done one conservatorship case and thought that it would be too complicated for an automated system. In spite of his reservations, we convinced him to work with us in automating production of the forms for a conservatorship.

Using the Law Help Interactive template, Jacobs used our expertise with conservatorships and the forms to tailor [a program for self-help litigants in routine conservatorships](#). To generate documents, a volunteer simply enters the questionnaire data, and in one keystroke the program populates and prints all of the forms in the order required for filing. Now, instead of having to follow an eighteen-page memo to complete the forms, volunteers can complete the forms with very few instructions in fifteen to thirty minutes with virtually no mistakes. Our fastest volunteer completed them in just seven minutes. This program reduced completion time, the number of volunteers needed, and staff time to review the forms for accuracy. We saw that, with a few modifications, we could have the litigants prepare the pleadings themselves.

Groups. As the number of litigants increased, we had to think of ways to meet demand. We focused on the most time-consuming task—reviewing the documents with the litigants for their signature. Recognizing that conservatorships for developmentally disabled adults constitute about 60 percent of our caseload and that the pleadings are similar, we experimented with group-signing appointments. We developed PowerPoint slides for reviewing the forms line-by-line. Since the content of the forms is similar, one volunteer conducts the PowerPoint presentation, while others circulate to answer individual questions. The quality of information presented to litigants in the group setting actually improved because the PowerPoint presentation highlighted each item we wanted to emphasize. We treated the questions litigants asked as feedback and clarified the presentation accordingly. We are now able to assist twenty to thirty litigants in the same time we used to spend on two. An added benefit is that the families help one another, and camaraderie appears to develop among them. Many litigants exchange telephone numbers and make friends. Also, litigants more easily comprehend that there is no attorney-client relationship when they are meeting in groups. Working in groups has expanded our capacity.

The Future

As the demand for services grows, we are looking to streamline them. Our successful group work has led us to recruit pro bono volunteers from law firms and corporate law departments to run group sessions.

Soon our current forms program can be modified so that litigants can complete the questionnaire electronically and generate all necessary documents on their own. We are also developing a system to enable litigants to prepare the forms at courthouses where we do not operate. Our clinic will review the forms for completeness from a remote location. The target date for completion at our first new courthouse is December 2013. If this project proves to be a success and if funding is secured, we will be in a position to replicate it at every courthouse in the county. We also envision partnering with other organizations throughout the community—social service agencies, special education schools, or nursing facilities—so that their consumers and families have an even easier way to access our services.

The potential for expansion extends beyond a single county. We could partner with California self-help centers that have no staff with conservatorship experience so that local self-help center staff could conduct an assessment and, when appropriate, refer the litigant to a computer terminal. Live support from one Bet Tzedek staffer in a remote office to litigants throughout the state would consist of advising self-help center staff about which forms to use and reviewing completed pleadings electronically. Litigants and courts throughout the state would benefit from complete, accurate pleadings. This model could be used in any state where the nature of a particular genre of cases limits widespread local expertise.



The goal of the clinic has been to offer sufficient assistance for conservatorship litigants to complete the court process on their own. To reach that goal, we had to evaluate and adjust our model. In designing and implementing this project, we learned that conservatorships are well suited for self-help assistance. We also learned that we can significantly expand our capacity by developing a system that makes efficient use of nonlegal volunteers and technology. As court resources shrink and the cost of hiring a lawyer rises, models such as this one, assisting a large number of litigants in a thorough yet efficient manner, are proving invaluable to litigants, their families, and the courts striving for equal justice to all.



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