

1522 North Avenue 49
Los Angeles, California 90042
January 29, 2002

Honorable Chief Justice Ronald George
and Associate Justices
Supreme Court of California
300 South Spring Street
Second Floor North
Los Angeles, California 90013

Re: Conservatorship of Levitt
2nd Civil No. B140538, B142397
Supreme Court No. S102726

Honorable Justices:

As a former Commanding Officer of the Los Angeles Police Department's Financial Crimes Division and one of the founders of the Department's Elder Abuse Unit, I am intimately acquainted with the seemingly intractable problem of elder abuse. Recognizing the frequency with which vulnerable seniors were the victims of financial abuse, and the devastating impact such abuse had on their lives, our Department was perhaps the first in the Nation to create an entity dedicated solely to the protection of our elders and the arrest and prosecution of their abusers.

By any measurement, the Elder Abuse Unit has been successful in its mission. Over the years hundreds of perpetrators have been arrested, and the conviction rate has often approached one hundred percent. Even more importantly, hundreds of helpless elders were spared pauperization or even death at the hands of their unscrupulous victimizers. But this success is diminished by the fact that even with significant dedicated resources, the Elder Abuse Unit has been able to investigate only the most egregious cases. The less serious cases are relegated to the geographic detective divisions, where they may not receive the requisite level of expertise and effort--or any effort at all.

The situation is much worse in many, if not most, of our State's smaller jurisdictions. Elder abuse investigations are invariably labor-intensive, complex, and demanding of a level of investigative and prosecutorial expertise seldom encountered in any but the largest jurisdictions. As might be anticipated, many law enforcement personnel and prosecutors do their level best to keep from getting sucked into the seeming quagmire of an elder abuse case.

This is, of course, far from an ideal situation--but it is reality, and it means that for vulnerable elders their last line of defense is the civil justice system. And it also means that anything that serves to diminish their access to protection and redress in the civil courts increases the likelihood that they will be victimized in a variety of ghastly ways, up to and including being murdered. I have 29 years experience as a Los Angeles police officer, and I do not exaggerate.

Which brings me to the issue at hand. When I was a police officer I was fortunate enough to receive a pay check every two weeks. Without that check I would have gone hungry, and so would my family. Attorneys are no different. They have economic needs, just as we all do. And yet the Levitt case, by effectively treating attorneys as other than economic creatures like the rest of us, ensures that many of the most helpless among us will go unprotected from the savage predations of heartless criminals.

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It is true that elder abuse cuts across the entire economic spectrum. But I can state unequivocally from my own experience that most elder abuse cases involve seniors of modest means. It is equally true that there is little likelihood of wringing any recompense from their predators.

I know from long experience in the elder abuse field that it is virtually standard practice for perpetrators to litigate vigorously with the goal of drawing out the proceedings for as long as possible. The victim may die-or the perp may figure out a way to hasten the victim's demise. I write this with knowledge of specific cases where elder abuse victims have indeed been hastened to the grave.

In my opinion the Levitt decision declares open season on our helpless seniors. The specialized attorneys who would constitute their last line of defense will be unable to take their cases, absent any expectation of reasonable compensation.

I have seen the horrors of elder abuse up close and dirty. It is not a pretty picture.

I therefore urge the Court to grant review.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Glenn R. Ackerman", with a long horizontal flourish extending to the right.

Glenn R. Ackerman
Captain,
Los Angeles Police Department
(Ret.)