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January 30, 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 DCA Case N^o B140538

Dear Chief Justice George

The purpose of this letter is to urge this Court to grant review in *Conservatorship of Levitt*, in order to fully implement one of the core purposes of the landmark legislation, the Elder and Dependent Adult Civil Protection Act: access to the judicial system for elders and dependent adults who are victims of abuse. For those elderly and dependent adults who are victims of abuse but lack large estates, such landmark legislation would have little, if any importance if there is no access to the protections established under the Act.


When the trial court limited the fee award to a percentage of the size of the victim's estate, it struck a fatal blow to implementation of the Act on behalf of those with small estates. The risks of such litigation were thereby increased dramatically; now even attorneys who prevail might not receive compensation adequate to cover even their overhead. Yet when the representation yields excellent results, as was acknowledged by the court in *Levitt*, fee awards must not only encourage attorneys such as Hankin to continue their representation of victims of abuse, but also encourage other competent attorneys to enter the field. This is the fundamental purpose of other statutory schemes that protect important rights, and this is especially true here, where those coming under

the protections of the Act are literally helpless victims.

For example, California's private attorney general doctrine is based on the principal that in order to implement important public policies, lawsuits must be encouraged by awards of "substantial" attorneys fees to successful litigants. *Woodland Hills v. City Counsel of Los Angeles*, 23 Cal.3d 917. Such substantial awards are necessary to attract competent private counsel. It was in this context that this Court declared that one of the purposes of the private attorney general statute is to provide access to the courts for those who otherwise would be unable to bring or defend an action. *Id.*, at 933.

If the Elder and Dependent Adult Civil Protection Act is to be effectively implemented in a meaningful manner it must effectively attract, rather than deter competent counsel by affording them the opportunity to secure fees commensurate with the risk they assume and the effort they undertake in these cases. This policy of attracting competent counsel is as important here as it is under California's private attorney general doctrine. Competent counsel such as Hankin must be fairly compensated. Artificial limits on fee awards for successful litigants, unknown in other contexts, will render the Act meaningless to those who are most in need of its protections. I urge this Court to grant review in this case.

Sincerely,

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

Thomas E. Beltran

SERVICE LIST

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Judge (Page and Levitt)

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the county of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 2501 West Burbank Blvd., Suite 200, Burbank, California 91505. On January 30, 2002, I served the foregoing document described as:

Letter dated January 30, 2002, addressed to the Supreme Court, re: Levitt on the interested party(s) as follows:

X by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

X by MAIL.

I deposited such envelope in the mail at Van Nuys, California. The envelope was mailed with postage thereon fully prepaid and addressed to the persons listed on the attached service list.

As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. postal service on that same day with postage thereon fully prepaid at _____, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing on affidavit.

by PERSONAL SERVICE.

I delivered such papers by hand to the persons listed on the attached service list.

XX (State)

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on January 30, 2002, at Burbank, California.

Thomas Beltran

Signature