

# Bet Tzedek Legal Services

THE HOUSE OF JUSTICE

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January 18, 2002

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

Re: Conservatorship of Levitt  
2<sup>nd</sup> Civil Nos B140538, B142397  
Supreme Court No. S102726

## REQUEST OF BET TZEDEK LEGAL SERVICES THAT REVIEW BE GRANTED

Dear Chief Justice George and Associate Justices:

On behalf of Bet Tzedek Legal Services, the undersigned respectfully requests that this Court grant review in *Conservatorship of Levitt* to resolve several critical issues concerning access of elder abuse victims to the judicial system.

The Court of Appeal's recent decision in *Conservatorship of Levitt* undermines a public policy the Legislature adopted in 1992 by enacting the Elder and Dependent Adult Civil Protection Act ("EADACPA"). In the Act, the Legislature directed Probate Courts to provide sufficient financial fee incentives to enable lawyers to represent needy victims of elder abuse who could not otherwise afford legal help to pursue their claims.

*Levitt* jeopardizes access to the courts for victims of elder abuse who are of modest means because of its severe limitation on the award of attorney's fees in EADACPA cases. *Levitt* is at odds with one of the goals of EADACPA: to attract attorneys to cases where the abuse of the elder is flagrant even though the amount in controversy is small. Bet Tzedek Legal Services fears that as a result of *Levitt*, only senior citizens of significant means will be able to hire lawyers to help them bring their abuser to justice.

A decision by this Court on the issues raised by the *Conservatorship of Levitt* will provide needed guidance in addressing the issues facing the elderly in our state. Bet Tzedek Legal Services therefore urges the Court to grant review.

Respectfully submitted,

  
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