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February 26, 2002

Honorable Chief Justice  
Ronald George  
and  
The Honorable Associate Justices  
Supreme Court of California  
300 South Spring Street  
Los Angeles, CA 90013-1233

*Re: In Re the Estate of Levitt*  
*Court of Appeal Case #B140538*

*In Re the Estate of Labow*  
*Court of Appeal Case #B142397*  
*Supreme Court Case #S107776*

Honorable Justices:

As a private practitioner specializing in Estate Planning, Probate and Trust Law, I respectfully request that this Court grant review to settle the important statutory interpretation requested on this appeal. I have been active regarding this particular area of practice of law and have participated in the drafting of that law. I am a former member of the Executive Committee of the State Bar's Estate Planning, Trust & Probate Law Section, wherein I chaired the Ethics Committee for several years.

My main points are the following:

1. Elder abuse is very real. This is particularly true in the case of financial elder abuse. It is frequently associated with physical abuse and neglect.
2. Public protection, though excellent, is inadequate, since the agencies are overburdened.
3. Private attorneys can and should be active in this area to protect our senior citizens. However, private attorneys need a financial motivation.
4. This decision, if left to stand, will continue the trend presently seen at the trial court level of severely limiting attorney's fees, which has effectively excluded from the Probate Code demented elder abuse victims having estates too small to inspire in conservatorship lawyers the expectation of being paid for their time. Those cases rarely appear in the Probate Court, and only do appear when the Public Guardian brings such cases, or when sufficiently affluent relatives pay for such legal services as they can afford.

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5. There would be no estate whatsoever in both of these cases if the attorneys had not acted to protect the individuals, and the victims would have died horrible deaths from neglect or worse. To limit the attorney's fees in order to create a larger estate, which would probably pass to heirs who were not concerned about the welfare of the individuals involved, or to pay for state medical costs, is to ignore the realities of the marketplace for legal services.

Respectfully Submitted,

RUSCONI, FOSTER, THOMAS & WILSON



J. ROBERT FOSTER

JRF/br  
cc: Proof of service

PROOF OF SERVICE

STATE OF CALIFORNIA     )  
COUNTY OF SANTA CLARA )

I am a resident of the County of Santa Clara, State of California. I am over the age of 18 and not a party to the within action; my business address is 30 Keystone Avenue, Morgan Hill, CA 95037.

On February 26, 2002, I served the foregoing document described as "Letter to Honorable Chief Justice Ronald George and Honorable Associate Chief Justices of the Supreme Court of California, on the interested parties in this action by placing true copies thereof in sealed envelopes addressed as stated below.

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Clerk of the Los Angeles Superior Court  
for the Honorable Gary Klausner  
111 North Hill Street  
Los Angeles, CA 90012-3117

I caused such envelopes to be deposited in the mail at Morgan Hill, California. The envelopes were mailed with sufficient postage thereon fully prepaid.

I am readily familiar with this firm's practice of collection and processing correspondence for mailing. It is deposited with the U. S. Postal Service on the same day in the ordinary course of business. I am aware that on motion of party served, services is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing an affidavit.

Executed on February 26, 2002, at Morgan Hill, California.

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



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Bonni B. Rice