

January 30, 2002

The Honorable Chief Justice Ronald George  
and Associate Judges  
Supreme Court of California  
300 South Spring Street, 2<sup>nd</sup> Floor North  
Los Angeles, CA 90013

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

Dear Chief Justice Ronald George  
and Associate Justices:

I respectfully request that this Court grant review in *Conservatorship of Levitt* concerning access of elder abuse victims to the judicial system.

I was featured in California Lawyer of January 2000 for my work in exposing years of fraud perpetrated against the elderly who were conserved and purportedly under the protection of the court system. I spent eight months conducting my own investigation at great cost to myself and concluded by writing several in depth reports. When the first report became public, the Public Defender was terminated, the Probate Judge resigned, and two people were sentenced to serve 16 and 26 year prison terms. Meanwhile, the cost to me economically was significant.

There is a need to provide adequate compensation to attorneys willing to take on the defense of the elderly. Cases involving elder abuse are unique and no mandated formula for recovery of fees is justified. It has been my experience that financial abuse almost always includes an element of psychological, if not physical, abuse. In order to gain control of an elder's estate, I have seen elders deprived of the love of their families and taken from their homes, even while they were able to care for themselves.

Not infrequently beneficiaries, who are often the family members, want justice and are willing to accept monthly payments from a seemingly penurious abuser rather than to allow the abuser to go unpunished. District Attorney's offices can handle only a few of these cases and then only the most egregious. If there is to be any justice meted out to those who believe that a helpless elder's property is simply there for the taking, it is through the civil courts. Also, once the matter has been tried civilly, District Attorneys are more prone to take the case because the work has been done.

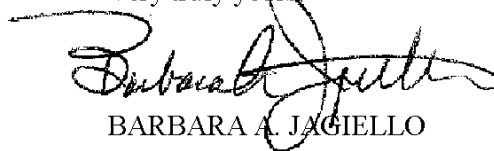
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From where I sit, elder abuse is of almost epidemic proportions. The attorneys who do this work are primarily compensated at an hourly rate and contingencies, if taken, produce less than a low hourly rate. The cases are time consumptive, emotional and heart rendering. To decide that the beneficiaries take priority and not the attorney who righted the wrong, exposed the crime, and not infrequently saved the life of an elder, makes no sense. The fees are typically reviewed by the court and should be based on the benefit to the elder victim, not weighed against the monetary sums to be paid to the beneficiaries.

It was the intention of the Legislature when enacting EADACPA to serve the interest of elderly victims without significant regard to beneficiaries. The interest in the estate of a beneficiary is prospective in nature and not the standard by which we determine the care of the elderly. It makes no more sense than preventing the elderly from spending their money on themselves rather than saving it for their heirs.

This is not a matter of greed but of social policy. When the estate has limited resources and work has been performed on the elder's behalf, then those who performed that work need to be compensated.

Very truly yours,



BARBARA A. JAGIELLO

BAJ/dh

cc: Marc B. Hankin, Esq.