

March 14, 2002

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

Re: *Estate of Levitt* (2001) 93 CA4th 544

Hon. Chief Justice George:

The court is urged to favorably consider the *petition for writ of certiorari* now pending in the above-referenced matter. The case addresses a critical problem in that financial abuse of the elderly has become a cottage industry, with little relief from the bar.

The reason for the absence of relief is that such claims are rarely cost-effective to pursue. The nature of the abuse leads in most cases:

- to an incompetent or unwilling witness;
- to concealed or destroyed evidence;
- to damages too modest to justify the high cost of prosecution; and
- to an inability to recover from the offending parties because they either hide the funds and lie, or have consumed the funds to pay for various additions.

Unless lawyers are allowed reasonable compensation for those of such claims as offer *some* level of recovery, the problem will continue to grow. The legislature could act to fund the prosecution of these claims from public resources, but those resources are scarce and a free-market remedy almost always works best.

Sincerely,

F. BENTLEY MOONEY, JR.  
FBM:mc