

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA
2 FOR THE COUNTY OF LOS ANGELES
3 DEPARTMENT 11 HON. GARY KLAUSNER, JUDGE
4
5

6 IN THE ESTATE OF)
7)
8 JOEL M. LEVITT, ETC.) NO. BP 045890
9)
10 _____)

11 REPORTER'S TRANSCRIPT OF PROCEEDINGS
12 JANUARY 3, 2000
13

14 APPEARANCES:

15 FOR THE CONSERVATOR: MARC HANKIN
16 ATTORNEY AT LAW
17 10680 W. FICO BLVD.
18 SUITE 315
19 AND LOS ANGELES, CA 90064
20 GEORGE GLASCO
21 ATTORNEY AT LAW
22
23
24
25
26
27
28 PVP ATTORNEY: STEVEN WEBBER
ATTORNEY AT LAW

VOL. 1 OF 1 O. RENELL CANNON, CSR #1606
PAGES 2 - 16, INCL. OFFICIAL REPORTER

RECEIVED JAN 20 2000

1 CASE NUMBER: BP 045890
2 CASE NAME: JOEL M. LEVITT, ETC
3 LOS ANGELES, CALIFORNIA; MONDAY, JANUARY 3, 2000,
4 DEPARTMENT 11 HON. GARY KLAUSNER, JUDGE
5 REPORTER: O. RENELL CANNON, CSR NO. 1606
6 10:15 A.M.
7
8

9 THE CLERK: ON 139 THROUGH 41, LEVITT.
10 MR. HANKIN: GOOD MORNING, YOUR HONOR.

11 MARC HANKIN, H-A-N-K-I-N.

12 THE COURT: COUNSEL, BEFORE I GET APPEARANCES
13 ON THIS, I AM GOING TO HOLD THIS UNTIL SECOND CALL.

14 THIS CASE REALLY DISTURBS ME QUITE A
15 BIT. AND I WANT TO TALK TO YOU ABOUT IT BEFORE I
16 MAKE ANY ORDERS ON IT.
17

18 (PROCEEDINGS WERE HELD IN UNRELATED
19 MATTERS; AND AT 10:25 A.M. THE
20 FOLLOWING PROCEEDINGS WERE HELD:)
21
22

23 THE CLERK: SECOND CALL, 139 THROUGH 41,
24 LEVITT.

25 STARTING ON MY SIDE, PLEASE STATE YOUR
26 APPEARANCES.

27 MS. LABOW: FRUMEH LABOW, L-A-B-O-W,
28 CONSERVATOR.

1 MR. HANKIN: MARC HANKIN, H-A-N-K-I-N, FOR
2 FRUMEH LABOW.

3 MR. WEBBER: GEORGE GLASCO FOR FRUMEH LABOW.

4 THE CLERK: SPELL YOUR LAST NAME FOR THE
5 RECORD.

6 MR. GLASCO: G-L-A-S-C-O.

7 MR. WEBBER: STEVEN WEBBER, PVP ATTORNEY FOR
8 THE CONSERVATEE, MR. LEVITT. MY LAST NAME, WEBBER,
9 W-E-B-B-E-R.

10 THE COURT: LET ME ASK A QUESTION.
11 I INDICATED EARLIER THIS DISTURBS ME A
12 LITTLE BIT. BUT LET ME ASK A COUPLE OF QUESTIONS
13 FIRST.
14 WHAT IS THE TOTAL VALUE OF THE ESTATE?
15 IS IT 370,000?

16 MS. LABOW: APPROXIMATELY. THAT'S PROBABLY
17 WHAT WE WILL END UP GETTING FOR THE SALE OF THE
18 HOUSE. I DON'T REMEMBER OFFHAND WHAT OUR APPRAISAL
19 WAS, BUT THAT SOUNDS ABOUT RIGHT.

20 THE COURT: IT SEEMS TO ME THAT 370,000 IS
21 WHAT WAS MENTIONED IN YOUR REPORT, I BELIEVE IT WAS.
22 MR. WEBBER?

23 MR. WEBBER: I BELIEVE THAT THAT'S THE NUMBER
24 I HAVE IN MY MIND. I AM NOT SURE.

25 THE COURT: 374,517 IS WHAT YOU HAD MENTIONED
26 ON IT.

27 WHAT WE HAVE TO FIGURE IN -- I KNOW THAT
28 THERE WAS A GREAT DEAL OF WORK PUT IN AND I KNOW

Court's rule/policy is that attorney fees may not exceed 1/3 the size of the estate at the time of the fee petition, & the Second District finds this a reasonable rule.

According to the Court, the conservatorship "doesn't do much good" if the attorneys fees deplete the estate, even though the conservatorship saved a life from a wretched death by abuse and neglect, and a particularly repulsive species of theft was reversed or prevented.

1 THAT EVERYBODY APPRECIATES THE GREAT DEAL OF WORK
2 THAT WAS PUT IN BY EVERYBODY ELSE. BUT I ALSO HAVE
3 TO CONSIDER THE SIZE OF THE ESTATE HERE AS FAR AS
4 MAKING DISTRIBUTIONS. AND THE COURT HAS A PROBLEM
5 IN MAKING ANY DISTRIBUTION THAT IS OVER ONE-THIRD OF
6 WHAT THE ESTATE IS. I HAVE SOME PROBLEMS WHERE WE
7 DEplete AN ESTATE IN ORDEK TO SAVE THE ESTATE AND IT
8 DOESN'T DO MUCH GOOD.

9 SO I INTEND TO REDUCE SOME OF THE FEES
10 HERE AND I JUST THOUGHT I WOULD TELL YOU THAT.

11 MS. LABOW: YOUR HONOR, IN MR. LEVITT'S
12 LIFE -- AND GIVEN HIS UNFORTUNATE STATE OF
13 DECLINE -- HE WILL NEVER LIVE OUTSIDE OF A CLOSED
14 FACILITY. HE WILL PROBABLY NEVER LIVE OUTSIDE OF
15 THE ONE THAT HE IS IN, SAN GABRIEL MISSION LODGE,
16 WHICH IS AN EXCELLENT FACILITY. WHEN HIS FUNDS ARE
17 EXHAUSTED, HE WILL STAY IN THAT SAME FACILITY ON
18 MEDICARE AND THERE WILL BE VIRTUALLY NO DIFFERENCE
19 IN HIS LIFESTYLE.

20 IF IT WEREN'T FOR US, HE WOULD BE ON THE
21 STREETS. BARBARA LEVITT WOULD HAVE THE MONEY AND HE
22 WOULD BE IN --

23 THE COURT: THE QUESTION IS DO WE LET BARBARA
24 LEVITT-- EXCUSE ME-- BARBARA GOLD LEVITT TAKE ALL OF
25 HIS MONEY OR DO WE LET ALL THE ATTORNEYS TAKE ALL OF
26 HIS MONEY. THAT'S KIND OF A RAW WAY OF SAYING IT,
27 BUT THAT'S WHAT BOTHERS THE COURT.

28 MR. HANKIN: NO. THAT IS -- THAT IS REALLY

1 THE HEART OF THE ISSUE, YOUR HONOR. AND THAT IS --
2 THE HEART OF THE ISSUE, AND THAT'S THE ISSUE THAT
3 THE COURT HAS TO ADDRESS IF IT WANTS LAWYERS AND
4 CONSERVATORS TO TAKE THESE CASES.

5 THE COURT: I UNDERSTAND IT.

6 MR. HANKIN: I HAVE PERSONALLY DECIDED NEVER
7 TO TAKE THIS KIND OF CASE AGAIN. AND MY
8 COLLEAGUES -- I DON'T KNOW IF YOU HAD A CHANCE TO
9 READ THAT LETTER THAT I SENT TO JAMES ELLIS -- BUT
10 AS MY COLLEAGUES, I AM TALKING ABOUT LYN HINOJOSA,
11 BRUCE ROSS, GARY RUTTENBERG. EVERYBODY WHO YOU AND I
12 KNOW AND THINK WELL OF. THIS KIND OF CASE THEY SHY
13 AWAY FROM BECAUSE THEY KNOW THAT THEY WON'T GET PAID
14 IF THEY DO IT. AND IT IS A PROBLEM. WHAT IT ENDS
15 UP DOING IS DEPRIVING PEOPLE OF ACCESS TO THE
16 JUDICIAL SYSTEM.

17 WE HAVE SOMEBODY LIKE JOE LEVITT HERE
18 WHO IS GOING TO DIE. I THINK THE COURT HAS TO MAKE
19 A DECISION EITHER IT IS GOING TO LET THE ~~PERKS~~ ^{PERPS} TAKE
20 IT AND RUN AWAY WITH IT, WHICH IS WHAT GENERALLY
21 OCCURS NOWADAYS BECAUSE LAWYERS WILL NOT TAKE THE
22 CASES, OR IT HAS GOT TO SAY, WE ARE GOING TO SEND
23 OUT A MESSAGE, KIND OF LIKE THE INSURANCE INDUSTRY
24 DECIDED. THEY SAID ABOUT 20 YEARS AGO, WE ARE
25 GETTING HIT WITH SO MANY STRIKE SUITS^S YOU KNOW,
26 SETTLE IT TO GET RID OF THIS TURKEY, THEN WE ARE
27 GOING TO FIGHT THEM. EITHER IT IS A VALID CLAIM --
28 AND THEY PERHAPS HAVE GONE TOO FAR THE OTHER WAY --

1 BUT, ^{IF} IT IS A VALID CLAIM IN WHICH CASE WE WILL PAY
2 OR IT IS NOT A VALID CLAIM AND WE ARE GOING TO FIGHT
3 IT EVEN IF WE HAVE TO PAY MILLIONS FOR DEFENSE AND
4 NOT A PENNY FOR TRIBUTE.

5 EITHER PEOPLE GET PAID FOR THE WORK THAT
6 THEY DO SO THAT THEY CAN AFFORD TO DO IT OR THEY
7 CHOOSE NOT TO DO IT. AND THE OLD POLICY OF SAYING,
8 WELL, WE CAN'T TAKE MORE THAN A THIRD OF THE ESTATE
9 HAS RESULTED IN THE SMALL FOLKS NEVER GETTING ACCESS
10 TO THE JUDICIAL SYSTEM, WHICH IS WHAT YOU DON'T
11 WANT.

12 MR. GLASCO: JUST VERY BRIEFLY,
13 OF COURSE, WHATEVER THE COURT DECIDES.
14 I FEEL MYSELF BETWIXT THE TWO BECAUSE CERTAINLY I
15 UNDERSTAND WHERE THE COURT IS COMING FROM AND I
16 CRITICIZE MY COLLEAGUES FROM DOING THIS. AND I HAVE
17 OFTEN GIVEN UP MY SERVICES IN THIS COURT PRO BONO
18 EVEN WHEN THE SIZE OF THE ESTATE IS SIGNIFICANT.
19 THE MOST RECENTLY BEING THE PEGGY PAIGE' ESTATE
20 WHICH IS PROBABLY STILL BEFORE THE COURT IN
21 LITIGATION

22 AND ON THIS PARTICULAR CASE, IT REQUIRED
23 SO MUCH WORK. IN FACT, A LOT OF THE ATTORNEY'S FEES
24 I DIDN'T EVEN ASK FOR. AND IT HAS BEEN SEVERAL
25 YEARS BEFORE THE FRUITION IN TERMS OF ACTUALLY
26 GETTING SOME KIND OF REPAYMENT. I HAVE NOT
27 COLLECTED ONE-FIFTH ON THIS CASE AND PAID OUT, PAID
28 OUT OF MY OWN POCKET FOR COSTS.

1 SO, I CAN ONLY ECHO WHAT MR. HANKIN HAS
2 SAID WITH FULL APPRECIATION WHERE THE COURT IS
3 COMING FROM, PARTICULARLY, GIVEN WHAT LAWYERS
4 TYPICALLY DO IN EXAGGERATING THESE FEES IN THESE
5 CASE.

6 I DON'T SUPPOSE YOU ARE GETTING HELP
7 FROM ANYBODY --

8 THE COURT: NO, THAT'S HELPS.

9 AND, COUNSEL?

10 MR. WEBBER: LET ME ADD ONE MORE THING. AS
11 PVP I FEEL THAT I AM SORT OF AN AGENT OF THE COURT.
12 YOU KNOW I AM HERE HERE WORKING ON BEHALF OF THE
13 COURT AS MUCH AS MY CLIENT AND IN THIS CASE. THERE
14 WAS A PREVIOUS FEE PETITION BY GABOR SZABO WHO
15 REPRESENTED THE CONSERVATEE AT THE TRIAL. AND,
16 QUITE FRANKLY, I SCRUTINIZED HIS FEE PETITION AS
17 CAREFULLY AS I SCRUTINIZED ALL THE OTHERS AND
18 REDUCED HIS BY ABOUT TWO-FIFTHS AND ONLY GOT HIM TO
19 STIPULATE TO THAT AMOUNT.

20 IN GOING OVER THE FEE PETITIONS OF
21 MR. HANKIN AND MR. GLASCO, I DID ~~MUST~~ ^{MUCH} THE SAME AS I
22 ALWAYS DO. I, FIRST OF ALL, GO THROUGH AND SEE
23 WHETHER THEIR FEE REQUESTS ARE REASONABLE FOR WHAT
24 THEY DID. IF IT WAS FOR PREPARING A PETITION, DID
25 THEY -- I LOOK AT THE PETITION. DID IT TAKE THE
26 TIME THAT THEY BILLED FOR IT.

27 BUT THEN I GO TO THE SECOND THING. I
28 LOOK AT MY OWN TIME FOR SOMETHING SO IF THEY HAVE

1 HAD A CONVERSATION WITH ME AND I HAVE BILLED
2 TWO-TENTH OF AN HOUR AND THEY BILLED HALF AN HOUR, I
3 BEGIN TO SEE THAT ~~THEIR~~ ^{MBT THERE} IS CERTAINLY AN ELEMENT OF
4 PADDING GOING ON.

5 WELL, IN THIS CASE, IN MR. HANKIN'S CASE
6 IN PARTICULAR, I FOUND ONE APPEARANCE THAT HE DIDN'T
7 BILL FOR AT ALL HERE IN FRONT OF THE COURT. AND A
8 SECOND ONE WHERE APPARENTLY NEITHER ONE OF US BILLED
9 FOR UNLESS FOR SOME REASON THAT APPEARANCES DIDN'T
10 OCCUR AND NEITHER OF US REMEMBERED SEVERAL MONTHS
11 LATER. CERTAINLY, I SEE WHERE HE HAS PASSED ON
12 BILLING FOR AT LEAST TWO APPEARANCES.

13 GOING BACK OVER THE FEES, I FOUND A FEW
14 PHONE CALLS WHERE PERHAPS HE WAS TALKING TO SEVERAL
15 PEOPLE, INCLUDING ME, BUT HE DID NOT BILL FOR THE
16 CONVERATION TO ME. SO, I SEE THAT IN HIS CASE THAT
17 THERE IS NO PADDING AND PROBABLY A GIFT OF SOME
18 HOURS TO THE CONSERVATEE.

19 IN MR. GLASCO'S CASE, I COULD NOT FIND
20 ANYTHING LIKE THAT BECAUSE I DIDN'T HAVE ANY DIRECT
21 CONTACT WITH HIM. SO I CAN'T SAY. BUT, AGAIN,
22 LOOKING AT WHAT HE BILLED IN COMPARISON TO WHAT
23 MR. HANKIN BILLED, IT LOOKED VERY REASONABLE.

24 I HAVE TALKED TO MR. LEVITT AS RECENTLY
25 AS ABOUT TWO WEEKS AGO. I HAVE BEEN PARTICULARLY
26 CONCERNED BECAUSE THERE IS ANOTHER PETITION ON FOR
27 SELLING HIS HOME AND I WANTED TO REALLY FIND OUT
28 WHAT HIS FEELINGS WERE ABOUT THAT. AND I CAN SAY

1 THAT HE IS CONTENT WITH THE PLACE WHERE HE IS. HE
2 AGREES THAT HE CAN'T RETURN TO HIS HOME.

3 AND, SO, I BELIEVE WHAT I AM DOING IS
4 ECHOING MRS. LABOW'S COMMENTS THAT HE WILL PROBABLY
5 LIVE OUT HIS LIFE THERE AND THAT'S PROBABLY AS CLEAN
6 AND SATISFACTORY A PLACE AS CAN BE PROVIDED FOR HIM
7 AT THIS TIME.

8 I AGREE WITH EVERYTHING THE COURT SAYS,
9 BUT IN THIS CASE THE WAY BARBARA GOLD WAS MOVING IN
10 ON THIS MAN'S ESTATE, IF THINGS HADN'T HAPPENED WHEN
11 THEY DID WITHIN THE FIRST COUPLE OF MONTHS OF HER
12 CONTACT WITH HIM, ANOTHER MONTH OR TWO THERE WOULD
13 BE NO ESTATE AT ALL. HE WAS IN THE PROCESS OF
14 PUTTING HER NAME ON THE DEED TO HIS PROPERTY. HE
15 WAS STOPPED BY THE BANKS AT THE VERY MOMENT THAT HE
16 WAS ADDING HER NAME TO HIS BANK ACCOUNTS WHICH AT
17 THAT TIME HAD ABOUT \$250,000 IN THEM.

18 THIS WOMAN WAS GOING TO GRAB EVERYTHING
19 AS FAST AS SHE COULD. WHEN HE WAS FINALLY TAKEN TO
20 A DOCTOR AFTER SHE HAD CONTACT WITH HIM AND WAS
21 SUPPOSEDLY TAKING CARE OF HIM FOR A COUPLE OF
22 MONTHS, HIS RITALAN, I BELIEVE IT WAS, ANAESTHESIA
23 MEDICATION LEVELS WERE SO LOW THAT THE DOCTOR WAS
24 EXTREMELY CONCERNED.

25 AND, IN FACT, VERY SHORTLY AFTER THAT HE
26 WAS FOUND WANDERING ON THE STREETS, WHEN SHE WAS
27 SUPPOSEDLY TAKING CARE OF HIM, AND TAKEN TO A
28 PSYCHIATRIC HOSPITAL BECAUSE OF HER NEGLECT.

1 SO, SHE WAS STRICTLY IN IT FOR MONEY AND
2 IF THINGS HADN'T HAVE HAPPENED, THERE WOULDN'T BE
3 ANYTHING. THERE WOULDN'T HAVE BEEN ANYTHING A
4 COUPLE OF YEARS AGO.

5 THE COURT: THERE IS NO DOUBT THAT THE
6 COURT -- THERE IS A STRONG INDICATION THAT SHE WAS
7 IN THERE FOR NOTHING BUT THE MONEY. THERE IS NO
8 QUESTION THAT THIS WAS A DIFFICULT CASE.

9 YOU ARE MISSING THE POINT. IF YOU THINK
10 THAT ANYBODY IS BILLING HOURS OR A VERY GOOD JOB OF
11 WHAT THEY ARE DOING, THAT'S NOT WHAT DISTURBS ME. I
12 AM NOT UPSET ABOUT ANYBODY'S HOURS. I AM NOT EVEN
13 UPSET ABOUT THE PAY RATE OTHER THAN THE FACT THAT I
14 HAVE TO CONSIDER THE SIZE OF THE ESTATE WHEN I AM
15 LOOKING AT THE PAY RATE.

16 TO SAY THAT NO ONE WOULD TAKE THESE
17 ACCOUNTS -- AND I HEARD YOU MENTION THAT BEFORE,
18 COUNSEL -- BUT I HAVE GOT TO TELL YOU, I HEARD THAT
19 FOR 10 YEARS OVER IN CRIMINAL WHERE THEY SAID, IF
20 YOU WANT GOOD ATTORNEYS TO TAKE DEATH PENALTY CASES,
21 YOU HAVE GOT TO PAY THEM THE EXTRAORDINARY RATE ON
22 IT. THAT'S NOT TRUE. THERE ARE PEOPLE WHO WILL WORK
23 FOR A LITTLE BIT LESS AND THEY WILL STILL DO AN
24 OUTSTANDING JOB AND NOT THROW PEOPLE OUT ON THE
25 STREETS.

26 UN ~~RA~~ I KNOW THAT THIS IS GOING TO BE
27 WSCOMFORTABLE FOR YOU AND FOR EVERYBODY HERE, BUT I
28 AM GOING TO CUT THE RATES DOWN ON ALL THIS. AND I

1 AM DOING IT NOT BECAUSE I DON'T THINK THE WORK
2 JUSTIFIES IT. I THINK THE TIME SPENT DOES JUSTIFY
3 IT. I THINK DON'T THE ESTATE JUSTIFIES IT, AND I
4 AM --

5 MR. HANKIN: MAY I COMMENT, YOUR HONOR?

6 THE COURT: NO, NO. LET ME GO AHEAD, FIRST OF
7 ALL, AND THEN YOU CAN TELL ME ANYTHING YOU WANT
8 AFTERWARDS. BUT LET ME TELL YOU WHAT I AM GOING TO
9 BE DOING, FIRST OF ALL.

10 I WILL TELL YOU RIGHT NOW IT IS GOING TO
11 COME OUT TO AROUND THE \$200 AN HOUR FEE ON IT AS FAR
12 AS THE FEES GO.

13 I AM GOING TO BE SETTING THE
14 CONSERVATOR'S FEES AT 29,027. I THINK THAT'S
15 APPROPRIATE. YOU ARE BILLING AT \$65.00 AN HOUR.

16 COUNSEL, I THINK THAT AS AN AVERAGE, I
17 THINK THAT'S APPROPRIATE.

18 MS. LABOW: BUT, YOUR HONOR, ONCE MR. LEVITT
19 IS OUT OF FUNDS, I WILL STILL BE THERE WORKING FOR
20 NOTHING.

21 THE COURT: I UNDERSTAND.

22 MS. LABOR: IN THIS CASE THE \$65.00 AN HOUR
23 DOESN'T PAY ME FOR THE TIME OF MY SOCIAL WORKERS.
24 MY SOCIAL WORKERS HAVE MASTER'S DEGREES. THIS IS
25 THE KIND OF CASE --

26 THE COURT: EXCUSE ME. MS. LABOW, THIS IS
27 WHAT YOU ASKED FOR.

28 MS. LABOW: NO, I DID NOT. I ASKED FOR

1 BOOKKEEPING TIME OF \$45 AN HOUR.

2 THE COURT: I HAVE DOWN HERE -- I HAVE JTD
3 REQUESTING FEES OF \$29,027.

4 MS. LABOW: OH, YOU MEAN IT'S FOR -- I
5 APOLOGIZE, YOUR HONOR. I THOUGHT YOU WERE CUTTING
6 THOSE THINGS TO 65 AND I DON'T BILL AT 65. I
7 APOLOGIZE.

8 THE COURT: NO. BUT IF YOU AVERAGE ALL OF
9 THAT OUT, IT COMES OUT TO \$65.

10 MS. LABOW: I APOLOGIZE, YOUR HONOR.

11 THANK YOU.

12 THE COURT: YOU ARE THE ONE I DIDN'T CUT DOWN.
13 I CUT IT IN HALF ON EVERYBODY ELSE.

14 MS. LABOW: THANK YOU, YOUR HONOR.

15 I APOLOGIZE.

16 THE COURT: AND I AM MAKING THESE ORDERS NOW
17 NOT TO DEBATE THEM. I AM JUST MAKING THESE ORDERS
18 AND I WILL GIVE EVERYONE A CHANCE TO SAY WHATEVER
19 THEY WANT TO SAY AFTERWARDS.

20 ON JTD-2, ON MR. HANKIN'S FEES, I AM
21 GOING TO SET THAT AT \$64,000.

22 ON MR. GLASCO'S FEES. I AM GOING TO BE
23 SETTING THAT AT \$14,000.

24 ON THE PVP FEES, I AM GOING TO BE
25 SETTING THAT AT \$32,000.

26 I DON'T KNOW IF EVERYBODY GOT THOSE
21 NUMBERS OR NOT, BUT I AM MORE THAN WILLING TO --

28 MR. HANKIN: COULD YOU DO IT AGAIN, YOUR

1 HONOR? I AM SORRY.

2 THE COURT: YES.

3 ON JTD-2, WHICH IS MR. HANKIN'S FEES,
4 64,000.

5 ON GLASCO'S FEES, ATTORNEY GLASCO'S
6 FEES, JTD-3, 14,000.

7 ON PVP FEES, 32,000.

8 AND I UNDERSTAND THAT THAT'S NOT WHAT
9 YOU ASKED FOR, AND I UNDERSTAND. BUT I HAVE GOT TO
10 BALANCE IN THE SIZE OF THE ESTATE AND EVERYTHING
11 ELSE.

12 IF ANYONE WISH TO BE HEARD, THEY CAN.

13 MR. HANKIN: THANK YOU, YOUR HONOR.

14 I APPRECIATE YOUR HONOR IS TRYING TO BE
15 FAIR. SO I APPRECIATE THAT. I WOULD LIKE TO POINT
16 OUT THAT THE HEIRS OF THE CONSERVATEE SUPPORT OUR
17 FEES EVEN THOUGH THEY BELIEVE THAT IT IS COMING OUT
18 OF THEIR POCKET; THAT THE PERSON WHO IS REALLY
19 RETAINING THE MONEY WHEN YOU CUT FEES IS THE
20 DEPARTMENT OF HEALTH SERVICES.

21 THIS IS NOT A PERSON WHO IS LIVING
22 INDEPENDENTLY AND WHO NEEDS THE FUND IN ORDER TO
23 MAINTAIN THEMSELVES. THIS IS SOMEONE -- THIS IS
24 ESSENTIALLY A GIFT TO THE DEPARTMENT OF HEALTH
25 SERVICES RATHER THAN US.

26 I KNOW YOUR HONOR -- I APPRECIATE YOUR
27 HONOR BELIEVES THAT LOW FEES ~~HAS FELT THAT~~ DON'T DISSUADE PEOPLE FROM
28 TAKING THESE CASES, BUT I BELIEVE THAT THE PEOPLE

1 WHO ARE COMPETENT TO HANDLE THEM PROPERLY ALL TELL
2 ME THAT THEY DON'T TAKE THEM. THEY DON'T TELL YOU
3 THAT. BUT THEY HAVE TOLD ME THAT. AND SOME OF THEM
4 JOINED IN THAT LETTER WHICH YOU SAW.

5 I DON'T KNOW IF YOU SAW IT, BUT THEY ALL
6 SAY THAT THEY DON'T TAKE THEM. SO YOU GET THE
7 BEGINNERS TAKING THEM AND THE CASE GETS HANDLED LESS
8 WELL. AND EVERYBODY, BUT EVERYBODY TELLS ME THAT
9 THEY ACKNOWLEDGE, OUTSIDE IN THE HALLWAY, THAT THEY
10 SETTLED CASES DOWN THE RIVER FOR, YOU KNOW, A SMALL
11 SUM RATHER THAN WHAT THEY ARE REALLY WORTH BECAUSE
12 THEY FIGURE THAT THE FIDUCIARY WILL ALWAYS TAKE IT
13 IN THE TEETH.

14 SO THE PROBLEM IS IF YOU COME INTO AN
15 ESTATE THAT'S ENOUGH FOR YOU TO WORK AND AS YOU
16 LITIGATE AND THE MATTERS DRAGS ON AND THE MORE WORK
17 YOU DO, YOU KNOW THAT THE ESTATE IS GOING TO GET
18 SMALLER OVER TIME. SO YOU ARE GOING TO TAKE IT IN
19 THE TEETH FOR NOT GIVING IN TO THE BAD GUYS. THE
20 MORE YOU STAND UP FOR WHAT'S RIGHT, THE MORE YOU GET
21 HARMED.

22 AND I HAVE HAD LAWYERS REPRESENTING THE
23 PERP, HAVE OFF THE RECORD CONVERSATION WITH ME, AND
24 TELL ME THEY KNOW THAT THE COURTS IN A SENSE,
25 FIGURATIVELY SPEAKING, OUR WORST ENEMY AND THEY ARE
26 USING IT.

27 THE COURT: I AM GOING TO CUT YOU OFF. YOU
28 AND I HAVE TALKED ABOUT THIS BEFORE AND I UNDERSTAND

1 YOUR FRUSTRATION ON IT. BUT I HAVE GOT TO TELL YOU
2 TWO THINGS: ONE IS THAT ATTORNEYS ARE PROFESSIONAL
3 PEOPLE. AND WHEN I HEAR THAT TYPE OF ARGUMENT -- I
4 USED TO HEAR IT IN CRIMINAL -- WELL, IF I GET PAID
5 EX AMOUNT FOR A DEATH PENALTY CASE AND I ONLY SPEND
6 TWO HOURS ON IT, BOY, YOU KNOW, I WOULD MAKE A LOT
7 MORE MONEY, AND SO THERE IS AN INDICATION FOR ME TO
8 TRY TO THROW MY CLIENT OUT OR TO PLEAD HIM GUILTY.

9 I HAVE MORE RESPECT FOR ATTORNEYS. I
10 DON'T THINK ATTORNEYS REALLY DO SELL THEIR CLIENTS
11 OUT. THEY MAY NOT TAKE CASES DOWN THE ROAD, BUT I
12 DONT THINK THEY SELL THEM OUT.

13 NUMBER TWO, IS A \$200 AREA IS MUCH
14 LESS. I UNDERSTAND THE GOING RATE ON THE OUTSIDE
15 FOR REALLY GOOD ATTORNEYS. IT IS MUCH MORE THAN
16 SOME POOR ATTORNEYS ON IT -- NOT POOR ATTORNEYS, BUT
17 NEWER ATTORNEYS ON IT.

18 I DON'T THINK -- I HAVE GOT TO TELL YOU,
19 I DON'T THINK THAT IT IS THAT DISASTROUS TO TELL A
20 REAL GOOD ATTORNEY TXAT IN THIS PARTICULAR CASE
21 BECAUSE OF THE SIZE OF THE ESTATE THEY HAVE TO CUT
22 IT DOWN. IF THERE IS A NEW ATTORNEY, I MIGHT HAVE
23 EVEN BEEN CUTTING IT DOWN MORE.

24 I HAVE NO PROBLEM WITH THE TIME THAT YOU
25 HAVE SPENT, THE EFFORT THAT YOU HAVE SPENT. ARE YOU
26 GETTING AS MUCH AS YOU WOULD ON THE OUTSIDE OR THAT
27 YOU DESERVE ON THE OUTSIDE? NO. THERE IS NO
28 QUESTION ABOUT IT ALL.

1 ALL I CAN TELL YOU IS THIS IS NOT
2 COMFORTABLE FOR ME TO DO EITHER. BUT I THINK IT IS
3 APPROPRIATE AND IT IS ONE OF THE THINGS THAT I HAVE
4 TO MAKE A CALL ON IT, AND THAT'S THE COURT ORDER ON
5 IT.

6 THE CLERK: AND, YOUR HONOR. ON NUMBER 140,
7 THE PETITION TO AUTHORIZE SALE, I PRESUME THAT IS
8 OFF CALENDAR?

9 MR. HANKIN: NO. WE WOULD REQUEST THAT THAT
10 BE GRANTED.

11 THE COURT; ANY OBJECTION TO THAT BEING
12 GRANTED?

13 MR. WEBBER: NO. I FILED A CURRENT ON
14 NOVEMBER 22ND. SOMEHOW IT DIDN'T MAKE IT INTO THE
15 NOTES.

16 THE COURT: THAT WILL BE GRANTED.

17 THE CLERK: THANK YOU, VERY MUCH.

18 AND THAT IS ALL ATTORNEY ORDERS.

19 MR. GLASCO: BY THE WAY, HAPPY NEW YEARS, YOUR
20 HONOR.

21
22 (PROCEEDINGS IN THE ABOVE-ENTITLED
23 MATTER WERE CONCLUDED.)
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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES
DEPARTMENT 11 HON. GARY KLAUSNER, JUDGE

IN THE ESTATE OF

JOEL M. LEVITT, ETC.

NO. BP 045890
REPORTER'S
CERTIFICATE

CONSERVATEE

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS

I, O. RENELL CANNON, OFFICIAL REPORTER
OF THE SUPERIOR COURT OF THE STATE OF CALIFORNIA.
FOR THE COUNTY OF LOS ANGELES, DO HEREBY CERTIFY
THAT THE FOREGOING PAGES 1 THROUGH 16, INCLUSIVE,
COMPRISE A FULL, TRUE, AND CORRECT TRANSCRIPT OF THE
PROCEEDINGS AND TESTIMONY TAKEN IN THE MATTERS OF
THE ABOVE-ENTITLED CAUSE ON JANUARY 3, 2000.

DATED THIS 18TH DAY OF JANUARY, 2000.


OFFICIAL REPORTER, CSR #1606