



MCLE Self-Study Test

Diversity Considerations in the Appointment of Counsel for Conservatees: Unintentional Implicit Bias

by Patanisha E. Davis, Esq.

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For each of the following questions identify the best answer from the choices provided.

1. The court may appoint private counsel for a conservatee or proposed conservatee if:
 - a. The conservatee or proposed conservatee is suffering financial harm
 - b. The conservatee or proposed conservatee has memory loss
 - c. The appointment is helpful to the resolution of the matter
 - d. The appointment supports judicial economy
2. California Probate Code Section that gives authority to the court appoint counsel for conservatee or proposed conservatee:
 - a. PC 8800
 - b. PC 8902 and 8903
 - c. PC 10800
 - d. PC 1470 and 1471
3. The court may appoint private counsel for a conservatee or proposed conservatee if the appointment is necessary to the protection of the conservatee or proposed conservatee's interest:
 - a. True
 - b. False
4. Attorneys may only be appointed from the bench to represent a conservatee or proposed conservatee:
 - a. True
 - b. False
5. The Court relies on court appointed attorneys:
 - a. To manage the financial affairs of the conservatee or proposed conservatee
 - b. To provide recommendations on critical decisions the court must make concerning the conservatee or proposed conservatee
 - c. To act as the conservatee or proposed conservatees power of attorney
 - d. To make critical decisions on behalf of the conservatee or proposed conservatee
6. Key considerations to make when representing conservatees or proposed conservatees are:
 - a. Remain open and question your own bias
 - b. Do your due diligence to understand your client
 - c. Be your client's vigilant advocate, not your own
 - d. All the above
7. Implicit bias can get in the way of:
 - a. Getting the client to see things the attorney's way
 - b. Zealous advocacy
 - c. Making critical decisions for the conservatee or proposed conservatee
 - d. The attorney's personal beliefs
8. California Rule of Court Section that sets forth the educational requirements attorneys must maintain to continue receiving court appointments:
 - a. 7.10
 - b. 7.113
 - c. 7.1103
 - d. 7.1
9. The conservatee or proposed conservatee's home is:
 - a. Their castle
 - b. Not a safe place for them if they have Alzheimer's
 - c. The least restrictive option for them to remain
 - d. The least restrictive option if they have 24-hour care

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- 10. It may be in the conservatee’s or proposed conservatee’s best interest if the attorney:
 - a. Interviews family and friends to learn more about the client
 - b. Interviews the client only
 - c. Judges the condition of the home
 - d. Writes recommendations based on the court file they are presented with
- 11. The agency that appoints attorneys in Contra Costa County is:
 - a. Contra Costa County Conflict Program, aka Independent Counsel
 - b. The Independent Counsel Inc of California
 - c. Contra Costa County Independent Counsel
 - d. Contra Costa County Criminal Conflicts Panel
- 12. Throughout the state of California attorneys are appointed to provide:
 - a. Biased representation to elders in conservatorship cases
 - b. Review and recommendations on the financial affairs of elders in conservatorship cases
 - c. Unbiased representation and opinions about the conservatee or proposed conservatee’s living conditions
 - d. Unbiased representation of elders in conservatorship cases
- 13. Sometimes a court-appointed attorney must make recommendations to the court that are contrary to their client’s wishes:
 - a. True
 - b. False
- 14. It is best for the court-appointed attorney and the conservatee or proposed conservatee to be the same race, ethnicity, and/or gender:
 - a. True
 - b. False
- 15. One way of examining your implicit bias towards your client is if you feel your client’s way of doing or being is wrong or unacceptable:
 - a. True
 - b. False

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