

Adam Streisand Appellate Win Provides Significant Protections for Victims of Elder Abuse

Decision is the first in the wake of the new California Britney Spears law on conservatorships

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The California Court of Appeal issued its first decision interpreting a new statute enacted in response to the controversy over the Britney Spears conservatorship. In the wake of the storm over the 13-year conservatorship of pop superstar Britney Spears, the California Legislature enacted a new law intended to redress what the #FreeBritney movement saw as perhaps the first cardinal sin: A judge's refusal to allow Britney to be represented by the lawyer of her choice, Adam Streisand. Many believed that much of what ensued might have been avoided had Britney been allowed the lawyer of her choosing. The new California law is intended to ensure that people facing similar fates will have the right to choose their own counsel.

However, in the first decision by a California Court of Appeal interpreting the statute, it was Streisand who successfully persuaded the court that the new law also has important limits. In *White v Davis et al No. E077320* (Jan. 5, 2023), the court agreed with Streisand that the new statute permits courts to prevent lawyers with conflicted motives from representing a conservatee. Streisand is lead counsel for the daughters of a conservatee seeking elder abuse restraining orders against a group of lawyers, the conservatee's second wife, her friend and her daughter. The conservatee in *White* could not identify the lawyers purporting to represent him by their names, much less understand what it is they were doing for him. Streisand is the leader of Sheppard Mullin's Private Wealth and Fiduciary Litigation practice.

The decision also affirmed a ruling in Streisand's favor that held that these same persons, a group, labeled by the Court of Appeal itself as "undue influencers", could be brought to justice under the elder abuse statute notwithstanding their claims that the suit filed by Streisand infringed their constitutional rights to petition the courts.

The decision is the first of its kind to resolve a conflict between what is known as the anti-SLAPP statute, aimed at weeding out meritless attempts to chill constitutional rights and California's elder abuse statutes. It affirmed Streisand's victory and agreed with him that the trial court abused its discretion by not proceeding with the suit notwithstanding the undue influencers' appeal from the order denying their anti-SLAPP motion.

Streisand's team on the case included partner Golnaz Yazdchi, special counsel Valerie Alter and associates Bryan Wittlin, Meghan McCormick and Kendal Fletcher.

The case is *White v Davis et al No. E077320* (Jan. 5, 2023). The opinion has been certified for publication.

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Practice Areas

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