

COURT OF APPEAL FOR THE STATE OF CALIFORNIA

[THIRD/FIFTH] APPELLATE DISTRICT

Conservatorship of the Person of)	
[name of conservatee].)	No. [DCA case #]
_____)	
[name of coservator], as conservator,)	County of [Name of County]
)	No. [superior ct. case #]
Petitioner/Respondent,)	
)	
vs.)	
)	
[name of conservatee],)	
)	
Objector/Appellant.)	
_____)	

APPEAL FROM THE JUDGMENT OF THE SUPERIOR COURT
OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF [name of county where trial occurred]

Hon. [name of judge], Judge

APPELLANT'S OPENING BRIEF

(CONSERVATORSHIP OF BEN C. (2007) 40 CAL. 4TH 529)

[Name of Attorney]
ATTORNEY AT LAW

State Bar No. [Bar Number]
[Street Address]
[City], [State] [Zip Code]
[area code] [phone number]

Attorney for Appellant
By appointment of the Court of Appeal
under the Central California Appellate
Program [INDEPN/ASSIST] case system.

COURT OF APPEAL FOR THE STATE OF CALIFORNIA
FIFTH APPELLATE DISTRICT

Conservatorship of the Person of)
[name of conservatee].) No. [DCA case #]
_____))
[name of coservator], as conservator,) County of [Name of County]
) No. [superior ct. case #]
Petitioner/Respondent,)
)
vs.)
)
[name of conservatee],)
)
Objector/Appellant.)
_____))

APPEAL FROM THE JUDGMENT OF THE SUPERIOR COURT
OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF [name of county where trial occurred]

Hon. [name of judge], Judge

APPELLANT'S OPENING BRIEF SUBMITTED UNDER AUTHORITY OF
CONSERVATORSHIP OF BEN C. (2007) 40 Cal.4th 529

STATEMENT OF APPEALABILITY

An LPS rehearing (Welf. & Inst. Code, § 5364) is "an appealable order after judgment". (*Conservatorship of Jones* (1989) 208 Cal.App.3d 292, 298; see also *Conservatorship of Everette M.* (1990) 219 Cal.App.3d 1567.)

REQUEST FOR CONFIDENTIALITY

In the event this appeal results in a published opinion, appellant respectfully requests that [his/her] last name be deleted in order to protect [his/her] right to

confidentiality of mental health history. (Welf. & Inst. Code, § 5328.)

MOTION FOR CALENDAR PREFERENCE

[Input if applicable.]

STATEMENT OF THE CASE

[Input statement of the case.]

STATEMENT OF THE FACTS

[Input relevant facts.]

[Note: In regard to both the Statement of Case and the Statement of Facts, they should be sufficiently detailed to aid the court in its independent examination of the issues if the conservatee files a supplemental brief. The court is not required to perform a review of the record to look for issues, and may simply dismiss the appeal if no brief on the merits is filed. But if the conservatee files a supplemental brief, the statements of the case and facts that you prepare may assist the court in understanding any points raised by the conservatee. It may even induce the court to conduct its own review of the record because of the ready references to the record. Counsel must continue to act in the role of an active advocate on behalf of the appellant, and to support the appellant's appeal to the best of counsel's ability.]

ARGUMENT

BRIEF SUBMITTED UNDER AUTHORITY OF *CONSERVATORSHIP OF BEN C.*(2007) 40 CAL.4th 529.

This brief is being submitted pursuant to the opinion of the California Supreme Court in *Conservatorship of Ben C.* (2007) 40 Cal.4th 529. Appellant has been advised by present counsel of his right to file a supplemental brief in this court within 30 days of the date this brief is filed. (See *Id.* at p.544, fn. 6.) Appellant has been advised that in the supplemental brief he may bring to the court's attention any issues he believes deserve review. Appellant has been further advised that upon his request present counsel will forward appellant's copy of the record on appeal for the purpose of preparing a supplemental opening brief, but that counsel will retain the record for the present to allow proper representation in the event this court requests further briefing.

Dated: [Insert date.]

Respectfully submitted,

Counsel for Appellant

DECLARATION OF COUNSEL

I, [name of appellate counsel], declare:

As counsel appointed to represent appellant, [Client Name], in this appeal, I have read the entire record consisting of [CT length] pages of clerk's transcript as well as [RT length] pages of reporter's transcript. I have discussed in correspondence with my client my findings and my client's views regarding the case. In a letter dated [letter date], I advised my client of the nature of this brief; that I would serve a copy of this brief on my client; that [s/he] may file a supplemental brief within 30 days of my filing the opening brief on [his/her] behalf; that upon request I would send [him/her] the client's copy of the record on appeal to aid [his/her] preparation of a supplemental brief, if any; and that I would remain available to brief issues as requested by the court.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on [insert date], at [city], California.

[name of counsel]
Attorney for Appellant

CERTIFICATE OF WORD COUNT (Rule 8.204)

I, [insert appellate counsel's name], counsel for appellant, certify pursuant to the California Rules of Court, that the word count for this document is [insert word count] words, excluding the tables, this certificate, and any attachment permitted under rule 8.204(d). This document was prepared in [WordPerfect], and this is the word count generated by the program for this document. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed, at [city] California, on [date].

[name of counsel]
Attorney for Appellant