

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION TWO

CONSERVATORSHIP OF
CONSTANCE HILTON

JAMES MORRIS,

Petitioner and Respondent,

v.

CONSTANCE HILTON,

Objector and Appellant.

B267076
(Los Angeles County
Super. Ct. No. BP151533)

APPEAL from an order of the Superior Court of Los Angeles County. David S. Cunningham III, Judge. Affirmed.

Constance Hilton, in pro. per., for Objector and Appellant.

Lamb, Morris & Lobello and James Morris for Petitioner and Respondent.

Constance Hilton (Hilton) challenges a trial court order awarding \$7,148.93 in attorney fees and costs to respondent James Morris (Morris) upon discharging Morris as Hilton's Probate Volunteer Panel (PVP) attorney.

PROCEDURAL BACKGROUND

From the bare bones record¹ provided, we glean the following facts:

On April 24, 2014, Michelle Smallwood (Smallwood), Hilton's daughter, filed a petition for conservatorship over her mother. It seems that that petition was granted.

At some point Morris was appointed PVP attorney for Hilton. Later, either Morris moved to be relieved as Hilton's counsel or Hilton asked that he be discharged. Regardless, the trial court discharged Morris and awarded him \$6,950 in fees and \$198.93 in costs, for a total of \$7,148.93. The fees were ordered to be paid by the conservatorship estate.

Hilton appealed the trial court's order.

DISCUSSION

The Los Angeles County Superior Court has developed a system for the appointment of attorneys to assist proposed conservatees and the court. The probate trial departments maintain a list of qualified attorneys, known as the PVP, and appoint attorneys from the PVP to represent proposed conservatees pursuant to Probate Code section 1470 et seq. Pursuant to Probate Code section 1472, subdivision (a), the trial

¹ The record on appeal consists solely of the order granting fees, notice of entry of order, notice of appeal, and notice designating record on appeal.

court is authorized to order payment for services provided and costs incurred by appointed counsel.

The Superior Court of Los Angeles County, Local Rules, rule 4.127(b)(2) indicates that PVP attorneys will be compensated at hourly rates below market rates. According to Morris's respondent's brief, at the time of services rendered in this case, and continuing to the present, the hourly rate for PVP attorneys was \$250.

We review a trial court order for an award of fees and costs for abuse of discretion. (*Estate of Gilkison* (1998) 65 Cal.App.4th 1443, 1448–1449.)

In light of the legal authority cited above, we conclude that the trial court did not err in awarding Morris his fees and costs. Morris was appointed Hilton's PVP attorney and he is entitled to recover his attorney fees and costs.

In urging us to reverse, Hilton contends that Morris is not entitled to recoup his fees and costs because he did nothing that benefitted her; rather, he “pour[ed] his efforts” in favor of Smallwood. She also argues that the probate court ignored her oral objection.

In addressing an appeal, we begin with the presumption that a judgment or order of the trial court is presumed correct, and reversible error must be affirmatively shown. (*Ballard v. Uribe* (1986) 41 Cal.3d 564, 574; *Denham v. Superior Court* (1970) 2 Cal.3d 557, 564.) The appellant must “present argument and authority on each point made” (*County of Sacramento v. Lackner* (1979) 97 Cal.App.3d 576, 591; Cal. Rules of Court, rule 8.204(a)(1)(B)) and cite to the record to direct the reviewing court to the pertinent evidence or other matters in the record that demonstrate reversible error (Cal. Rules of Court, rule

8.204(a)(1)(C); *Guthrey v. State of California* (1998) 63 Cal.App.4th 1108, 1115). It is not our responsibility to comb the appellate record for facts, or to conduct legal research in search of authority, to support the contentions on appeal. (*Del Real v. City of Riverside* (2002) 95 Cal.App.4th 761, 768.) If the appellant fails to cite to the record or relevant authority, we may treat the issue as waived. (*Mansell v. Board of Administration* (1994) 30 Cal.App.4th 539, 545–546.)

Moreover, an appellant's election to act as her own attorney² on appeal does not entitle her to any leniency as to the rules of practice and procedure; otherwise, ignorance is unjustly rewarded. (*Rappleyea v. Campbell* (1994) 8 Cal.4th 975, 984–985; *Lombardi v. Citizens Nat. Trust Etc. Bank* (1955) 137 Cal.App.2d 206, 208–209; *Gamet v. Blanchard* (2001) 91 Cal.App.4th 1276, 1284; *Nwosu v. Uba* (2004) 122 Cal.App.4th 1229, 1246–1247.)

Quite simply, Hilton did not meet her burden on appeal. She provided us with a very limited record on appeal, and she offers no citations in support of her suppositions. How did Morris only aid Smallwood and not her in the conservatorship proceeding? What objection did Hilton make below that the trial court allegedly ignored? These key questions are unanswered.

In her reply brief, Hilton claims that Morris did not adequately represent her because he (1) asked her to sign a declaration that is untrue and she was not given the opportunity to read before signing; (2) never provided the trial court with a

² It appears that Hilton initially was represented by attorney Mark West in connection with this appeal. He then moved to be relieved as her attorney of record, and we granted his motion.

copy of a report from a psychiatrist who attested to Hilton's competency; (3) wrongfully took various monetary records from her home without her consent; and (4) never notified her of any court dates. Setting aside the fact that we do not consider arguments first presented in a reply brief (*Reichardt v. Hoffman* (1997) 52 Cal.App.4th 754, 764), Hilton's argument fails for the same reasons set forth above—it is unsupported by citations to the appellate record and legal authority.

DISPOSITION

The order awarding fees and costs to Morris is affirmed.
Morris is entitled to costs on appeal.

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS.

_____, Acting P. J.
ASHMANN-GERST

We concur:

_____, J.
HOFFSTADT

_____, J.*
GOODMAN

* Retired Judge of the Los Angeles Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.