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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

Conservatorship of the Person
and Estate of J.L.

B292170

(Los Angeles County
Super. Ct. No. ZE042829)

LOS ANGELES COUNTY
OFFICE OF THE PUBLIC
GUARDIAN, as Conservator,
etc.,

Petitioner and Respondent,

v.

J.L.,

Objector and Appellant.

APPEAL from a judgment of the Superior Court of Los
Angeles County, Robert S. Harrison, Judge. Dismissed.

Rudy Kraft, under appointment by the Court of Appeal, for
Objector and Appellant.

Mary C. Wickham, County Counsel, Rosanne Wong,
Assistant County Counsel, William C. Sias, Senior Deputy
County Counsel, for Petitioner and Respondent.

I. INTRODUCTION

J.L. appeals from a judgment granting the petition of the Los Angeles County Office of the Public Guardian (Public Guardian) for appointment as his conservator.¹ The judgment followed a jury trial in which the jury found J.L. to be gravely disabled within the meaning of the Lanterman-Petris-Short Act (Welf. & Inst. Code², § 5000 et seq.; LPS Act). J.L.'s sole argument on appeal is that he was not tried within 10 days of his demand for trial, in violation of section 5350, subdivision (d)(2). The LPS conservatorship was scheduled to terminate on August 10, 2019. We dismiss this appeal as moot.

II. BACKGROUND

On June 4, 2018, J.L. was admitted to a mental health hospital and placed on a 30-day hold pursuant to section 5270.15. On June 22, 2018, the Public Guardian notified J.L. of its intent

¹ The record indicates J.L.'s mother, R.L., was subsequently appointed as the successor conservator.

² Further statutory references are to the Welfare and Institutions Code.

to be appointed temporary conservator. On June 28, 2018, the Public Guardian filed a petition to be appointed as conservator of J.L.'s estate and person, as well as temporary conservator of J.L.'s person. On July 2, 2018, the probate court appointed the Public Guardian as temporary conservator. The probate court then set a hearing on the Public Guardian's petition for appointment as conservator of J.L.'s estate and person for July 16, 2018.

On July 16, 2018, J.L., through his counsel, appeared before the probate court and requested a jury trial. J.L.'s counsel objected "to the trial being set any date after July 26th."

On July 26, 2018, J.L. appeared before the probate court with counsel. J.L. through counsel indicated his trial readiness. The court notified J.L. that "the jury trial is going to be set for August 9, 2018, as a go-date at 1:30 P.M." Neither J.L. nor his counsel objected.

On August 9, 2018, jury trial commenced on the issue of whether J.L. was gravely disabled. On August 10, 2018, the jury returned a unanimous verdict finding J.L. to be gravely disabled. The probate court appointed the Public Guardian as conservator and ordered that the conservatorship would terminate on August 10, 2019. On September 10, 2018, R.L., J.L.'s stepmother, was appointed J.L.'s successor conservator.

On August 12, 2019, we invited the parties to brief whether the appeal was moot. On August 17, 2019, J.L.'s counsel submitted a letter brief, which did not contest that the order of conservatorship had expired, but proffered, without any evidentiary support, that "County Counsel and the conservator have filed a petition seeking to extend my client's conservatorship." The Public Guardian filed no response.

III. DISCUSSION

J.L. argues that the probate court erred in failing to bring him to trial within 10 days of his July 16, 2018, demand for trial. J.L. does not challenge the finding that he is gravely disabled, argue that the court was divested of jurisdiction to hold the trial based on the delay, or claim that an earlier trial would have led to a different result. Rather, J.L. requests that the court be ordered to change the expiration of the LPS conservatorship from August 10, 2019, to July 27, 2019, which is one year following the last date of trial if the court had commenced the two-day trial within 10 days of his demand for trial.

On this record, we find the appeal is moot. “[W]hen, pending an appeal from the judgment of a lower court, and without any fault of the [respondent], an event occurs which renders it impossible for this court, if it should decide the case in favor of [appellant], to grant him any effectual relief whatever, the court will not proceed to a formal judgment, but will dismiss the appeal. [Citations.]’ [Citation.]” (*Eye Dog Foundation v. State Board of Guide Dogs for the Blind* (1967) 67 Cal.2d 536, 541; *Robinson v. U-Haul Co. of California* (2016) 4 Cal.App.5th 304, 322.) “The policy behind this rule is that courts decide justiciable controversies and will normally not render advisory opinions.” (*Ebensteiner Co., Inc. v. Chadmar Group* (2006) 143 Cal.App.4th 1174, 1179.) The conservatorship order on appeal has expired and even if we accepted J.L.’s arguments on the merits, we could not give him the relief that he seeks, that is, to

have the conservatorship expire at an earlier date.³ We express no opinion on whether we would deem J.L.’s appeal moot if he could demonstrate, rather than assert, that the Public Guardian and conservator had petitioned to renew conservatorship proceedings and that the expiration date of the conservatorship order at issue here was relevant to those proceedings.

We further note that “a court may not sanction the routine disregard of a mandatory or obligatory legislative requirement.” (*Conservatorship of Kevin M.* (1996) 49 Cal.App.4th 79, 90.) On this record, however, it is unclear whether the delay in proceeding to trial is a routine occurrence or not.

³ Even if we were to consider the merits of J.L.’s request for relief, we would affirm the order of conservatorship. (*Conservatorship of M.M.* (2019) 39 Cal.App.5th 496, 500-501.)

IV. DISPOSITION

The appeal is dismissed as moot.

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KIM, J.

We concur:

BAKER, Acting P. J.

MOOR, J.