

Wednesday, March 11, 2009

Judge will rule April 20 on Crean conservatorship

Six attorneys involved in closing arguments Wednesday.

By **BARBARA VENEZIA**

For The Orange County Register

Closing arguments in the Crean conservator trial took an hour and forty-five minutes Wednesday morning. Judge Mary Fingal Shulte will render her opinion on April 20.

What she must decide in this first phase is if Donna Crean, suffering from advanced Alzheimer's and diabetes, needs a conservator.

Before closing arguments, Johnnie Crean instructed his attorneys to withdraw his application to be named his mom's conservator, but continued to argue no conservator is needed.

There have been six lawyers sitting across from Judge Shulte. Ernest Hayward and Patina Madison are court-appointed attorneys representing Donna Crean. By law they must advocate for her wishes. Hayward made it clear throughout the

trial, his client doesn't want a conservator, but if one is appointed, her choice would be son Andy.

In his closing argument, Hayward stated that travel, visitation and Donna's social structure decisions fall under the Health Care Directive already in place in which Andy Crean is in charge. He believes there are overlaps in this directive and thus no conservator should be named. Though he recognizes there are issues within the family dynamic; Donna's being well cared for even suggesting she wear gloves on outings to protect her from illness when in contact with the public.

Johnnie Crean's attorneys are Bruce Gary and John Wong. Gary read his closing arguments verbatim from a prepared statement stating "the current system is doing enough providing food, clothing and shelter for Donna Crean," thus meeting the criteria not to appoint a conservator. He acknowledged his client's "inability to communicate without throwing gasoline on a fire" and stated "the children want protection from each other," not a criteria for the court to appoint a conservator.

Attorney Dan Callahan and Jim Rouse represent Crean daughters Emily and Susie who believe their mother should have a conservator and that should be brother Andy. Unlike the other four attorneys, Callahan's closing arguments focused on the testimony from Donna's doctors, main care giver, expert handwriting witness, and read the court-appointed social worker's report. All in agreement it's in Donna Crean's best interest to have a conservator.

Taking off my 'reporter's hat" and putting on my "commentator's hat:"

The character I found most intriguing was Dan Callahan. Throughout the trial, lawyers unrelated

Advertisement

Advertisement for Crocs shoes. The main image shows a sunset over a beach with silhouettes of people walking. Text reads "only in crocs™ shoes." To the right, there is a QR code labeled "Neo", a pair of brown Crocs shoes, and the "cities by foot" logo with the Crocs logo below it. The website "www.citiesbyfoot.com" is listed at the bottom.

Print Powered By FormatDynamics™


to this case sat in on the proceedings. I chatted with some questioning why they were there. "To witness Callahan in action" I was told... and he was impressive.

If court is a form of theater, then Callahan is a star in this arena. His closing argument was passionate, precise, and flowing. No reading verbatim for this guy. But what struck me most was his conviction. You really believed he believed in what he was saying...something I didn't get from the other attorney's closings.

The guys I felt sorry for the past six days were Johnnie's attorneys. They had a client whose behavior, on and off the stand, was odd at best. I will say they did the best job they could under the circumstances.

Donna's fate now is in the hands of Judge Shulte. She stated today she needed time to review the evidence and testimony submitted before rendering her decision. She's seems like one smart cookie and I pray she's guided to make the right ruling for Donna's sake.

Advertisement



only in crocs™ shoes.

Neo

cities by foot

CROCS

www.citiesbyfoot.com

Print Powered By  FormatDynamics™