



## **The Duplicity of Bar Associations**

### **A White Paper by Americans Against Abusive Probate Guardianship**

If only the victims in guardianship had a tiny fraction of the due process that judges and lawyers enjoy, what a different world it would be.

As our research has shown time and again, innocent individuals caught up in the flytrap of for-profit guardianship do not have the benefit of due process nor do they have the protection of the civil rights guaranteed to each of us by our Constitution. They are dead in the law and there is no one to protect them.

Perhaps then we should all consider becoming lawyers.

In the bizarro world of probate court, lawyers routinely are allowed to lie as much as they like as they vilify innocent family members and commenced the endless staged litigation that funnels money from innocent families and estates into their pockets. Like almost everything else in Probate Guardianship, for victims and families there is no complaint department.

There has simply never been any process in place to discipline guardians. On July 15, 2105 this will change due to passage of our Florida Senate Bill5 which criminalizes many of the abuses that we have seen constantly repeated in guardianships throughout the state and in the country.

But, the only mechanism even purporting to discipline probate attorneys is the Bar Association and its Bar complaint system. In most states this system is purported to exist to protect the public and maintain the public's trust necessary for the courts to retain their legitimacy.

But our research paints a very different picture. From our perspective, the Bar Association in nearly every state serves to unswervingly protect and insulate its member attorneys from any causes that would reduce their income or infringe on their ability to practice. The structure of the bar complaint process is such that a citizen with valid complaints about inappropriate behavior of any given attorney must be prepared to submit endless paperwork to successive layers of bar bureaucracy, wait years in many cases, submit to interrogation by supposedly independent referees, and most egregiously be subject to vicious retaliation of the accused attorney as we have seen so many times in probate cases. Given that the probate attorneys and guardians control

the lives of our loved ones, it takes great courage to even attempt to file a Bar complaint.

Even when the bar complaint survives the bureaucracy of the bar and even when disciplinary committees find fault with the offending lawyer, amazingly there is a process in which the offending attorney is given the opportunity to pay a few dollars and take a Mickey Mouse bar course or two on whatever he did wrong and start with a clean slate all over again! There will be no indication on his bar record that any discipline was even considered. There will be no record of the complaint. There will be no record of anything and it will appear as though the lawyer is as pure as the driven snow.

As a result of a Freedom of Information request to the Florida Bar we have had access to 10 years of bar disciplinary records. During that time there were only 73 "actions" by the bar against attorneys who refer to themselves as practicing Elderlaw or RPPTL law. It should be noted that during this time, the number of attorneys overall in the state of Florida varied from 89,000 to nearly 100,000. Most of these actions were nothing more than a slap on the wrist although a handful did result in meaningful discipline.

But what was amazing is the fact that of all of these disciplinary actions **not a single one involved probate matters**. Since a number of us have filed our complaints against offending attorneys it would appear that either they were dismissed as invalid or mediated out.

It should be noted that in Florida every member of the Florida bar is by default-- in what's called a unified state-- a member of the Supreme Court. If there were ever a chance to reform the system it would be only possible under the direct orders of the Supreme Court and its Chief Justice. But the Supreme Court's position on such matters can best be exemplified by the mechanisms in place for citizens to complain about a judge by submitting a complaint to the Judicial Qualifications Commission.

This Commission is statutorily created and is supposed to be independent body whose function is to maintain the confidence of the public in the judiciary system. It should not be surprising that this committee made up almost entirely of lawyers, has a record of disciplining judges that is highly questionable. In fact less than a 10th of 1% of the thousands of annual complaints about judges ever reach the stage of actual discipline and that discipline is rarely more than a public rebuke. It is almost unheard of for judges to be removed from the bench no matter how egregious their behavior.

The Freedom of Information request sent to them has not been answered as of this writing however in reviewing every disciplinary action from The Judicial Qualifications Commission for the last five years there is not a single case of any type of discipline against any probate court judge in the state of Florida. This is despite the fact that we

know of many such complaints from victims of guardianship against those very judges. This is despite the fact that media sources and our research have revealed the incredibly outrageous behavior of a number of probate court judges over a very long period of time. It would appear that disciplining a judge is effectively impossible in Florida unless the judge has committed sexual deviance, drove drunk, appeared at work drunk, improperly used election funds or blatantly ruled in favor of a lover or family member. These appear to be the only actions that result in discipline from the judicial qualifications committee. There seems to be no concern about judges who practice overt cronyism, ignore statutes, ignore advance directives, obstruct due process and otherwise prostitute themselves in the service of perverting the laws intended to protect vulnerable citizens in favor of the for-profit guardianship industry its stakeholders who appear in probate courts every day all around the state. In fact in a recent case in particular judge just stopped showing up at work for weeks at a time with no explanation or excuse. No punishment was handed out no serious investigation was even undertaken and as of this writing that judge is still not coming to work. What did the JQC do? To date, nothing.

It should come as no surprise to those of us in the guardianship abyss that the absence of oversight and discipline over the stakeholders in the guardianship racket has created a cesspool of unrestrained greed, cronyism and abuse. It is a weapon of mass family destruction that cannot possibly be justified. It is a perverted system that screams out for Grand Jury probes, meaningful federal investigation and reform as well as indictments and prison time for the most egregious offenders, not the whitewashing and paternalism of the Bar, the Supreme Court and the Judicial Qualifications Commission.

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