



## **The Definition of Barratry:** **How guardianship law is routinely practiced**

[A White Paper by Americans Against Abusive Probate Guardianship](#)

**bar·ra·try**

'barətrē/

*noun*

noun: **barratry**

1. *archaic*: fraud or gross negligence of a ship's master or crew at the expense of its owners or users.
2. **Law: vexatious litigation or incitement to it.**
3. *historical*: trade in the sale of church or state appointments.

At AAAPG, we have witnessed incredible, unending, systematic perversion of probate laws by greed driven for-profit guardians and lawyers who greatly profit from that cruel perversion.

We have developed various names for the underhanded techniques utilized by the predatory stakeholders in the for-profit system. The system has been variously described as staged litigation, legal abuse, and vexatious litigation. but none of these terms really adequately convey the sadistic intent we so often see. So, we believe it is time to reintroduce the term "barratry" to common English-language usage, because the word "barratry" best describes the practice of guardianship, probate and trust law as commonly conducted by attorneys, and presided over by judges in all 50 states.

Throughout the country, attorneys are engaged in preparing costly advance directives and pre-need legal documents for their clients' peace. Those documents intended to memorialize their clients' preferences and desires to leave their estates to their chosen heirs are probate vitiated. In a cruel ruse, families are blindsided by barratry designed to create highly profitable and endless pointless litigation by dragging the parties into rigged litigation in front of probate court judges who always rule against the family and in favor of their own appointees.

Barratry is a punishment for a dysfunctional family when a dispute arises between the Ward's family/trust beneficiaries/heirs and a court assigned or appointed administrator (a guardian, trustee, other court-appointed personnel.) The attorneys representing the ward's family/trust beneficiaries/heirs become endlessly and involuntarily embroiled in ridiculously expensive and lengthy litigation staged for the "best interests of the Ward". This term is code for generating the most possible legal fees from every case.

Judges are fully complicit in allowing barratry to occur in their courtrooms by failing to hold their court appointees to the letter of the law, statutes, or state constitution governing their legal, administrative role. Probate Judges, for reasons known only to themselves, allow these cases where family members struggle in vain to get the Justice their loved one deserves according to the law, but that the judge encourages his court appointees to flout – to drag on, often for years and years as the estate of the victim is drained dry along with the resources of a loving family trying to rescue their loved one from the clutches of the guardianship gulag.

In this barrage of blatant barratry, as we so often have seen, perfectly clear case law and unambiguous statutes in favor of the Ward and their families are routinely ignored, while violations of the Federal and State Constitutions occur with regularity. Rather than performing their proper role of assisting in the resolution of legal matters, Probate Judges encourage their own appointees -- sycophant lawyers who practice before them daily – to drain all the litigants of all financial means, by charging outrageous exorbitant, duplicative fees – "all in the best interests of the Ward" – who routinely become impoverished by this barratry.

To add insult to injury, barratry happy judges also routinely rubber stamp outrageous charges to the estate of the ward for every worthless and pointless legal fee the court appointee needs to defend his position of absolute power against family members. Thus the judge sees that the estates of the ward and their family are systematically drained "in the best interests of the Ward".

This is High Stakes Barratry at it's very worst, overseen by judges who preside over what amounts to show trials, reminiscent of how America portrayed communist countries in the 1950s. Sadly, this is the way most probate, estate, and trust courts are being conducted in America in 2015.

In our ongoing effort to educate the public and raise their sensitivity about this incredibly important issue and threat to their well-being, we are constantly surprised to see how apathetic the general public is to this imminent threat. It seems that only those who've been exposed to barratry can actually understand how awful it is. Until the loved one is marked for destruction, it is very hard to understand the depth of this depravity and sadism against vulnerable individuals.

Hopefully our coalition across the United States will continue to try to uncover this deep dark dirty secret and prevent the next abusive guardianship.

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