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CLERK SUPREME COURT

**Non-Lawyer and Citizen George M. Papa's COMMENT, in
Opposition to Change Ariz. Sup. Ct. R. 53, as per Petition R-24-0046:**

As of Sept. 16, 2024, there is only one comment in favor of changing Rule 53, aka Arizona Supreme Court Docket No. R-24-0046, and eight are opposed.

I am perhaps the first in Arizona to submit a valid Bar Complaint, stamped in on August 27, 2014, to the State Bar, where it was dismissed only ten days later, on Sept. 6, 2024, without State Bar even sending the Complaint to the accused for an answer. The State Bar dismissal is inserted on the next page and is now quoted:

Re: File No: 24-2309
Rachel Mitchell

Mr. Papa:

I reviewed your submission regarding Rachel Mitchell. (Note, Rachel Mitchell is the present Maricopa County Attorney.)

On August 23, 2024, the Arizona Supreme Court adopted changes to Arizona Supreme Court Rule 53, and imposed a standing requirement for complaints against attorneys. I have determined that under the circumstances set forth in your submission you do not have standing and the allegations are not of sanctionable conduct.

I have determined that further investigation is not warranted at this time and our file has been closed.

Sincerely,
/s/ Thomas E. McCauley
Bar Counsel - Intake

First, I, George M. Papa, have "standing," even under the proposed new and modified Rule 53, to file a valid and enforceable Bar Complaint against Rachel Mitchell. This new Rule 53 states as follows:

Rule 53. Complainants

(a) **Standing.** An individual or entity has standing to submit a charge if they have an attorney-client relationship with the respondent, direct and specific first-hand knowledge of the conduct described in the charge, or became aware of the conduct in their role as a judicial officer.

In this case of Papa, acting within his scope of properly assisting Mr. Samuel Chamberlain, as to his criminal defense, as granted by the Sixth Amendment, George Papa became directly privy to the misconduct of Rachel Mitchell.

Hence, the Bar Complaint against her. Undisputedly George Papa gained and received "direct and specific first-hand knowledge" of the illegal conduct described in the charge, as he was the one that did all the research, and the filing of documents for Mr. Chamberlain, which was all connected to the defense of Mr. Chamberlain, to include observing "First-Hand" the false grand jury indictment, which contained false *Graham v. Connor* narrative, which was wrongfully promulgated by Rachel Mitchell, which she refused to correct, in spite of many attempts to do so, within the framework of the valid Papa / Chamberlain combine.

Consequently, George Papa has specific "standing," to file his valid Bar Complaint in this matter, even under amended Rule 53.

Accordingly, State Bar is derelict to pretend otherwise. Therefore, by order of the Arizona Supreme Court, State Bar of Arizona must promptly reinstate the wrongfully dismissed Bar Complaint against Rachel Mitchell, which State Bar "closed" in error, on September 6, 2024.

There is more. This takes care of amended Ariz. Sup. Ct. R. 53. In addition, Ariz. Sup. Ct. R. 54 states as follows:

Grounds for discipline of (State Bar) members include the following:

(a) Violation of a rule of professional conduct. This includes violations of professional conduct rules in effect in any jurisdiction.

Any person, including Papa, can file an automatically valid and "actionable" Bar Complaint, to the State Bar of Arizona, which complaint is only required to allege a violation of any single one of the many ER Rules of Professional Conduct.

Papa did this, so both Ariz. Sup. Ct. Rules 53, and 54 provide standing and full review for a determination of guilt or innocence, by the responsible State Bar.

There is more. Ariz. Sup. Ct. R. 55 also demands as follows:

(a) Commencement: Determination to proceed. Bar counsel shall evaluate all information coming to its attention, in any form, by charge or otherwise, alleging unprofessional conduct, misconduct or incapacity.

Again, George Papa has additional standing, under Ariz. Sup. Ct. R. 55, plus rules 54 and 53, to reverse injustice through the mechanism of a Bar Complaint, in order to discipline and punish bar members, who flout, violate and mock the true law and judicial procedure, which harms the citizens and legal fabric of Arizona.

In this case, Rachel Mitchell is accused of sanctionable misconduct, due to her documented breach of **ER Rule 1.1** entitled **Competence**; **ER Rule 3.8(h)** entitled **Special Responsibilities of a prosecutor**, plus **ER 8.4** entitled **Misconduct**.

These charges are allowed and designed to stop the wrongful existence, plus the high cost of wrongful death and injury lawsuits, which are caused by out-of-control police misconduct, which is on path to bankrupt Arizona.

Potentially more than \$7.5 billion, for over 1,500 wrongful police shootings, if the average individual settlement is \$5 million each, will soon emerge from the last 9 years of ignored and wrongful police shootings alone.

I, George Papa, have not only identified this “problem,” but the solution too, which, under proper leadership, will not cost the State of Arizona anything – but instead – may even financially enhance the State of Arizona, plus, restore a vast measure of “real” justice to Arizona. Okay, so what is the real problem?

The problem is that every 5 days, an Arizona Police Officer illegally shoots an innocent person, without any discipline or accountability by responsible MCAO or AZPOST, who are both charged by the State of Arizona, to prosecute police officers who break the rules and kill and maim people, yet they do so with impunity, because both MCAO, and AZPOST refuse their duty to stop this carnage.

I have tried many times to have MCAO, AZPOST, the State Bar, the AG’s Office, the Legislature, the Governor, FBI, MPD, etc., to listen, but it is ignored.

Hence, on August 27, 2024, I submitted the also attached formal Bar Complaint, and its attendant Exhibit Index, to the State Bar, for intake processing, in order to correct this morass. However, it was only rejected due to false R-0046.

Nevertheless, first, culprit *Graham v. Connor* (1989), has to be repudiated, since it was stricken by the U. S. Supreme Court Case of *Johnson v. U. S.* (2015). This will stop the carnage and many future lawsuits for wrongful death and injury.

Arizona cannot wait until January, 2025, to have its High Court repudiate its false amendments to Ariz. Sup. Ct rule 53, so that Papa’s Bar Complaint against Rachel Mitchell can have standing, so that the police killings will stop.

By that time, there will be 15 more illicit shootings, which is unacceptable.

The State of Arizona should be grateful that George Papa, has finally cracked this atrocity. To be honest, it is actually good that R-0046 even came up, and that Papa found out about it, which is now the key platform to gain reform.

Today I shall resubmit my original Bar Complaint against Rachel Mitchell to State Bar, together with this COMMENT, as to the false amendment to Rule 53.

Also, I will not depend upon State Bar to give a copy of my Bar Complaint to Rachel Mitchell. Instead, I will submit a copy of this Bar Complaint to Rachel Mitchell myself, together with this official COMMENT to the Ariz. Sup. Ct., as to the reality of Arizona Supreme Court R-24-0046, which only causes havoc.

This second submission to State Bar and to Rachel Mitchell, will now have the horse power to gain needed reform, through true action by Rachel Mitchell.

In the event that she again refuses to correct this monster malady, she will potentially lose her license to practice law.

However, I am a team player. What I want is true law and order.

In the event that Rachel Mitchell, will soon implement the true reversal of *Graham v. Connor*, and replace that with the true edict of *Johnson v. U. S.*

And if Rachel Mitchell quickly and fully vindicate Mr. Samuel P. Chamberlain from the false assault charges, which the Mesa police, along with MCAO, originally foisted upon him, to try and "Cover Up" their own misconduct.

In this case of Mr. Sam Chamberlain, the Mesa police did not obey their own required police rules.

Also, a Mesa police detective lied to the grand jury, to get a false indictment, to "whitewash" his fellow police officers. Later, this detective *admitted*, in a recorded phone call with both the incompetent defense attorney and the incompetent prosecutor, that he "did not know or tell the truth to the grand jury."

However, these two attorneys did not tell Sam, or the judge, about this confession. Instead, they just continued to railroad Sam into prison.

This is the kind of injustice that I, at least, cannot tolerate.

I have a copy of this recorded telephone conversation and confession.

Instead of telling Sam, or the judge, of this bombshell confession, these two attorneys, who received this phone call, just shut up, and conspired with the judge, to simply railroad Sam into prison, and be done with it.

Even when told of this atrocity, many times, Rachel Mitchell refused to discipline this police misconduct, as explained in the attached Bar Complaint.

The Rules of Professional Conduct, aka Arizona Supreme Court Rule 42, requires that ER 3.8(h) be implemented, to fix this injustice, or else be disciplined.

Accordingly, Rachel Mitchell must also support the true financial reparations that are due to Mr. Chamberlain, which claim by Mr. Chamberlain has already been signed and notarized by him, and is fair to all parties.

Rachel Mitchell must also notify the State Bar of Arizona that its wrongful civil lawsuit against George Papa, re: Maricopa County Superior Court Case No. CV 2018-003913, must be dropped by the State Bar.

This case is strictly the retaliatory result of a "judge", who was "called out" by George Papa, for the judge's many violations of the Code of Judicial Conduct. That judge then weaponized State Bar against Papa, by having State Bar file a lawsuit against Papa, which falsely claimed that Papa practiced illegal law.

Mr. Papa has already filed his Opening Brief on appeal, re: Arizona Court of Appeals, Case No. 1 CA-CV 24-0253.

State Bar's impossible to be convincing Response Brief, in the face of all the misconduct by State Bar, is due on or before Sept. 23, 2024.

This request to have Rachel Mitchell inform State Bar to drop its false case against Papa, is required by ER Rule 8.3, which is entitled **Reporting professional misconduct**.

This remedy by Rachel Mitchell is because it is required by her, as a lawyer, who has knowledge of another lawyer's misconduct. Also, it was the fallacy of Rachel Mitchell, to accept false *Graham v. Connor*, which caused Papa to help Mr. Chamberlain, for which State Bar improperly prosecuted Papa, so Rachel Mitchell is required to fix this blunder, which MCAO caused in the first place.

In the event that Rachel Mitchell will, in good faith, do these required things, then I will drop the Bar Charges against Rachel Mitchell.

However, regardless, the Arizona Supreme Court must review and correct one more deficiency by the State Bar, in order to finally restore justice to Arizona.

At the top of State Bar's dismissal letter to Papa, dated Sept. 6, 2024, is the notation that Papa's Complaint is assigned to be File No. 24 - 2309. This means that at that time, the number of lawyer complaints filed by State Bar is 2,309.

This means that over 3,000 complaints against lawyers will be received by the State Bar of Arizona, for calendar year 2024.

According to the State Bar website, in 2023, 2,797 charges against Arizona Lawyers were received by the State Bar. Of this figure, only 5 were disbarred and 36 received temporary suspension, for a total of 41 receiving any discipline. I.e., only slightly more than 1% of all complaints to the State Bar result in any discipline.

This is deplorable. In reality, State Bar primarily "shields" attorneys, rather than to effectively "weed out" only the very worst of the incompetent lawyers, who are the ones who steal from their clients, and virtually no lawyer is prosecuted for breaking the ER Rules of Professional Conduct.

This selectivity must stop, and an Arizona Supreme Court order to perform an independent audit of State Bar's indolence in this regard, is now necessary and critical, in order to restore and to maintain judicial propriety in Arizona.

The same applies to the Commission of Judicial Conduct. This Commission is required to weed out incompetent judges, upon identification,

This does not happen, so an Order from the Ariz. Sup. Ct. to perform an independent audit of the Commission on Judicial Conduct, to evaluate the quality of all discipline action by this Commission, must also be accomplished.

By trying to convert Ariz. Sup. Ct. R. 53 to be a tool against whistle blowers, instead of an avenue for justice, means that Mr. David Byers, the Administrative Director, for the Administrative Office of the Courts, and who is also a member of the State Bar Board of Governors, has shown himself to be compromised by the State Bar inner circle, to try and dastardly cast away even more Bar Complaints.

This tactic has backfired, which makes the requested audits of the State Bar Discipline Division and the Commission on Judicial Conduct, to be even more necessary, in order to restore Arizona's very broken judicial system.

Ariz. Sup. Ct. R. 32 also states:

2. **Mission.** The State Bar of Arizona exists to serve and protect the public with respect to the provision of legal services and access to justice. Consistent with these goals, the State Bar of Arizona seeks to improve the administration of justice and the competency, ethics, and professionalism of lawyers and those engaged in the authorized practice of law in Arizona. This Court empowers the State Bar of Arizona, under the Court's supervision, to:

A. organize and promote activities that fulfill the responsibilities of the legal profession and its members to the public;

B. promote access to justice for those who live, work, and do business in this state;

C. aid the courts in the administration of justice;

D. assist this Court with the regulation and discipline of persons engaged in the practice of law; foster on the part of those engaged in the practice of law ideals of integrity, learning, competence, public service, and high standards of conduct; and encourage practices that uphold the honor and dignity of the legal profession.

Instead, State Bar refuses to do even this standard, critical, necessary and required duty, so State Bar must be re-structured, and re-oriented, to fully comply.

In the alternative, the State Bar Discipline Division must be completely torn away from the State Bar, and given to another brand-new created and competent entity, which will dutifully perform this task, for the betterment of Arizona.

Of Special Note: Any reader of this invective should go to YouTube, and bring up Lt. George Papa, to see a popular video, which gives further insight hereto.

What this video does is talk about the disaster of Vietnam, which lack of a just foundation continues to this very day, in more ways than just the military.

Respectfully Submitted and Dated this 19th day of September, 2024.



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