

From: [Fox, Yolanda](#)
To: [Fox, Yolanda](#)
Subject: FW: Rule comment R-24-0046
Date: Wednesday, October 16, 2024 7:45:34 AM

From: George Papa <tallranger1@gmail.com>
Sent: Monday, October 14, 2024 11:28 AM
To: projects2@courts.az.gov; kelleym@ballardspahr.com; bodneyd@ballardspahr.com; aamcramer@gmail.com; victoraronow@aol.com; garpho@outlook.com; rinassen@gmail.com; postdipost@aol.ccm; hcovert@az.leg.gov; Jim Lee <Jim.Lee@staff.azbar.org>
Subject: Fwd: Discussion and Request for Action by the Arizona Legislature

Good Morning, my name is George Papa and I oppose the rule change that is proposed for Rule 53 of the Arizona Supreme Court for reasons stated in the attached email. The actual rule change is also known as R-24-0046. I do not know the email address for either the Honorable Justice Robert Brutinel or the Honorable Chief Justice Ann Timmer. Consequently, when this email arrives at the Office of the Clerk of the Arizona Supreme Court, kindly forward this email to them, or in the alternative, make a copy and hand-deliver a copy to them, in order to maintain complete transparency and full impact for all who are also noticed as to this critical content and expose' as to the root circumstance for this misguided and proposed amendment.

In addition, this email is also intended to be given to Mr. Joel England, of the Arizona State Bar, whose email address I do not have. Therefore, I am sending this email to Mr. James D. Lee, with the request that this email be forwarded to Mr. England. so that he is properly in the loop as well. In the event there are any questions please so advise. In addition, kindly acknowledge back to me that each party notified herein has

received this email.

Respectfully submitted

/signed/

George M. Papa

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(480) 844-7356

----- Forwarded message -----

From: **George Papa** <tallranger1@gmail.com>

Date: Fri, Oct 11, 2024 at 2:14 PM

Subject: Discussion and Request for Action by the Arizona Legislature

To: <hcovert@azleg.gov>

Honorable President of the Arizona Senate, Mr. Warren Petersen,

Good Morning Mr. President,

I wish to discuss and stop the proposed amendment to Arizona Supreme Court Rule 53. Here, it is very easy to connect the dots. It is not the Amendment itself that is on the line. To the contrary, It is the State Bar of Arizona, which is out of sync and on the line.

It appears that the Executive Director of the State Bar, who is Mr. Joel England, met with Mr. David Byers, who is on the Board of Governors of the State Bar. In turn, Mr. David Byers, who is also the Administrative Director of the Administrative Office of the Courts, then wrote a proposal to the then Chief Justice of the Arizona Supreme Court, who at that time was the Honorable Robert Brutinel. As the result,

the following Order was signed and issued by the Honorable Chief Justice Robert Brutinel:

ORDER On April 25, 2024, David K. Byers, Administrative Director of the Administrative Office of the Courts ("AOC"), filed a rule petition on AOC's behalf to amend Rule 53 of the Rules of the Supreme Court of Arizona. (Note - Why does AOC care about this issue, which only has an effect on State Bar, and has zero effect on AOC?) The proposed amendments would adopt a new subpart (a) imposing a standing requirement to qualify as a complainant in a State Bar proceeding and renumber the subparts currently in the rule to accommodate the insertion of a new subpart (a).

Petitioner AOC further requests that the petition be given expedited consideration under Rule 28(h) (1), Rules of the Supreme Court of Arizona, and be considered during the Court's August 2024 Rules Agenda. He also requests that the amendments be adopted on an emergency basis under Rule 28 (h) (2) of the same rules.

He further proposes that the Court open the petition for public comment for a limited time period before considering whether to adopt the amendments on an emergency basis and, if it does decide to adopt the amendment, reopen the comment period before considering whether to adopt the amendments on a permanent basis.

Upon consideration,

IT IS ORDERED granting the request to consider this petition on an expedited basis.

IT IS FURTHER ORDERED that the Court will consider the petition during its August 2024 Rules Agenda and decide whether to adopt the proposed amendments on an emergency basis.

IT IS FURTHER ORDERED that the Court will consider the petition during its August 2024 Rules Agenda and decide whether to adopt the proposed amendments on an emergency basis. If it does, the Court will reopen the public comment period and consider whether to adopt the rule amendments on a permanent basis during its December 2024 Rules Agenda.

President Petersen, I have a copy of your reasons for adopting this Rule 53 change, which I now quote:

As the petition recognizes, the Arizona State Bar has reported an increase in the complaints lodged against attorneys by individuals with *no*

first-hand knowledge of the allegations being made. The petition also recognizes that some of these

complaints are based on nothing more than media coverage, in particular media coverage of election-related litigation. The significant increase in complaints of this nature brings to light the risk of the "disciplinary process being weaponized by partisans," which should be a serious concern to all Arizonans.

For these reasons, the Arizona State Senate also proposed legislation this session to improve upon the structural deficiencies within the complaint process. Not only can the current process be weaponized by partisans, but it can also be weaponized for any reason. In order to address these concerns, S. B. 1471 required individuals filing complaints with the State Bar to have an attorney-client with the subject of the complaint or another substantial nexus to the alleged misconduct. While the bill did not receive a vote in the House, a majority of Senators voted in favor of this filing. For these reasons, I support R-24-0046 and believe it is a good first step towards rectifying the misuse of the bar complaint process and providing safeguards against weaponization.

Contrary to the above false summation, here is

what the exact and prevailing Rule No. 8.3, of the Rules of Professional Conduct actually says, now quoted:

ER 8.3 Reporting Professional Misconduct

(a) A lawyer who knows that another lawyer has committed a violation of **the Rules of Professional Conduct** that raises a substantial question as to that lawyer's honesty, trustworthiness or fitness as a lawyer in other respects, **shall inform the appropriate professional authority**, except as otherwise provided **in these Rules or by law**.

[1] **Self regulation** of the legal profession **requires** that members of the profession **initiate disciplinary investigation** when they know of a violation **of the Rules of Professional Conduct**. An apparently isolated violation may indicate a pattern of misconduct **that only a disciplinary investigation can uncover**. **Reporting a violation is especially important** where the **victim is unlikely to discover the offense**.

The only object for State Bar can be whether or not the complained-of lawyer broke, or did not break, any of the stated Rules of Professional Conduct.

It does not matter the source of information, or the

relationship, or any "standing of the complainant to the complained-of lawyer."

The only duty of the State Bar is promptness and full transparency as to deciding the decision itself, which is strictly and promptly as to whether or not an ER Rule was violated.

In this instance, which triggered a suggested rule change for Ariz. Sup. Ct. Rule 53, is that some lawyers were complained of.

At that point, Joel England did not want to discipline these lawyers, so Joel England sought to quash the complaints, by inventing a spurious means to disqualify the source of the complaints, rather than to go forward and to properly process the complaints on their true face.

It must be noted, the first effort was for Mr. Joel England, who is the Executive Director of the State Bar, and without the official knowledge and approval of the full body of the State Bar Board of Governors, approached you, sir, either directly or indirectly, and asked you to sponsor a bill through the legislature, in order to accomplish Joel England's own nefarious end.

However, even though S. B. 1471 got through your Senate, it got no further.

This avenue cratered, which is good, because now the spotlight is right where it belongs, which is on the out-of-control decay, failure and uselessness of the State Bar of Arizona.

In my opinion, the State Bar of Arizona is so

dysfunctional it cannot be salvaged. It has to be relieved of its existing duty to discipline its own lawyers, such that this duty must be given to another capable, independent and qualified entity.

I note that there are numerous comments, from rightfully concerned Arizona attorneys, who are properly against amending Rule 53. I will also send a copy of this email to them, as well as to Mr. Joel England, and others in the future, who may be interested.

The next scheme was for Mr. England to either directly or indirectly approach the State Bar Board of Governors member Mr. David Byers, who is also the Administrative Director of the Administrative Office of the Courts, to have him sponsor the above rule change, as shown in the history of Supreme Court No. R-24-0046, which pertains to amending above rule 53.

By this connection, "State Bar," under the "behind the scenes" manipulation of its executive director, Joel England, and again without the full knowledge and official approval of the true boss 30-member State Bar Board of Governors, the Honorable Robert Brutinel, and the Honorable Ann Timmer, were simply enlisted to write an Emergency Order to immediately enact the change to the above rule 53, and to postpone full comment and discussion until a later date, with the intent to finally slam through this change, as well as have the immediate effect put into instant effect.

Now the question begs: Why does George Papa, who

is not a lawyer, have any interest in any part of this entire machination?

The answer is this: Ten years ago, on May 19, 2014, George Papa was a witness to a police shooting. A young man, Samuel Chamberlain (Sam), was shot and wounded by the Mesa police. Critically, the police lied about the sequence of events, and moreover, the police did not obey their required protocol rules.

To "cover up" their malfeasance, the police detective in charge of this case, by the name of John Sharkey, lied to the Maricopa County Attorney's Office (MCAO) and convinced MCAO, that it was Sam who assaulted the police, rather than the true fact that it was the police who assaulted Sam.

Four days after the shooting event, MCAO, and the Mesa Police Detective, John Sharkey, lied to the grand jury and got a false indictment, and it all went south from there.

In short, Sam was forced into a false plea, which did not have a true Factual Basis, as required to have a valid plea. In spite of George Papa helping Sam to tell the truth to the Judge, MPD, AZPOST, MCAO, the FBI, The AG's office, the Governor, the Arizona Supreme Court, the Arizona Legislature, the Mesa City Council and Mayor, the press, etc., the injustice of Sam Chamberlain was only ignored.

Instead, George Papa was complained about by the Judge, Mark Brain, who succeeded in weaponizing the State Bar of Arizona against George Papa, by suing George Papa for UPL, which is the Unauthorized Practice of Law.

However, George Papa is fully protected and authorized by the First, Sixth and Fourteenth Amendment, to assist and aid Mr. Chamberlain, at his request, as to Sam's criminal defense.

This case has now advanced to the Arizona Court of Appeals, Division One, under No. 1 CA-CV 24-24-0253. George Papa has filed his Opening Brief, State Bar has filed its Reply Brief, and Mr. Papa has filed his Reply Brief.

However, I, George Papa, did more than that. On August 27, 2024, I filed a Bar Complaint against Maricopa County Attorney Rachel Mitchell, for her failure to obey various rules of the Rules of Professional Conduct, which all lawyers are required to obey, which failure caused Sam to be falsely charged, incarcerated and held wrongfully in prison.

Once it is officially ruled that Rachel Mitchell violated the complained of rules of Professional Conduct, which are stated and documented in the Bar Complaint against her, then not only is Sam Chamberlain vindicated, and entitled to reparations and damages thereto, but in addition, I, George Papa, will be shown to have been harmed and wrongfully damaged by culprit State Bar of Arizona. for filing its false, malicious and frivolous lawsuit against me to begin with.

However, ten days later, the State Bar summarily dismissed my valid Bar Complaint against Rachel Mitchell, citing the emergency change to Arizona Supreme Court Rule 53, and particularly claiming that I had no standing to file a Bar Complaint against Rachel Mitchell.

I then filed a timely Comment to the rule change, and I refiled my Bar Complaint to the State Bar. I also gave a copy of the Bar Complaint to Rachel Mitchell for her answer.

The bottom line, Mr. President, in all due respect, to fix the broken judicial system in Arizona, the so-called "emergency" change to above rule 53 must be immediately terminated, Also, the State Bar itself must be immediately reviewed for termination, as to continuing to be the official entity to intake and to process bar complaints.

There are two reasons for this review of the State Bar of Arizona.

One, it is a conflict of interest for lawyers to discipline lawyers.

Two, an audit of State Bar discipline activity will reveal that every year State Bar receives about 3,000 complaints about lawyers who do not obey the ER Rules.

However, every year, only about 30 complaints result in any token discipline. which is about 1%, Usually, the discipline is not about breaking any ER Rule for court misconduct, but instead for the co-mingling of funds. The real issue is the open failure of many lawyers to simply obey ER Rule 3.3 which is the requirement to tell the truth to the tribunal, or to correct a falsehood when it has been wrongfully presented, which is the key reason as to why the judicial system in Arizona is broken.

In effect, there might as well not be any State Bar Lawyer Discipline Unit at all.

Because there is no actual deterrent, Arizona is awash in false judgments, which is the bane of Arizona, and the cause of Arizona's very broken judicial system, which silently devastates tens of thousands of civil and criminal litigants.

This rot must quickly cease, and your Senate must take the lead to fix this morass, rather than to support the misguided State Bar of Arizona.

Please do not get me wrong, there are many excellent lawyers who do obey the rules.

However, Arizona's judicial system is broken, because the State Bar of Arizona, and the Commission on Judicial Conduct will not discipline errant lawyers and judges, who habitually break the ER Rules, and the Code of Judicial Conduct with impunity.

Never, is any judge disciplined for breaking a rule of the Code of Judicial Conduct. Instead, only and rarely is a judge tokenly disciplined for such things as intoxication, racial slurs, personal improprieties, etc.

As to my Complaint against the Maricopa County Attorney, Rachel Mitchell, it took years, but finally a similar Bar Complaint against the Apache County Attorney, Micheal Whiting, will cause him to lose his law licence on November 1, 2024. Even then, this discipline only came about because the Arizona Attorney General so recommended.

Such cumbersome bureaucracy should not be necessary to get a simple determination for any ER Rule

violation.

Both speed and efficiency are vital as to any discipline.

Finally, there is yet a third thing to quickly change, which is that the Arizona Legislature has on the books a number of A.R.S. Statutes, which have been stricken by the U.S. Supreme Court Case of *Johnson v. U. S.* (2015). These Arizona Statutes are ruled by the U. S. High Court to be vague, standardless, arbitrary, subjective and are without due process and are overturned.

However, these stricken statutes, which include A.R.S. Sections 13-406 through 13 - 410, remain on the books to cause massive and unconstitutional death and injury, due to illegal and wonton police shootings, as what happened to Mr. Sam Chamberlain.

This is serious, which justifies immediate action, including to call a special legislative session, if necessary.

Please advise me as soon as possible that this email was received and the possible time-frame for your reply.

Due to my respect for you and for your office, I will wait a few days for your response to this email, before I take any further action. There are excellent solutions to such things as prison reform, sentencing reform and State Budget relief, which I will be happy to discuss

Very respectfully,

/signed/

George M. Papa

Beware External Email - Think Before You Act

Links and attachments should not be opened unless expected or verified