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IN THE SUPREME COURT

STATE OF ARIZONA

ROOT CAUSE – PROPOSED ORDER for)	Supreme Court Number
DATA and REPORT DELIVERED in 45 DAYS)	R-15-0006
_____)	

To the Honorable Justices of the Arizona State Supreme Court,

"Concerned Parents" is sympathetic to the plight faced by Attorneys Burns and Brody who made statements detrimental to the administration of justice with no information to substantiate their claims. Judge Barton faces the same plight trying to address the four key problems by making marginal changes to Rule 74 which does not identify and thus does not address the root cause of the problem. Without clear direction or process data it is not surprising that the ad hoc committee would produce a result that is problematic with likely unintended consequences, as duly noted by this body of distinguished legal experts.

- A)** PC fees (range, cap, inquiry about parents' finances, length of services, etc.)
- B)** Lack of recourse/appeal process for litigants.
- C)** Qualifications of parenting coordinators.
- D)** Scope of authority of parenting coordinators.

It is therefore incumbent upon "Concerned Parents" to assist the court in the identification of the root cause and propose a solution to the problem that we all share. That is lack of data related to process function so that problems can be identified and corrected.

“Root Cause” is easily illustrated at the bottom of page 42 of 43 of the initial document of Jan 8, 2015. Comment: “Parenting Coordinators are invaluable to the court”. Response: “Yes.” This clearly illustrates the prevailing wisdom which is that all Parenting Coordinators are so valuable to the court and thus to the community served by the court that the judicial system would cease to function if they went away. They are all highly educated and licensed professionals so their conduct may be presumed to be beyond reproach which would lead a good person to logically conclude that very little if any judicial oversight would be necessary. This presumption shall now be shown to be summarily false.

The truth is Parenting Coordinators are people, none of whom are perfect, but some are better than others. The fact is;

- A)** Some PCs perform their jobs well and do serve the public good and save the court time.
- B)** Most PCs are somewhere in the middle. They do a decent job providing some benefit to their clients while charging what most people consider very large fees for their services.
- C)** Far too many PCs provide no services of value to their customers at all, or they make the situation worse so they can create additional need for their services so they may abuse the color of their office by what would accurately be described as stealing or extorting money from their clients.

Another fact that must be recognized by this court is that some people hurt other people, even children, because they enjoy hurting people. They enjoy exerting power and control over their helpless victims. These people do exist. They are not a benefit to the court or this community, they do not save the court time and most important, they cause immeasurable harm to our children. These are not mere assertions but facts supported by evidence submitted Jan 15, 2015. The court roster provides no information at all as to whether a PC has been doing their job well, poorly, terribly or otherwise. If attorney Ted Bundy or Dr Josef Mengele could somehow get on the court roster, they could do

whatever they wanted, protected by judicial immunity. ISO 9001 and managerial responsibility requires that the question be asked “How do you know people like this are not on the court roster right now?” Objective evidence is required to substantiate such people are not on the court roster. Without objective evidence to the contrary, we must face the fact that such depraved persons may very well be on the court roster, being appointed by the Family Court as PCs for countless families and children with no viable defense or recourse from these predators.

“Concerned Parents” wishes to present to this court a Proposed Order and supporting documentation we believe will serve to benefit the court and the community in many ways. Because we have experience implementing exactly these systems in other venues that is how we know it works. Please review the following three draft documents and summary.

Orders to all Parenting Coordinators
Serving the Superior Court of Maricopa County
from the Supreme Court of the State of Arizona

All Parenting Coordinators are hereby ordered to furnish a copy of the attached cover letter and Customer Satisfaction Survey to each and every individual client with whom they have had contact over the past 36 months. These documents shall be mailed by the court to the PCs “return receipt requested”. The PC shall fill in “Name of PC” on every survey form and otherwise send the two documents to clients as is. There shall be an independent record of mailings made to each client such as “return receipt requested”. All mailings shall be accomplished within 10 business days from receipt of this order. All PCs are also required to furnish these two documents to all new clients individually for one year or until this order is superseded by specific provisions of a revised Rule 74.

PCs shall not be allowed to “cherry pick” clients and shall make every good faith effort to comply with this order for the entire client base for the specified period. Should it come to the attention of this court that a PC is not fully conforming in good faith to this order, the available sanctions shall include 1) removal from the court roster 2) revocation of immunity protections as an agent of the court 3) complaint filed with professional certification body seeking revocation of license to practice 4) referral to law enforcement agencies for prosecution for violations of ARS Title 13 criminal codes.

PCs may not be relieved of these requirements by resigning from the provider list, moving out of state, changing their name or any other similar maneuvers. These requirements and penalties may also be applicable to the staff of the PC should it be deemed appropriate by the court.

Presiding Judge of the Arizona State Supreme Court

April 29, 2015

Cover Letter to New, Current or Past Clients of Parenting Coordinators

Please see the simple one page Customer Satisfaction Survey form sent to you by a PC you have had current or previous contact and/or dealings with. The court is attempting to improve the function of the Parenting Coordinator process and needs your feedback to effect change. Although this is not a court order for you to comply, it is incumbent upon you as a citizen to respond regardless of your experiences, positive or negative. This will help the court identify and reinforce positive PC performance and conversely identify and deter negative PC performance. The survey is intended to be representative of your entire experience with this PC so if your interactions are current and ongoing you may elect to submit your response later, after services provided by this PC have been completed.

To ensure survey integrity please add your name, case number and approximate date of last contact with this PC. Confidentiality rules and statutes shall be adhered to and enforced.

If the services provided by this PC have been completed or you otherwise find it appropriate to provide feedback at this time, please respond immediately or within ten business days of receiving this notice. Please use a standard envelope with a single stamp addressed to:

Court Services
PO Box 25784
Tempe AZ, 85285

Allow me to thank you for your participation in this important task and service to our community.

Presiding Judge of the Arizona State Supreme Court

April 29, 2015

“Concerned Parents” strongly urges this court to implement this order. Perhaps the documents would look more official with the court seal or letterhead. If it pleases the court, “Concerned Parents” will create and send the documents pro bono. The schedule would be as follows. 2 weeks for all PCs to get their documents. 2 weeks for documents to be forwarded to clients by the PCs. 2 weeks to receive data, tabulate results and report to the court. “Concerned Parents” shall furnish an excel spreadsheet including number of responses for each PC, average rating, standard deviation, average total monies paid to the PC, average rating divided by total monies paid = “value per dollar spent”.

Since Barry Brody and Dr Yee do not appear on the court roster they shall be furnished survey documents in addition to the 85 PCs listed on the court roster.

“Concerned Parents” is convinced that should this court wisely choose to implement this order and send out these documents to the PC Community, the plague of “Bad PCs” and the ongoing harm being inflicted upon our families and children would be over “immediately”. PCs who are doing a good job would probably start doing an even better job and seek to contain costs to their clients. Lower costs would mean greater availability of PC services to more people, further benefiting both the courts and the public. If there are any truly bad PCs, there will be no place to hide once the lights have been turned on.

The July 13 release of Rule 74 should incorporate this survey mechanism and maintain data as a 24 month rolling average which would soon be published on the court roster right along with how much money per hour they charge. In fact, the hourly rate would become irrelevant since “value per dollar spent” is far more important to the client than the hourly rate.

Since implementation of this survey process is such a leap forward and promises such immediate and superior improvements in PC process function, those showing the vision, foresight and courage to support and implement these improvements would at some point be recognized for their achievements and set the standard for PC rules everywhere.

Risk Analysis and Risk Mitigation: (required by upcoming revision to ISO 9001)

1) Delay or non-implementation risks further harm being done to families and children and additional work for the courts resulting from the actions of “Bad PCs”.

2) Pilot program allows kinks and shortcomings to be recognized and ironed out. Before Rule 74 is revised we will all have firsthand experience with which to make informed decisions well in advance of the July 13 deadline.

3) Implementation of the survey process should address all four of the “problems” the ad hoc committee set out to resolve and avoid the unintended consequences identified by Burns, Brody, Wolf, Berkshire or Scialli.

4) Immunity: “Concerned Parents” is planning an all-out assault on judicial immunity for PCs based upon ARS 25-406 Annotations, Lavit v. Superior Court that may roll over into the legislature. Should this court implement the survey process, this effort would become moot. “Concerned Parents” does not wish to sue anybody. All we want is all of our PCs, to be doing their jobs. If you have to sue somebody it means the process has already failed.

We at “Concerned Parents’ are grateful for the opportunity to serve this court by offering real solutions to real problems including the four identified by Judge Barton. We place all of our talent, resources and determination at the disposal of this court in the service of this community, our families and our children.

Respectfully and Sincerely,

April 25, 2015

Martin Lynch - “Concerned Parents”