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IN THE SUPREME COURT

STATE OF ARIZONA

EXAMPLES of MISCONDUCT by PARENTING)
COORDINATORS THAT ILLUSTRATE WHY a) Supreme Court Number
CUSTOMER SATISFACTION SURVEY is) R-15-0006
NECESSARY)
_____)

To the Honorable Justices of the Arizona State Supreme Court,

An attorney/PC who points out that a change to Rule 74 proposed by Judge Barton might violate due process rights or be unconstitutional is likely conforming to the ethical standards of their profession. However, attorney/PCs who assert that there is no significant problem of PCs inflicting abuse and harm upon their clients and the children of this community are making what is obviously a baseless statement because there exists no data or customer satisfaction survey results to enable anyone to determine the precise magnitude of the problem. All this Father knows is that the PC assigned to his case committed offenses that amounted to four felony crimes. This PC recommended that Father provide pornography to his teenage son. No local or state law enforcement agencies will assert jurisdiction because this PC is an agent of the court. Complainant submitted his complaints to the court Jan 15, 2015 yet this PC remains on the court roster as a PC providing "services" to new clients at the rate of \$295 per hour. He also enjoys full judicial immunity, contrary to law (Lavit v Superior Court). Due to the magnitude and

scope of offenses committed and harm inflicted upon Father's family and son it is nearly certain that this family is not alone. Indeed, out of 214 providers listed on RateMDs.com in the City of Scottsdale, this PC has 5 times as many complaints as anyone else in his profession. If this PC can get away with all these crimes and make a fortune doing so, there must be others like him and there are, far too many. This community and our children must be protected from all "bad" Parenting Coordinators. We just need to figure out who they are. Therefore a successful outcome of R-15-0006 is essential.

When Annette Burns states the problem is insignificant (Page 3, Lines 6 thru 10) she is not advocating for a client which would give her latitude to make misleading and baseless misrepresentations. Her only client is Annette Burns who charges \$340 per hour which is a precise measure of her conflict of interest. She is making baseless statements to this court and offering nothing to prevent "bad" PCs from harming our families and children and thus leaving Annette Burns free to keep charging her clients \$340 per hour. Therefore Complainant asserts that Annette Burns has violated Rule of Professional Conduct 8.4 (a) knowingly assist or induce others to do so (c) dishonesty, fraud, deceit or misrepresentation (d) prejudicial to the administration of justice (f) knowingly assist a judge in conduct that is a violation of applicable code of judicial conduct. It's too bad that Ms Burns strayed from the facts on page 3 because the rest of her document seems to have merit.

In his document dated March 3 Barry Brody begins with the same misconduct. On page 1 paragraph 3 he also describes the problems as "minor" which is again a baseless statement and a misrepresentation because he has no information representative of all the clients of Parenting Coordinators.

Next, on Page 2 paragraph 3 Mr Brody takes his misconduct a step further which reads as follows. "As I understand, the work group was not appropriately representative of attorneys, PCs, mental health professional, and those that deal in this arena on a day-to-day basis. Without their input, any revisions are problematic. Frankly, I would suggest that

the proposed revisions be scrapped in their entirety, and that an appropriate committee be formed to address the actual and true concerns.”

It is clear that Mr Brody is instructing the court that R-15-0006 is not a viable means of producing any positive result and since we do not have enough smart people around, we should scrap the whole thing and go back to work on it “someday”. Curiously Mr Brody advertises himself as a PC but he does not appear on the court roster as a PC so we do not know how much he charges, but it must be a lot. While we are all waiting around for “someday” Mr Brody is free to charge more clients “a lot” which would be the measure of his conflict of interest. This can only further delay the reform process and more families with children will continue to be abused and harmed. On April 22 Mr Brody offers another more impressive document which says essentially the same thing and commits the same ethical breaches and professional misconduct. Therefore Complainant asserts that Barry Brody has violated the same Rule of Professional Conduct 8.4 In this example Mr Brody has not only strayed from the facts but also urges the court to further delay any reforms making him even more vulnerable to charges of (d) prejudicial to the administration of justice. As with Annette Burns the rest of his points and documentation seem to have merit.

It is important to note that this professional misconduct illustrated by the failure of some of the very best attorney/PCs to recuse themselves from misrepresenting the scope of the problem with baseless statements and urging the court to discard R-15-0006 because it is “overkill” while there exists a financial conflict of interest is displayed here directly before the Supreme Court. How can anyone reasonably expect PCs to do their jobs well, when nobody is watching them? Therein lies the systemic problem which must be addressed before any meaningful reforms may emerge to protect and serve the public.

Evaluation and enforcement of these charges is prescribed in Supreme Court Rule 81 Canon 2 Rule 2.15 (B) (D). Father has been advised to complain to the Bar but has already been there twice with no results since these people are agents of the court and have

immunity. The public as represented by “Concerned Parents” are dealing with substantial and widespread harm being caused by bad PCs and will not accept reforms being ignored or delayed. The court system is supposed to be serving the welfare of the people and that is why we need effective reform immediately and without delay.

It is very important to note that nowhere in any of the lists of stakeholders produced by Mr Brody are the customers or clients of the Parenting Coordinators included. How can anyone reasonably expect to produce a sound process while ignoring the customer?

The idea that we do not have enough smart people around to do something right now is non-sense. We have input from Brody and Burns, most of which is sound. We have Wolf Paus and Gallios with 80 years of experience. Berkshire is great. We have more than enough to clean up most of the faux pas on the Jan 8 document from the ad hoc committee. After that, addressing the four concerns is no problem as follows.

- 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.

CUSTOMER SATISFACTION SURVEY as follows:

“A Parenting Coordinators job is to assist parents in making parenting decisions in the best interests of the children and in accordance with the parenting plan, as set forth in their decree or the current court order.” (This is hidden in Form 11 ARFLP page 188)

- 1) How well did your PC do his/her job? 1 (poor) to 10 (best) _____
- 2) How much money in total did you as an individual pay to achieve this result? \$_____

With this information clients can readily see who is the best PC on the court roster in the eyes of the customer. We will also know who provides the most value per dollar spent. If providers who charge \$150 per hour can post customer satisfaction ratings of 9+ suddenly you have a whole new world. Problem **A)** is addressed. **B) C)** and **D)** are addressed because nobody would give a good rating to a PC who is not qualified or does not do his

job well for any reason. The family court would be better off because now people who could not afford a \$350 per hour PC can now afford a \$150 per hour PC who is proven to do good work. No PC would prescribe pornography to my son or otherwise commit felony crimes because he knows I would give that fool a ZERO performance rating.

What has just been described to this court is the clear and obvious financial conflict of interest that exists for any PC who would undermine or seek to derail the work of the Supreme Court in R-15-0006. Operating under a system which is customer focused, Barry Brody, Annette Burns and all PCs would immediately need to focus on “doing their jobs well” because their performance is being measured. Under the current system, there are no performance measurements currently functioning so anyone can reasonably predict the reality we now face, outrageous fees paid for abuse and harm inflicted upon the families of this community who have no recourse. At the same time, all PCs will need to review how efficiently they provide services in terms of hours billed x hourly rate = total amount paid to achieve the result. Utilizing a customer focused process as outlined here, PCs with a 7, 8 or 9 customer satisfaction rating will have plenty of work while PCs with ratings below 5 will probably need to seek another profession. All other factors being equal, PCs who charge \$300 per hour will be at a distinct disadvantage to PCs who do their jobs well and charge \$150 per hour. Again, a customer focused process clearly establishes an obvious conflict of interest for any PC who would criticize R-15-0006 as being overkill and unnecessary or in any way seek to sabotage the work of this court R-15-0006 and would be committing violations requiring enforcement action per Supreme Court Rule 81-2.15(B)(D).

Respectfully and Sincerely,

April 24, 2015

Martin Lynch