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IN THE SUPREME COURT

STATE OF ARIZONA

AMENDING ETHICAL RULE 8.4	)	
“MISCONDUCT” per REVISED	)	Supreme Court Number
ABA MODEL RULES	)	R-17-0032
_____	)	

**To the Honorable Chief Justice of the Arizona State Supreme Court,**

The Court may accept or deny the proposed change to ER 8.5 “misconduct” because it makes no difference and is thus inconsequential.

Why does anyone think that the language of ER 8.4 matters? Especially Rule 8.4 “Misconduct”? The rule is not enforced and the Public is not protected. This observation is easily confirmed.

Last check, of 3688 Bar Complaints there were 12 lawyers that got “Disbarred”. Of those, some were whistle blowers being punished by means of retribution while others were 80 or 90 years old and suffering from dementia. Does anyone believe that all the remaining 3676 Bar Complaints are frivolous and without merit? I can tell you most certainly that The People are beginning to understand how utterly dangerous it is to have anything to do with the Justice system. Oh sure, some lawyers get a note in their file that disappears in 6 months. Others must serve a suspension during the Christmas / New Year’s holiday. Some even must sit in the corner and have a time out.

**Example #1: Suborning Perjury** – Family Court has something called the “Silver Bullet”. That is where one party, usually the woman, signs a fraudulent document created by a lawyer and foisted upon both parties falsely alleging Domestic Violence. The other

victim (both parties are victims) gets thrown out of their own house and *voila!* The client owns “everything” because possession is 9/10 of the law. This sets off a Custody Battle where the client later discovers that “everything” must be sold to pay all the billable hours. We have proof positive that “Suborning Perjury” is not “Misconduct” since all such complaints get dismissed. No exceptions can be found.

**Example #2: False Documents, ARS Title 13 Chapter 27** - The same lawyer pays his Psychologist buddy to put his name on a report, affirming that one party who has been a fine parent for the past ten years, is now suddenly so dangerous to their own children, they must pay \$250 for supervised visits, 2 hours, twice a month. Most times the Psychologist even fails to interview the targeted parent. To refute these false allegations, the targeted parent must pay \$25,000 for another Psychologist to determine “They’re not that bad”. The split here is 60% men, 40% women who are falsely accused. Again, all bar complaints are dismissed. “We got your money. Too bad you don’t like it.” *No wonder people go nuts.*

You might think I am writing this to complain, *but not at all.* When the State Bar whitewashes criminal activity they do so representing the Supreme Court of the State of Arizona by means of Supreme Court Rule 32. Therefore, there is no further recourse available in any State court thus establishing standing in US District Court. In most cases the fraud is blatant, 18 USC § 1341, the Hobbs Act, 18 USC Chapter 96; et al. All of these crimes are actionable under 42 USC 1983, 1985; et al. All the exclusion doctrines are easy to comply with and *customer satisfaction is off the charts.* To be fair, not all lawyers are felons but the public thinks they are. Lawyer jokes are only funny because they are usually true. We have no advertising, only word of mouth but the demand for honest services is overwhelming. *It’s a stampede!*

The Code of Judicial Conduct, Canon #1 (Rule 1.2) directs us do nothing to compromise the integrity of the Judicial system in the minds of the public. I find it to be professionally rewarding to be following that rule to the letter. One lawyer was recently appointed to a case Sua Sponte over objections, demanding almost \$600 per hour with a \$10,000 retainer. We asked him why he was worth \$600 when POTUS makes \$200 per hour and the Justices

of SCOTUS make even less. How is \$600 not fraud? He replied that he had no idea why he makes so much while a teacher makes \$30 per hour for services of comparable value. He immediately resigned and disappeared, another victory, like taking candy from a baby.

**Wherefore:** Per Art 6 Section 3 of the AZ Constitution the Chief Justice has sole Administrative authority over all the courts including rule making by means of administrative orders. The composition of ER 8.4 Misconduct means nothing. Put anything. It doesn't matter. If the Rules are not going to be enforced, who cares? Otherwise, if the Leadership of the Judiciary decides to enforce the Rules and preserve the integrity of the Judiciary and the Legal profession, *that would change everything*. Absent that, we will rely on this new emerging system of Lawyers who really do police themselves. We like it.

All interested persons including the rule change petitioner, the distinguished Ms Dianne Post, may rest easy. The reality of professional conduct in the eyes of the State Bar will remain the same regardless of what ER 8.4 says.

Respectfully and Sincerely,

**May 18, 2018**

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/s/ Martin Lynch