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Subject: Codes of Conduct and Judicial Conduct and Disability Comments Recommendations
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Submitted by Rob McKenna; Advocate at The *Citizens Public Safety Network* a public service media brand of the non 501c nonprofit *Northwest Business Alliance* (Est. in Idaho: 2004).

RE: Comments by 11/13/18 per the committees on Codes of Conduct and Judicial Conduct and Disability.

Each State's Judiciary official, court support personal (clerks), court officers (attorneys) and supporting third-party court officers (Guardian ad Litem, Court appointed visitors, Primary Care Physicians in their declarations, social workers, neurocognitive evaluating clinicians) responsible for the guarding the integrity of the US Judiciary Branch and public safety in the USA needs to abide by each States vulnerable person Statutes, Rules of Civil Procedures and their occupations State & National ethical guidelines. Moreover, every attorney practicing law under the licensee of the State Bar Association or related regulatory entity needs to follow their States Model Rules of professional conduct or face an immediate removal as the attorney for their disabled client—the same would apply to abusive, exploitive or negligent court appointed guardians, conservators, primary care physicians, landlords, in-home caretakers, the elderly or disabled friends and family members:

1. Since there is document proof availed from many America citizens being exchanges in online user groups and amongst attorneys as well as filed in the Courts that this is not occurring on a frequent bases more are the related State Statures, Federal Acts, Public Laws and Professional ethical policies being enforced once there are breached. This also pertains to Fiduciary laws and the Uniform codes in States that have adopted Uniform codes as well as NW US TEDRA states.
2. This is particular important in Estate Planning, Elder Law and Guardianship/Conservatorship procedures. There is a tremendous input of empirical evidence to support these facts.
3. The crucial Model Rule that would aid in enforcement would be the regulations that concern the legal professional self-regulating and a civic watchdogs groups could also aid in this process is 8.3. There is a multitude of State & federal laws that are in place to guide protecting the disabled and elderly via the Codes of Conduct, Judicial Conduct, State statutes, Federal Acts (CMS, SSA Sec 26, OAA, SEC, FINRA, SBA etc.) , Public Laws, Constitution, 1948 United Nations Declaration on Human rights and increasing occupational Disability regulations. However they are consistently being enforced. The offenders of these laws are aware the laws will not be enforced and their conduct reflects that they operate as if there are no laws at all.
4. The Judge 's Ethical duty to report misconduct by other Judges and Lawyers and other court

officers on their cases as it pertains to Model Rule 8.3 and Canon adaptations of the professions duty for self-regulation. If reporting Professional Misconduct (see Table 1 Below) was enforced but the Magistrate Judges and followed by the attorneys then vulnerable person abuse, negligence and exploitation could be largely resolved at the onset prior to spiraling into drawn out highly expensive, emotionally devastating litigation.

TABLE 1:

Maintaining The Integrity of The Profession

- (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.
- (b) A lawyer who knows that a judge has committed a violation of applicable rules of judicial conduct that raises a substantial question as to the judge's fitness for office shall inform the appropriate authority.
- (c) This Rule does not require disclosure of information otherwise protected by Rule 1.6 or information gained by a lawyer or judge while participating in an approved lawyers assistance program.

As the legal system has entropized due to Constitutional and Statutory laws being superseded by intentional ambiguities in drafting & interpretation. Becoming more common place when determining the best interests of vulnerable persons (disabilities), capacity, abuse, negligence and exploitation matters each breeds fertile grounds for contradictory law interpretation, precedents working in contradiction to circumstance, spirit of the law vs. letter of the law loop holes, broad scoped or contradictory document signing circumstances at odds with fiduciary law, State vulnerable person statutes and Uniform Codes.

Judges bear the responsibility to remove a cases misfit attorney who engage in repeated willful misconduct which damages their vulnerable client, vis age, disability or both. Nationwide the reigning judicial officer trusted with the public authority failure to do so has mounted to a nationwide crises to the point that many families and the vulnerable persons health, wellbeing and assets are lost via willfully breed family conflict. Conflict often breed to increase the professional fees & in-concert theft or exploitation conduct by those court appointed third party guardians LSW evaluators or dubious family seeking to take advantage of the disabled persons infirmities via caretaker imposed isolation, removal of basic human rights leading to additional familial conflict all intentionally posed by the abhorrent conduct of morally challenged opportunists. State by State case after case, this has proven not to be a few isolated incidents but more standard practice and the results have been irreparably devastating extreme hardships, suicide, premature deaths of vulnerable persons, damage to the legal profession, healthcare services, geriatric support services and, law enforcement, the financial industry, communities and an entire generation. The systemic

and endemic breakdown of an professional that fails to self-regulate is so wide spread it undermines the foundational principles of democracy and strength of the nation.

The *United States Courts Mission* and core values listed in Table 2 below are valuable if the US Court system can achieve these standards. Effective self-regulation is the key attribute, potentially coupled with the assistance of civic watchdog agencies/technology each empowered by both freedom of speech and the press; and each with greater whistle blowing protection.

Since the main component of a sovereign's judiciary system is to provide public safety; a daunting task, therefor the nation's citizens should be able assist protect one another by warning the community of the systemic cracks when the system fail to address the misfits that undermine the US court systems purpose. Without civil & criminal law enforcement of existing disability & vulnerable person statutes, fiduciary breaches, financial regulatory mechanisms, Public , Federal Acts related to persons & white-collar property crimes then this national crises will exponentially. This increase is already clearly reflected in the current abysmal spiral in unison with the unavoidable future increase in elderly, children & families at risk and disabled (vulnerable persons) and professionals whose bread and butter lies in sparking and stoking familial conflict, all the while while employing their formidable professional colleagues or orchestrated institutional processes to stage mechanisms for their greater enrichments at expense of a families misfortune.

TABLE 2:

Mission

The United States Courts are an independent, national judiciary providing fair and impartial justice within the jurisdiction conferred by the Constitution and Congress. As an equal branch of government, the federal judiciary preserves and enhances its core values as the courts meet changing national and local needs.

Core Values

Rule of Law: legal predictability, continuity, and coherence; reasoned decisions made through publicly visible processes and based faithfully on the law

Equal Justice: fairness and impartiality in the administration of justice; accessibility of court processes; treatment of all with dignity and respect

Judicial Independence: the ability to render justice without fear that decisions may threaten tenure, compensation, or security; sufficient structural autonomy for the judiciary as an equal branch of government in matters of internal governance and management

Accountability: stringent standards of conduct; self-enforcement of legal and ethical rules; good stewardship of public funds and property; effective and efficient use of resources

Excellence: adherence to the highest jurisprudential and administrative standards; effective recruitment, development and retention of highly competent and diverse judges and staff; commitment to innovative management and administration; availability of sufficient financial and other resources

Service: commitment to the faithful discharge of official duties; allegiance to the Constitution and laws of the United States; dedication to meeting the needs of jurors, court users, and the public in a timely and effective manner

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