

This is a compilation of the speeches given in front of the judicial committee at the legislature in favor of HB2424.

Sherry Lund:

Mr. Chairman and members of the committee, my name is Sherry Lund and I stand before you today in support of HB2424.

Our family truly appreciates all the work that has gone into this bill and the support it has received.

Our family, along with many other families, has been deeply affected by the unjust violations that have occurred at the hands of the judges in the Probate court.

I am a deeply patriotic person who considers it a blessing to be born in America. I have always tried to do what is right, and believed those in positions of authority in our government should held to that same sense of morality.

When we found our family involuntarily thrown into the maze of never ending attacks, we truly believed the law, the Constitution, and the sanctity of our courts would be our defender.

What we discovered was that there are blatant violations of Constitutional Rights, Civil Rights and Due Process Rights being committed in the Probate Court.

The President of the United States is held highly accountable to the citizens. I am held highly accountable for my actions, as are we all.

High standards of accountability should apply to the Judges as well.

I would like to address the Civil Liability and Sanctions:

It is obvious by the courts objections to accountability and transparency that they have something to hide. Otherwise, they along with the fiduciaries and attorneys would welcome both.

The judges, who take an oath to serve and are paid by the citizens of this state to, to protect their rights and uphold the law, have developed a culture based on a belief that they should NOT be held accountable to anyone. They are public employees with statutory responsibilities NOT individual, independent contractors.

The court says that they oversee themselves. This would never be acceptable for any other aspect of government, or for you or me. If there were proper oversight of the courts, we would not be here today.

There must be accountability and transparency for the judges. Without sanctions or an opportunity for recourse with citizens able to achieve justice through a civil suit, the corruption in the courts is going to become more out of control. How many people have to be damaged before we see the need for this law?

There must be sanctions for petitioners and their attorney's for bringing malicious, hearsay cases before the court. No one, no matter how wealthy, how old or infirmed, should fear the government will render them without rights. Any effort to limit and individual's rights should be held to the highest standard of evidence, not the lowest.

I strongly encourage the re-admission of that section.

There must be 'Clear and Convincing Evidence' for a case to go forward.

Families should not be torn apart, denied visitation or punished by the court for defending their rights.

Successful oversight of the courts must come from outside the court system. That is why we so adamantly support the Advocacy Committee set up to review the Probate cases when needed. We feel that our lawmakers should know first hand what is going on in the courts.

The evidence of our ordeal is that the courts protect their own. Look how long it took for the Probate issues to reach you.

We hold certain truths to be self-evident in this country; all men are created equal and able to journey toward life, liberty and the pursuit of happiness.

Unless, you are so unfortunate as to find yourself in a nightmare called the probate court.

Mr. Chairman and Members of the Committee, thank you.

Brad Lund:

Mr. Chairman and Members of the Committee, my name is Bradford Lund and I am the grandson of Walt Disney.

I feel like I am being singled out because of my wealth.

I have rights but the court doesn't see it that way. The court is trying to take away my rights.

I am a fighter and will continue to fight no matter how long it takes.

But, I am afraid that I will be taken away from my family.

No one should have to live like this. I should be able to spend my own money, live my own life, and be left alone.

The last 16 months reminds me of Never-Never Land. Like a nightmare that never ends.

The 4 judicial officers that have been involved in my case are part this abuse because my rights continue to be violated while the attorneys on the other side are getting rich and the judges are letting them.

Please help me and all of us who are victims of the Arizona courts. Vote yes on HB 2424 and the amendment.

Bill Lund:

Mr. Chairman and members of the committee, my name is William Lund and I stand before you in support of HB2424.

I appreciate all the hard work that has been put into this bill, the dedicated effort to protect families and restore due process.

I am here today because my son Bradford, myself and my family have been personally involved in a Probate case that has been truly devastating.

I am a here because I am a father who has been subjected to an invasion of the worst kind.

- My family has been attacked, harassed, our rights denied, and our privacy...is just a memory.
- Our love and devotion has been reduced to monetary motives.
- The role of a father to a son, a sister to a brother, and a mother to her children defined by those who measure life in billable hours.

I am compelled to speak, not because anything we do today will change our lives... but I hope that we have not endured such unimaginable experiences at the hand of our government for no good end

The following reasons are why we must have this bill passed.

1. The Rules of Procedure which state that a case MUST have 'CLEAR AND CONVINCING EVIDENCE' are being violated by the judges. In our case, there is 'hearsay' and allegations with NO evidence to support them.

Our case has been allowed to continue with no merit for 16 months.

2. My son Brad has had his directives established; MPOA, POA, a Living Will and Personal Trust has been set up for 8 years. The court has ignored his directives completely, acting without cause.

3. The court appointed investigator has never filed his report with the court. According to the Statutes, it should have been completed and filed with the court over a year ago. According to the rules of procedure, this is the first thing that is to be done. Yet, over a year has gone by, we continue to be held hostage by a system that has no checks or balances, no accountability or recourse.

4. A GAL was appointed *without* a finding of incompetency.

3. Brad has had his own highly qualified Dr. for 8 years. His Dr. submitted several reports to the court stating that Brad does not need a guardian or conservator. These have been ignored.

The judge has ordered Brad to be examined by a Dr. of the court's choosing. Brad complied, was subjected to an evaluation and investigation. Now, that Dr. refuses to submit the report to

the court even though he is qualified to do a competency test. Brad is being ordered to go through yet another test by yet another Dr.

There is a strong case to be made that the court is fishing until they get the result they want, or a Dr. it can influence.

5. One of the 4 judges we have had on our case, arrested one of our attorney's in court for refusing to disclose attorney client privilege and work product.

6. Our attorney's were sanctioned and fined by the judge for submitting a legal subpoena in response to a court order.

7. We have been chastised by the judge for talking to the media, which is our 1st Amendment Right, and the judge told Brad 'Mr. Lund, you have shot yourself in the foot.'

It is obvious that if you fight for your rights in the court, you get punished.

In my life I have been a developer of billion dollar projects, an executive in one of the world's most famous organizations, and a University President. In all those endeavors, I had a responsibility to perform certain tasks with expectations. If failed, I expected to be held accountable and I was. I made sure I didn't fail.

The court has a job in our form of government. It is designed to protect the rights of citizens.

When this started, I had every belief we would find the court as our defender, the protector of our rights and freedoms.

The Probate court is not 'Protecting' our son or our family. I have never seen such blatant violations by judges. It has become duplicitous in the aggravated assault on families and individual rights.

There is no accountability in the courts or recourse for those who experience the shortcomings of the system.

Please pass this bill and protect the rights of the public. It is clear that there is no oversight of the courts behavior. They are hurting families, not protecting them.

Thank you Mr. Chariman and Members of the Committee.

Dennis Andrew Ball:

Today I can say with certainty that I support HB 2424 because not only is it a good bill but it has the potential of becoming a great bill to hold accountable and cause a change within the administration of probate justice for victims who have been punished for nothing more than doing the right thing by their loved ones and family. The areas of change in this bill are:

1). Cap Fees a numerical amount not more than \$5,000 for lawyers and guardians each for the life of the estate. This is not fee market economics but the property of the Ward; not the State.

2). No Sanctions placed on an interested party who raises objections to how their loved may be treated by the Court Officials appointed to supervise their loved ones because that would be an infringement on free speech and do added harm to ARS 14-1104 & 14-1104 B.

3). 1st Priority of Appointment must be the Veteran's Administration and their Guardianship program for all eligible military service and their spouses'.

Jayme Mason:

My name is Jayme Mason. I am the granddaughter of 92-year old Doris Mason, the widow of a Doctor and WWII Veteran, mother of a former City of Phoenix Police Officer, and once an upstanding member of Phoenix's volunteer community.

Today, she is in a group care home as a ward of the AZ Probate (Court) System.

The experiences I have encountered are different than what you have heard from others. I am the one who requested help for my grandmother..... THAT turned out to be the biggest mistake of my life!

I support of House Bill 2424, I believe new laws only add to existing laws..... Laws that are ignored, violated, and basically worthless, unless enforced. I think that unless you put in place, an accountability mechanism and more emphasis on enforcement, your work here today will be nothing more than "feel good" legislation.

DO NOT MISS THIS OPPORTUNITY TO DO THE RIGHT THING!!

It is your Oath and your personal commitment to the people of Arizona that drive your actions. (I ask you to) Please vote YES on 2424 and re-insert the Judicial Sanctions and Liabilities.

Patti Gomes:

Mr. Chairman and members of the Committee --- thank you for allowing me to speak.

For the record my name is Patti Gomes.

When I discovered exploitation by a family member, I sought what I thought would be the most judicious of remedies --- I took it to the courts.

The Court ordered an investigation and the investigator then issued a report. In short order, there was no review by the family and the report was inaccurate; and then the investigator became the Court-ordered guardian and conservator, making it a clear conflict of interest.

The person who was to determine if there was a need for a guardian and conservator then became the guardian and conservator AND benefitted financially from that decision.

I could go on and on to tell you the horrors that resulted, but you have heard about them on television and in the newspapers. There MUST be transparency and accountability. There already are laws on the books and they MUST be followed.

I could not undo the investigators' damage without an appeal and filing process that is very costly --- both financially and emotionally.

It becomes incumbent upon the citizens to spend their personal finances to force the Court to do what the law says it already should do.

Thank you for your time. To reiterate, I support HB 2424.

Edward Abbott Ravenscroft:

Chairman and Members of the Committee. My name is Edward Abbott Ravenscroft III. I am an heir to the Abbott Pharmaceutical Family trust. For most of my adult life I have had substance abuse problems and thought I had won that battle. I was clean for 16 years until I fell of the wagon. Most people who have these kinds of problems are held accountable to society through jail time, rehabilitation and community service.

Not me. I was punished through the probate court system and only due to the fact that I happened to be born into a wealthy family. People without large sums of money would have been left to their own devices.

The next 14 months of my life was a nightmare. I lost my freedom and my rights; a judge ordered me incapacitated. While I was fighting to restore my rights and my life, the court appointed a guardian ad litem who had a court appointed attorney – and the court appointed conservator managed to spend over \$800K from my estate. They still have not disclosed an accounting of their fees.

My individual rights as a human being were not considered by the court. My pleas for common sense went unanswered. Millions of my dollars have been spent to defend myself in the court of law that is supposed to protect people and seek truth and justice. While I was fighting to regain my personal rights, the fiduciary used my funds to fight back. I lived off an allowance that was so small, I slept on the couch of a friend. In total, the expenses of my time under the care of the probate court was over \$2 million.

Please do not allow this to go on. Pass the HB2424 with the amendment and help stop this abuse. If this bill were law two years ago, I would have had a right to a change in fiduciary / conservator and I would have had a right to an accounting of expenses.

Thank you for your consideration.

Clair DiPardo:

Good morning Mr. Chairman, members of the committee,

My name is Clair DiPardo and first, I must thank you so very much for your dedicated effort at reforming the current probate system. This is no small undertaking and the intention of those efforts is appreciated.

I am one of the faces of the stories you have heard about the victims of the probate courts. My mother lived on her own, tended her garden, and loved her life. She was beautiful and full of life. Until a family dispute placed her in the care of Sun Valley Group who denied family contact. I could not see my mom for over 4 months.

My mom had directives in place. They were ignored and overruled by the courts. My mom was not incapacitated...until they drugged her, put her in a care home and stuck her in a bed to deteriorate.

My mom was healthy....here she is in November, she was healthy and happy. Until SVG took over her life. This is four months later with a stage 4 decubitus ulcer through to the bone. Care this good isn't cheap. The bill...over \$500,000.

She was denied antibiotics and pain medicine because the court ordered fiduciary declined payment. I fought and fought and continue to fight, through 9 judges and 31 months and it still isn't resolved.

Had SB2424 been the law, my mother's directives would have been followed. Her family would have been allowed visitation, and she could have requested a change of fiduciary. We do not make laws for the people that do the right thing. We make laws to provide the template of our behavior for our society, knowing that if some are left on their own, they will not "do the right thing" and that sometimes people intend to inflict harm. Probate court is no different. The judges, attorneys, and fiduciaries need a clear template with accountability, transparency and recourse for wrongdoing.

Please vote yes on 2424. I thank you for your time.