

Questions and Answers from Parents About Attorneys "for" Children

Has a child's attorney helped a rapist get custody and then abandoned the client in a low-paying case? If judges keep forcing this person on families, can they have liability?

In Karen Anderson's case there's no question about whether father was raping the child. He is now serving 23 years in prison for those crimes (El Dorado County, People v. Rex Anderson, Docket No. P02CRF0558). In moving to remove the attorney "for" the child, mother declared:

"She did a terrible job and not only failed to discover that A___ (now 20) was being raped by her father, who has now pleaded guilty to rape and has been sentenced to 23 years in prison but encouraged Family Court Services to award custody to the father, Rex Anderson. I told Ms. Minzer that I believed that the father was molesting our daughter, and she brushed all this aside. She would not return my calls.

....

During the years when my child Andrea lived with her father, he pierced her clitoris without anesthetic, and she bears permanent scars physically and emotionally. Ms. Minzer could have prevented these horrors.

When an attorney "for" the child shows an incontrovertible pattern of taking a child from mothers on an "emergency" basis within 6 months of being appointed, and then the cases later have to be reversed (not to mention taking up huge amounts of court time) because custody was given to the dysfunctional parent, are there no future limits on appointing this attorney? This was not one instance of an attorney exercising her personal biases in cases; it was a strong and blatant pattern.

Parents obtained a county printout of family law cases handled by Ms. Minzer. They then looked into all those files and discovered this pattern and discovered it might be that the mother never saw her child again. This goes way beyond "parental alienation." It is complete destruction of the mother-child relationship---in case after case after case (except one case here the alcoholic, drug user was the mom, and then Ms. Minzer worked to get custody for the mother).

Why does the court do nothing to review these cases? Where it is clear the mother has been permanently severed from the child, the court should sua sponte call the parties in for a review.

What did Judge Komar do to remedy these problems, and is it being followed up, or lost to memory?

The "Komar Protocol for Change in Family Court," issued in January 2000, directed:

6. ATTORNEYS FOR CHILDREN

The court will develop a protocol for appointment of attorneys for children in Family Court. In accordance with state rules and standards, the protocol will include educational and other qualifications of attorneys to be appointed. The court will encourage as many attorneys as possible to obtain the necessary qualifications for appointment as children's attorneys and a flexible rotational system will be developed to allow more qualified attorneys to participate.

Attorneys for children will be appointed after hearings where the parties have been given the opportunity to state any objections they may have to such an appointment, as well as any concerns that they may have regarding the cost of such an appointment. The Court may schedule a periodic review of the continued need for a child's attorney.

The payment process for attorneys for children will be reviewed and revised.

The fees paid to attorneys "for" children for destroying their families were huge, as shown by the following amounts to Ms. Minzer (which greatly diminished after the "Komar Protocol" was issued:

1998	\$76,289.50
1999	\$127,772.06
2000	\$162,516.54
2001	\$55,677.45

The above does not include the amounts parents were forced to pay Ms. Minzer during these times. No wonder the parents picketed the courthouse during the entire year of 1998. No wonder Judge Komar called for reform. Family money greater than the cost of the child's college education was being paid to parents for attorneys "for" children and "experts."

How can it be that the Superior Court continues appointing this attorney as an attorney "for" children? If the court would review her cases, the court would see:

1. Huge amounts of court time had to be spent reversing the results caused by her (and, of course, results as happened to Karen Anerson's daughter can't be reversed).
2. A discriminatory and incompetent pattern of taking children from mothers and then insisting non-dangerous mothers be supervised. (Judge Komar called for reviews of supervision which had wholesale been imposed on non-dangerous people---like Laura Vasquez, an aide to Jim Beall. Ms. Minzer not only insisted that Ms. Vasquez's supervision continue but objected to increasing time between mother and daughter, which is Ms. Minzer's pattern.)
3. An incontrovertible pattern of unethical and inflated billing. This should be referred to the County Grand Jury.

Why would judge after judge rubberstamp Ms. Minzer's unethical and improper bills? The bills unquestionably contained "lumping" and vague billing. Ms. Minzer admitted she lumps travel time with, for example, appearing in court or at a deposition, so there is no way clients can check the accuracy of the billing---a clear violation of State Bar standards, as explained on its website. A favorite entry of Ms. Minzer can be seen in Laura Vasquez's court file:

2/23	WORK ON FILE	2.5 HOURS
2/26	WORK ON FILE	1.8 HOURS
2/28	WORK ON FILE	2.2 HOUR

That's a total of 6.5 hours---and what on earth is "work on file"? The Bus. & Prof. Code requires that bills "clearly" state the basis of the services. The State Bar's website indicates that it takes only a "few seconds" to review most incoming correspondence, and yet more than 10% of Ms. Minzer's bills commonly are for incoming correspondence---something for which most attorneys would not bill at all. When Ms. Minzer hired a collection attorney to dun one of her clients, she disguised his phone calls to appear as if she herself had made them, a clear violation of the B&P Code. Further, most of Ms. Minzer's calls in that case were with father, and billing the collection attorney's calls as if they were her own disguised the bias. Finally, all standards regarding fees and the court's own local rules and practices indicate that the complexity of the case is a significant factor in awarding fees. Any cursory review of Ms. Minzer's bills reveals that the services are of the most simple nature, usually consisting of phone calls and letters about the logistics of visitation. Almost the only motions she ever makes are her emergency OSC's to take custody from the mother. Almost everything else is logistics, and even going to the court to file or pick up papers (for which most attorneys have a court runner and do not bill). Even when these shortcomings have been pointed out 100% clearly to the court, judges continue to rubberstamp her bills. The parents are viewed as troublemakers, and the attorney as God's Truth incarnate. But, in fact, the opposite is true. The judges having completely abdicated their duty to review bills, what is left but the Grand Jury?

The problem of attorneys "for" children (called GAL's or law guardians in other states) is not just a problem here and not just a problem with Ms. Minzer. She often brings Margaret Murchan or Kathryn Schlepfforst into cases with her. The success of that team could be seen in the *Marriage of Carpenter*, No. 1-93 FL 030090 when they all got custody into father's hands; the last we heard of the child, he'd run away, and father had no idea where he was. Giving men with problems more custody/visitation than they can handle doesn't even help them in the long run.

There was a reason why the "Komar Protocol" said to "encourage as many attorneys as possible to obtain the necessary qualifications for appointment as children's attorneys" This would avoid an incompetent like Ms. Minzer receiving the huge amounts of county largesse for trashing families. This still remains to be done. Judges Carr and Lucero were great about granting motions to remove Ms. Minzer from cases, and Judges Carr and Turrone monitored appointments and encouraged counsel to leave when the conflict died down (although Ms. Minzer doesn't allow the conflict to die down and is widely quoted by parents as telling them when she enters a case, "I'll be on your case until your child is 18." The court should take a serious look at the tragic results.

Can an attorney "for" child be cross-examined? As a matter of US Constitutional Law, the Illinois State Supreme Court answered this "yes" if the attorney reported their opinion to the court in *In re Marriage of Perez and Bates* (2004) 212 Ill. 2d 489; 819 N.E.2d 714. To prepare for cross-examination, one should be able to obtain discovery from the child's counsel.

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