

STATE OF NEVADA
SUPREME COURT COMMISSION
GUARDIANSHIP COMMISSION
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Verbatim Public Comment

The public was invited to provide comment. The public was reminded they would have three minutes, each.

Carson City

KEITH TIERNEY: Good afternoon Mr. Chairman, Chief Justice Hardesty and Commissioners. My name is Keith Tierney. I am the Executive Director of Civil Rights for Seniors, a Nevada non-profit corporation. I also Chair the Elder Law Section of the Nevada Bar. With that, let me cover my present statements. I'm not speaking on behalf of the Bar and I'm not speaking on behalf of that section of the Bar; although a large number of our members are practicing in the Guardianship area. I submitted to the Commission on October 19, written statements and so what I'm about to do today is basically augment those statements with some footnotes and some comments.

Healthcare decision-making authority of guardians and agents, an update will be added to my material. That is written by Dara Valenjad. It's a bifocal, a periodical and bifocal, by the way is the Journal of the American Bar Association Commission on Law and Aging. Also, I will add, miss and facts about healthcare advance directives, that's in the November—October/November of the same periodical.

Also, three medical pieces of information provided by Up-To-Date, which is a clinical decision making journal for physicians in the United States, Evaluation of Cognitive Impairment and Dementia, like Florence Satin MD; Mental Status Examination of Adults, Po Hung Leung, Doctor of Psychology; Comprehensive Geriatric Assessment, by Catherine Ward MD and David Rubin MD. I will provide this bibliography to the Commission shortly.

Recent developments make it even more clear that collaborative and supportive methodologies are absolutely mandatory in the guardianship process. Just recently, last week on Monday, our Supreme Court injected into the guardianship discussion the need to understand what is 'brain dead'. Along with that discussion was the authority of a guardian to disconnect from life support. There's also a pending case in Clark County that will address the same issue, as to the authority of a guardian to be involved in disconnect decisions. And, with regard to that, out-of-state physician directives.

In deference to Judge Doherty, I won't go into detail because the case is on remand to her Court. But that was the recent case, decided last week of [inaudible], Room 131—

CHIEF JUSTICE HARDESTY: Mr. Tierney, the time has run on your public comment time. If there are any other written comments you'd like to tender to the Committee, we would welcome them. I need to move forward with others who would make Public Comment.

KEITH TIERNEY: Thank you Mr. Chairman, I will supplement my material, thank you very much.

CHIEF JUSTICE HARDESTY: Thank you for the participation. Mr. Cavallera.

HENRY CAVALLERA: Yes, Mr. Chief Justice. My name is Henry Cavallera; I'm an Attorney in Reno. I submitted a packet of materials for the Court; I believe the Court should have to give it to each one of the Commission Members.

Last night, when I was thinking about all this, I thought, I want to change some stuff, so I also wrote out some materials that are not typed, and I'd ask everybody to forgive me for that. What I did do is I tried to come up with some strengths that we have in the system. The strengths are because; there are some things that the Courts can do on their own. They don't—we don't need any legislation. They might need some money. Many of these things are being utilized in the Courts that I appear before.

Number one, compliance officer to kind of keep the cases moving. I think the Courts need to use more bonds and blocked accounts. I would note, I think there's a case out of the Supreme Court in the State of Washington that says, if a lawyer fails to propose adequate bonding, or security in a case, that the lawyer could be held liable if there's any loss. So, maybe that will be enough incentive for everybody to get moving on that.

I think there's some things that are right in the statute, if we do this, is going to eliminate a lot of our management problems. There's training requirement for guardians. There's guardians have to sign an acknowledgement of responsibilities. They have to monitor—if we have a case manager, the case manager can document the filing of the proof of blocked accounts. Annual accountings are required as we know. The report of the—that needs to be made if a person is moved to a secured facility and there's the petition if the person is moved out of state. These are all management techniques that are available to us right now. We just have to do it. I think what has happened here over the years, all this stuff was in place, we got kind of overwhelmed with the increase, the aging population and the impairments.

I would like to move to the issue of limited guardianships. This—the legislation, the core legislation that you have before us in Nevada was originally passed in 1981. I believe it was submitted to the Legislature by retired Judge Sky Jordan, before he went on the bench. I happened to be at the hearing when it was adopted out of the Senate Judiciary Committee. And, at that time, it was model legislation that was developed by the ABA. So, obviously we have to upgrade what we're doing, but the core was there and it was a model piece of legislation at the time.

Back in the 80s, knowing there was this concept of limited guardianships, I tried to do about 15 of these things for families that had developmentally disabled children who are now going into their adulthood. Each one of these cases failed. The reason why it failed is because we tried to limit the capacity or the authority of the guardian, reserve rights to the ward and the families kept coming back to me and saying, well my son cannot do X, I need to get more expansive orders.

So, my proposal is, maybe we go ahead with the general guardianship, reserve certain powers and decision making to be made by the ward and then, report each year about how that's going and do some kind of a system like that.

I would like to note that under NRS 162.8250.2, that a Court can reserve the power of an agent under a power of attorney. So, if I walk into a Court and I say, okay I want to have a general guardianship over this proposed ward on behalf of my client, the Court does have the ability to look at a power of attorney that we have to—we have to put those in our petition and the Court can look at that and say, okay, I'm going to reserve certain decision making back to the agent because that's what the ward wanted. Even in that case, if the Court suspends the power of the agent, the Court could direct the guardian to make decisions in accordance with that document.

CHIEF JUSTICE HARDESTY: Mr. Cavallera, I'm going to have to interrupt you again, because of the time constraints.

HENRY CAVALLERA: Okay. I'll just submit the rest of my materials, I ask you to review them. There's additional materials on limited guardianships. Thank you.

CHIEF JUSTICE HARDESTY: Thank you. We would appreciate that input and look forward to receiving it. Are there any other persons in Carson City who would like to make public comment?

JUDGE EGAN WALKER: We see none Chief.

Las Vegas

CHIEF JUSTICE HARDESTY: Okay. Anybody in Las Vegas who would like to make public comment to the Commission?

HAMAL WOODRUM: Good afternoon, thank you for your time. My name is Hamal Woodrum. I'm an Attorney here in Las Vegas, Nevada. I had some pointed public comment as far as situations that we've been running into where we're looking at the rules on committees and trying to prospectively evaluate how to repair some of the public trust in the system, because I think there's really been damage there. In terms of cases that have been ongoing, and this is something that we brought up at the Guardianship Bench Bar. We've been having monthly meetings with Judge Steele and other members of staff from the Court, and it was something

that I mentioned to Judge Barker as well, which is that when you contact Metro, they tell you it's a civil matter if you're reporting crimes of exploitation. The dynamic there is the money is gone and we're trying to report a crime and they say, well there's nothing we can do about it, you need to sue in civil court, well there's no funds to do so. And, we've been having attorneys appointed for wards and we're doing our best, but I mean, we can only volunteer so much time because at some point it costs money to serve subpoenas. It costs money to dispose people. I mean, these are expenses that, in a way, the taxpayer bears ultimately because when someone is exploited and they have no funds, they have to file under the care of the State. So, I do think this is a public issue.

I did have one case where we pursued recovery. We settled the case, we were able to get a significant amount of money back for the ward and I had a call about nine months later from Metro saying, well you did a bad thing. You shouldn't have settled this case because now the DA's not going to take it. And I do know that we've now heard that the DA's Office has an Elder Abuse Unit and I'm really encouraged by that, but then Judge Barker says, well you need to report, not only to Metro, you need to report to the AG's Office and you need to report to the DA's Office. So, there's three places we need to be reporting exploitation to because we're not sure if any of these people are stepping on each other's toes or what they're going to do. So, I do think we need some clear methods of reporting. A clear way to manage these reports, because I think there's serious wrongs and serious harm going on for people who don't have a voice.

Then, tied to that is, we have wrongs in guardianship without a remedy. You don't file an accounting or you take funds or—or something is not done properly, the remedy is generally removal, you know. And we don't have the bonding, we don't have—even the blocked accounts aren't a sure thing.

So, I think I would just caution the Commission to look to the past in the extent that we need to provide some remedies for people who are feeling wronged, who are feeling like they're not heard, because even as we go forward and we improve the rights and limit the risk to these people, there's definitely a lot to be done for the cases in the past. Thank you.

CHIEF JUSTICE HARDESTY: Thank you very much for your input. The Commission, as you may know, received a presentation from Jay, about the effort being made in the DA's Office and the processing that they're using for those cases. I do think there is a concern that we need to look at and make comment about as a Commission, about law enforcement's investigation and the prosecution of these cases. I will ask Jay to maybe comment today about the announcement recently by the DA, in what's taking place at least in Clark County District Attorney's Office.

I do think the Commission needs to comment about this. Many of the allegations that have been presented to the Commission in support of arguments for reform would appear on the surface to raise questions about legal enforcement violations of the law, criminal violations of the law. So, it would seem that a person aggrieved should have access to that remedy. I think this is something that the Commission needs to talk about. And, I think the Sherriff's around the

State and the Attorney General need to make this subject a priority. So perhaps this Commission will be able to encourage them to do so.

Okay, the next person who might wish to make comment. Yes ma'am, hi.

DARLENE SPRATT: Good afternoon, my name is Darlene. Chief Justice and Members of the Commission, I am here on behalf of my dear friend and neighbor, 88-year-old Millie Bernard. Her Case No. is G15-42618A. Millie has been living in a Las Vegas home for individual residential care called Mimi's since her stepson, Tom Bernard, who lives in California placed her there in July. Mr. Bernard claimed that he had power of attorney over Millie and her will but refused to provide copies of the documents, even after repeated requests by Millie's niece. The stepson then ordered Mimi's to ban most visitors from seeing Millie because of what he called 'suspicious behavior'.

Millie is a very social person and needs her friends as a support system. The worst came when the stepson and the home tried to keep Millie's 80-year-old sister who came all the way from Oklahoma from seeing her. The stepson yelled at her in front of Millie and told her she shouldn't be there. I was banned after that too. The bans were lifted after we sent the facility a copy of Nevada Law, of visitation, isolation and neglect of a ward. And, Millie's niece and I, from Oklahoma, filed an Application of Guardianship, for Millie in September. Again, I was banned, but for this reason—they didn't give me a reason.

Millie has developed painful bedsores in this facility and has not been allowed to see her regular doctors. Millie has told us she's afraid of her stepson, needs better healthcare and wants to go back home. Her stepson hired Las Vegas Attorney Robert Graham to fight our proposed guardianship. He also fired and banned Millie's long time estate attorney, Mr. Matthew Policastro from seeing her. Attorney Elise Tyrell, a Member of this Commission was appointed by Judge Steele at the first hearing to represent Millie. Ms. Tyrell told the Court at the second hearing, it's not her duty to investigate the concerns we presented to her, Millie's stepson was taking good care of her and Millie liked the home. The Judge sided with Ms. Tyrell and appointed the stepson as Millie's guardian but didn't address our allegations of isolation and neglect.

None of this made sense to us until Elyse Tyrell is charging Millie's estate \$500 an hour and submitted a bill to the Court for \$4,035 after less than a month. Millie has an estimated \$500,000 in a trust fund, so she should be able to live out her years comfortably and surrounded by family and friends. Sadly, she's surrounded by people who want to care for her money and not her.

Ladies and gentlemen, no elderly person ever deserves to be subject to any of this. No guardian should have history of isolating a ward from her friends or support system and no court appointed attorney should refuse to investigate allegations of isolation and neglect and no Judge should appoint a guardian if that person refuses to produce to the ward's family a power

of attorney which he claims he has. Judge Steele appointed a guardian without an evidentiary hearing and without Millie being in a Court or an excuse from her doctor.

My eyes are open to the abuse of this system and the need for reform, thank you.

CHIEF JUSTICE HARDESTY: Thank you. Could you spell your name for the record, or did you fill out a form so we have that?

DARLENE SPRATT: Sure.

CHIEF JUSTICE HARDESTY: Did you fill out the form?

DARLENE SPRATT: I did fill out a form, yeah.

CHIEF JUSTICE HARDESTY: Okay. Thank you.

DARLENE SPRATT: I signed right here.

CHIEF JUSTICE HARDESTY: Great.

DARLENE SPRATT: And I also have a copy of this for you as well.

CHIEF JUSTICE HARDESTY: If you'd like to give that to Mr. Jessup so we'll put that in the record.

DARLENE SPRATT: Thank you very much. Thank you.

CHIEF JUSTICE HARDESTY: Okay. Yes—yes sir, did you want to comment?

LARRY BRASLOW: Justice Hardesty, Commission Members, my name is Larry Braslow, I'd like Judge Steele to be here, if you wouldn't mind, because I have a direct question for her?

CHIEF JUSTICE HARDESTY: I'm sorry, I couldn't hear you.

LARRY BRASLOW: I would like Judge Steele to please be present, because I have a direct question for her.

CHIEF JUSTICE HARDESTY: Well—

LARRY BRASLOW: If that would be allowed.

CHIEF JUSTICE HARDESTY: If it involves a pending case, then no.

LARRY BRASLOW: Well, nothing is really going on with it. You could call it pending, but you've already heard the case and all the other trials that he's—from the Blacks and Jan Cane. So—

CHIEF JUSTICE HARDESTY: I think it would be best—

LARRY BRASLOW: Unless it's going to be brought up in a criminal thing, which it should be—

CHIEF JUSTICE HARDESTY: I think it best you just make your comment and this is your opportunity to do so.

LARRY BRASLOW: Okay. I'm the son of Ruth Braswell. I've had the opportunity to listen to some of the audio tapes regarding your prior meetings, so you're aware of the situation with my mother. I'm surprised that you're having a Commission over this. I'm happy you're doing it. I've listened to you, Justice Hardesty, several times. I'm surprised Julie Arnold is on the Board, because she's complicit in what happened to my mom. Which was inappropriate. I was in law enforcement a long time. I was in local, State and Federal. I know what white-collar crime is all about. It usually involves money, power or a combination of the two. Then when you have Judges and what you people use in your State called a Hearing Master, who apparently are complicit. You need people who know white-collar crime and know how to find how they're stealing and where they're hiding money. That's what I did. For Special Prosecutors out of New Jersey and New York and I could go on and on.

My big complaint is what's going on here, is that here in Clark County when I came out and found out about this, you have procedures in place. Apparently, the people responsible, in this County, don't follow the procedures. I guess Washoe County, is that Reno?

CHIEF JUSTICE HARDESTY: Yes sir.

LARRY BRASLOW: From what I heard, whoever is speaking about that on your second meeting, they follow the procedures. All the other little counties do. Just seems like Clark County is being led to run, you know, rampant and uncontrolled. One thing I was aware of in law enforcement is that when you're in front of a Judge and they become aware of a crime, they're supposed to report it and take action. Apparently, in this County, that's not happening. I don't understand what your statutes, but in most states, it's a felony to file a false document to the Courts and if an attorney knows of it, he's supposed—and he corrects it, it's obviously not a crime. I believe that's your statute, what, 199.102, offering false evidence.

It was allowed by Lee Dryden to submit the information for his client, April Parks. When I presented the fact that my brother is not the only living family member that should've been listed—and, it was brought up by the way, on several hearings that I was at in front of, was it Mr. [inaudible] I guess, was the Hearing Officer. No amended filings were ever done. In most states and especially in Federal Court, where I spent a lot of my times as an Agent, we go back to square ones, that's why people get out of prisons, because new evidence and the truth comes out.

For whatever reason in this County, it was brushed under the table. That's my issue. Not that you're going to want to revamp your whole system, but in the end, people have a lot of good ideas, is that why don't you enforce what's on the books right now today. Take these people to

task. I understand my time is out, but all I'm saying is, when you allow attorneys to produce things—I know what I have an attorney, but I want to see his work product. Not just let him bill hours rampant. What's your work product? You do this same thing with April Parks, and I gather from hearing the atrocities I've been listening to, you let this go rampant with all your paid for-profit guardians.

I'm sure there are some good ones out there. Nobody is that horrendous. Like I said, most of the people I've heard from on this Commission, on your tapes, you people care. You people are professionals. Apparently, in most of your counties, you want to follow your own rules and regs. Something as simple as doing an inventory before you sell of a ward's assets, except in Clark County. I've been to your DA's Office—I'll wrap it up and I got blown off. I went to your police department here, Las Vegas Metro. When I worked with them in the 70s, when I was a Trooper in New Jersey, your Sherriff was awesome. I don't know what the heck you have now, and I don't know if you're happy with him or not, but I was appalled at how they treated it. So, I'm offering my services, of what I know, if I can help. I live in New Mexico, that's where the Federal Government has put me. I'll come out as often as you want. But, I would sure like to find out what your law enforcement branch is doing to enforce what you have on your books, which is—when I got your brochures, I think it's great and what you want to do for the elderly. So, whatever I can do, I'm here and I will make myself available. Thank you for your time and I wish you luck.

CHIEF JUSTICE HARDESTY: Thank you. Yes sir.

ADAM WOODRUM: Hello. Adam Woodrum, local attorney. I did want to follow-up on a couple of folks—

CHIEF JUSTICE HARDESTY: Could you state your name again?

ADAM WOODRUM: Adam Woodrum, WOODRUM, 10284, Your Honor. I wanted to follow-up on a couple of comments about the police and what they will and won't prosecute and it is a very frustrating to see. And it's not rampant. I don't want to pretend like it is, but I was a prosecutor for about seven years. First for the State and for a County. I did prosecute fraud crimes. I have seen cases that are absolutely warranting, if nothing else, an investigation. It's almost like, I'll tell the client, go make a police report, police have to take a report. They come back and they say, well they said it's a civil matter. It's just outrageous and unacceptable. I hope that Mr. Raman has a plan for that.

What I also wanted to talk about is—is remedy. But not the sort of remedy, I think that my partner talked about. The remedy that I want to have is, the Nevada Rules of Civil Procedure apply. I've had two cases in representation. One was a ward that I represented. He retained me, he called me. He hasn't paid me, but he retained me, called me. He said, I don't want to be a ward; I don't want to have a guardian. Okay, so I look up the Docket, I look up the record, never admonished, never brought to court, never told he had a right to counsel—and these facts are all in the record. I mean, these were facts—counsel stood there and admitted these

facts. I said, Judge, this is void. This is a classic Rule 60, Voidness. She says, well—and it's a due respect to the Judge, because I think she's really got her heart in the right place, but she says, no we need a trial on this, I'm not ready to declare this void. We've got all the facts. Well, this doesn't necessarily fall under Rule 60 because it's not begun with a complaint; it's begun with a petition.

So, what I've done now in all my Rule 16.1 responses is to say, well NRCP does not apply in guardianship cases, because it may or it may not. Some parts do, some parts don't. And, the other along the same lines is, a summary of judgment is available. If you make a complaint and all the facts are established, you file a motion for summary of judgment and the Judge decides, well we've got a case here, a County here where that may or may not apply. So, I can have all the facts, I can even have admissions, but we still have trials. In some cases, the Judges even suggest that ex parte trials, like prove ups, in cases that in the civil matter would absolutely be summary of judgment cases. I would like to see those apply and just give us some remedies. Some tools and we don't have a lot of tools right now. So, thank you.

CHIEF JUSTICE HARDESTY: Okay, thank you. Someone else? Yes ma'am.

YVONNE RANDALL: Yes. Thank you. My name is Yvonne Randall. My daughter Stephanie Allen is here and we're speaking on behalf of Vera Lee Shelbourne. In the late 2000s—well, Vera Lee passed away and her son, she has one son Karin, he's not competent. He's in his 50s, but Vera Lee was a very brilliant businesswoman and they own two acres on Shelbourne, 209 Shelbourne. Vera Lee Shelbourne. Very well known in this town.

Anyways, she went to Ken Boyer to do her estate planning, did a will, so her incompetent son would always be taken care of. My daughter was like, friend of the family and she took care of Karin, helped him. He did work for her and she paid him a little bit because when Vera Lee passed away, everything was paid for. The two acres that the ranch, which was worth over a half a million dollars.

So, Karin didn't know what to do, so he called Ken Boyer who created the estate planning, everything went to him. She called in a guardianship, Susan Hoy. Susan went over to the house, threw him out, boarded the house up and told him he couldn't stay there. Then they told the power company it was in probate and my daughter was like, she had a power of attorney over Karin. She told Ken Boyer, she told Sue Hoy, I have a power of attorney over Karin and we're going to help him. They wouldn't believe or talk to her on any level.

So, after Susan had the house boarded, they threw him out. He lived in a vacant boat, across the street, all summer. Finally Susan showed up and found him in the vacant boat and asked him, Karin, you need some money? He—and my daughter hired Naomi Aaron, to assist her because they initially attempted to sell this property, two acres and Zillow will show you, it's worth a half million, for \$90,000.

So, my daughter stopped it and they—so, Susan Hoy told Karin, just sign this paperwork and I'll get you some money. He was starving. And he signed the paperwork, which authorized her to

sell his home. She sold his home for around \$200K—a little over \$200K to the investor that had been trying to get this two acres forever right behind there. So, then what they did is they— they took all of his personal possessions in the home, put them in storage and he wasn't able to access anything because Sue didn't give him any money until after the fact. He lost all his personal possessions. His mother had antiques and jewelry and furs. She lost—he lost everything. So, Naomi Aaron took the money that they gave him from the proceeds and was— put it in a manner that he could come and get money when he needed to. By then my daughter was throwing up her hands because nobody would endorse what she was trying to do, get him a little condo or something.

So, what happened is, within a year, no one would give an accounting that Ken Boyer, Susan Hoy, or Naomi, give him an accounting. He's living in the desert now.

CHIEF JUSTICE HARDESTY: You need to wrap up your statement.

YVONNE RANDALL: Out of a half million-dollar property, he was thrown out of; he's living in the desert in the tunnel. That's it.

CHIEF JUSTICE HARDESTY: Thank you for your comments.

YVONNE RANDALL: Thank you Chief Justice.

CHIEF JUSTICE HARDESTY: Okay. Did you wish to make a comment ma'am? Okay.

SANDY LEWIS: Good afternoon. My name is Sandy Lewis, but today, my name is Hope. I am a proud member of Rana Goodman's organization called Nevada Association to Stop Guardian and Elder Abuse. I'm speaking to you today about one specific goal of mine and that goal is to locate and assist any wards under the guardianship of a private guardian named April Parks, so that this organization of ours can begin to provide emotional and financial support to these wards and their families.

I have April's list in my hand today with a count of 155 wards, and some of the people in this court are on that list. Under Ms. Park's name, from December 1995 to March of 2015, how many of these wards are still alive and where are they? Where are they?

You stated at a prior meeting that you scrubbed the guardian's files, so is the count down now? And, where are the wards? I recently called the current Clark County Guardianship Compliance Officer four times to ask for his assistance in this matter and unfortunately none of my calls were returned. In my opinion, the Clark County Court Administrators have a lot to answer for. They've failed to protect these unfortunate elderly residents from financial exploitation and neglectful medical care while under guardianship, sanctioned by the very court system.

So now, Chief Justice Hardesty, I turn to you and I leave their fate in your honest and capable hands. I request that you do whatever is necessary to locate all these wards, still alive on April

Parks private guardianship list and provide this list to our organization. Thank you very much for your time. May I submit this paperwork?

CHIEF JUSTICE HARDESTY: Is it the list of folks that you're trying to find?

SANDY LEWIS: It's both. It's my speech and April Parks' list.

CHIEF JUSTICE HARDESTY: Oh fine, yes, please do.

SANDY LEWIS: Okay, thank you.

CHIEF JUSTICE HARDESTY: You bet. And, could you clarify something for me, who is the Clark County Compliance Officer you called? Was that someone in the court system?

SANDY LEWIS: Actually, I called Tim Andrews who is usually the most phenomenal person on earth, and I'm sure there's a very good reason that he didn't return my calls. What I was trying to do for my organization, go through the list, see whose is alive and whose dead. So, what I was trying to do is figure out how to do that, what wards are alive. Because right now, Rana, I and others, we're assisting financially and emotionally the wards that are freed. How can we help people when they're hidden and we don't know where they are?

CHIEF JUSTICE HARDESTY: Well, I don't know that I have an answer for that, but I am glad to have your list and will look at it. I just wanted to know who you called and didn't respond. So you are working with or attempted to work with Mr. Andrews?

SANDY LEWIS: Yes, but he has been phenomenal on all the other 50 calls that I've put in. I have no idea why on this particular issue, that I requested help; he wasn't able to give it. But, when I tried to go through the obituaries, I was told by somebody else in the room that the reason I can't find out if any of these wards are alive or dead is because most of them live out of state, so their obituaries are in the state they live. I was willing to go through the list. I was willing to do whatever work was necessary.

CHIEF JUSTICE HARDESTY: Let me—since you've brought this subject up, let me give you a status report as I understand it.

SANDY LEWIS: Thank you.

CHIEF JUSTICE HARDESTY: In terms of the inquiry into the status of various pending guardianship cases—that work is not complete yet. Orders have been issued in a number of cases and will continued to be issued in a number of cases requiring, where possible, the people in those cases to appear and show cause in front of either Judge Steele or two senior Judges that I've appointed, to explain to the Judges the status of the case. It is expected that in that process one would learn the status of the ward as well. The Judges are expected to do that.

Those—I know those hearings are taking place, I believe every Friday, the two senior Judges are hearing these show cause orders. So, that process will continue until we reach a point where all of the files that have been identified by the District Judges around the State and by Clark County in particular, have been researched. So, we'll update you at the next Commission meeting on how many files have been heard, how many show cause orders have been issued and we'll continue on this process. There's a lot of files. I understood it was some 4,000 plus cases.

SANDY LEWIS: Right.

CHIEF JUSTICE HARDESTY: It may take a while, but we'll get to the bottom of it and we'll continue with this process.

SANDY LEWIS: Well, I thank you so much for your kind update sir, and our organization would love to work hand in hand with you and with all of the wards to help them get back some quality to their life and some money from what the Courts have allowed to happen to them, thank you so much.

CHIEF JUSTICE HARDESTY: Well, I do want to also mentioned that Chief Judge Barker is here in the audience. I want to thank him for his personal efforts in initiating these processes. He meets with the staff of the Eighth Judicial District and their data/IT people, and they're making progress. They've got a tall order in front of them so we'll continue to make this effort occur but we need to be a little patient. But, impatience is understandable.

You know, I know, Judge Porter, we asked her to do a similar thing in Elko. Judge Doherty in Washoe County has undertaken a similar effort. We've asked Judges around the State to start telling the Court, Supreme Court, what's the status of all your guardianship cases.

SANDY LEWIS: I guess my impatience is when I meet with these wards that are finally let out and they have no food. They have no clothing. And most of the time, no homes. So, I do get impatient.

CHIEF JUSTICE HARDESTY: I fully appreciate that.

SANDY LEWIS: Thank you sir.

CHIEF JUSTICE HARDESTY: Okay. Yes ma'am. Hi.

TERRY BLACK: Hello, my name is Terry Black. My family fell victim to Clark County Family Court. The Guardianship Judges claim that their job was to resolve factual disputes and enforce Nevada Law. The facts and Nevada law all defended my father and my right to protect him. My dad spent 75 years saving to provide for himself and his family. In just two years, through the decisions of the Court, his estate was consumed; he was isolated from his family and denied the care his savings afforded. The decisions of this Court have now damaged my family by nearly

\$800,000. The Court ruled that giving his hard-earned money to predatory lawyers and two guardians was in his best interest.

I can assure you, as Dad's executor and only child, he never would have agreed to third parties profiting from his hard-earned estate and damaging his family in the process were done in his best interest.

Fred Scott was born a slave and formally fought for his freedom through the Courts. He appealed to the US Supreme Court and they denied his rights. Many legal scholars view the decision as one of the worst the Court ever made. Not to offend any Commission Members, but Judges err. Even US Supreme Court Justices err. This decision led to the public's demand for the Fourteenth Amendment of the Constitution which reads: 'no State shall deprive any person of life, liberty or property without due process of law, nor deny to any person, equal protection of the laws'. That includes those afflicted with Alzheimer's like my father.

This Commission must demand reform to ensure due process and oversight that protects the liberty and property as the Constitution demands. Guardianship Judges' obligations to the public go far beyond resolving factual disputes. You must enforce protection of the law, as you would expect it for yourself. You will the power to protect or condemn the innocent with your rulings. You grant your omnipotent powers to those not nearly as competent or good intentioned over another human being. The experience of these victims here demonstrate how evil the predatory lawyers and the guardians they represent can be. Anyone can choose to exploit, caregivers, friends, guardians, lawyers and family.

What many of these victims have experienced mirrors human trafficking. They are at the complete mercy of their guardians. The power you grant is immediate and it could take years and hundreds of thousands of dollars to rescind those powers if misused. I beg of you, on behalf of those who can no longer defend themselves that you mandate reforms to best protect the vulnerable and their Fourteenth Amendment rights. Thank you.

CHIEF JUSTICE HARDESTY: Thank you Ms. Black. Anyone else who wishes to make public comment today? Okay. Yes sir.

RYAN WILSON: My name is Ryan Wilson. I'm the new Guardianship Compliance Administrator for Clark County. I just mostly wanted to stand up and put a name and a face together. So, I'll be intimately involved with the process here and look forward to getting to know and understanding the decisions and recommendations that you guys will make. So, that's all I'm going to say today. Thank you.

CHIEF JUSTICE HARDESTY: Why don't you describe for the audience and for the Commission the job duties of the Compliance Officer of, and I guess you're the only one—the job duties of the Compliance Officer in Clark County. Because some people may not be familiar, including me, with precisely what are the job responsibilities that you have.

RYAN WILSON: Sure. All of the job duties are not 100% lined up. Some of them will be dependent on what is decided here. As I understand it and a lot of the principle duties will be talking to the public on, and finding out from them stories on what's going on and a lot of the time, I won't be able to help, but at least lend an ear to hear and give—pass the information along to the proper party. I won't be able to give legal advice, obviously, but hopefully help individuals out in their hour of need.

CHIEF JUSTICE HARDESTY: Okay. Is my general understanding correct about Clark County's issuing show cause orders in these open files and bringing cases in to get a status report?

RYAN WILSON: Yes, that's been ongoing and continues on. Every Friday there's a pretty big line of people to come and get this cleared up. A lot of them need a couple of pieces of paperwork that we've been able to help them through. I've only been on recently, but it's really been helpful to get these files cleaned up and to the individuals that come in.

CHIEF JUSTICE HARDESTY: Do you have any—well, you may not know yet, but can you tell me how many numbers, how many cases you've been through to this point and how many you have to go?

RYAN WILSON: I don't have those numbers that I can recall.

CHIEF JUSTICE HARDESTY: Okay. Tell you what, I'll get a hold of your Chief and you and before the next meeting, I'll have a homework assignment for you.

RYAN WILSON: sounds good.

CHIEF JUSTICE HARDESTY: Fair enough. Okay, great.

RYAN WILSON: Thank you.

CHIEF JUSTICE HARDESTY: Thank you for introducing yourself and welcome and we appreciate your participation.

RYAN WILSON: Thank you.

CHIEF JUSTICE HARDESTY: Any other public comment here in—yes ma'am.

ELIZABETH INDIG: Hi, my name is Elizabeth Diana Indig, Case No. G-12037414-A. First of all, I want to thank most of you from the bottom of my heart for being here and caring enough to help us all. My mom has been assigned a great attorney, so obviously things are—are happening in a good way. And hopefully it will end the taking away of the civil and human rights of the people in Clark County. I'm sorry; I'm going to be all over the place now because I had to cut out parts of my speech, because other people said it, which is good. Attorneys. Guardians and their lawyers gouge the wards with outrageous fees and the courts allow it. This

leaves the wards and their families with huge debt they can never recover from. They cannot dispute the fees because it only adds much more to the bills against them. There should be mediation without hundreds of dollars per hour fee.

In regards to—well, back—we go back like—I’m sorry, I’m taking examples from what happened to me. I was guilty until proven innocent, that should never be the case, but as I’ve—as the time has gone by, I’ve been speaking with other wards and victims—it is a really, really difficult job to be a guardian and I have the highest respect for the guardians who are good at their jobs and do it correctly. It took me two weeks to figure out on one particular case what was best for the gentleman who is going through this right now, where they’re trying to take him and it’s cost him \$10,000 to fight this out of his own money. So, it is still going on.

Anyway—there’s a couple of more things I want to say from my own experience. I suggest that during the initial visit of a new ward, the guardian be accompanied by non-interested parties and an entire initial walkthrough be videotaped with timestamp in addition to photos. This is a necessity. I’m being asked to come up with an inventory now, which is kind of impossible since everything has been stolen and sold.

I suggest that during each and every visit, the guardian take a photo with a timestamp and date stamp of the ward and a close up photo of the face and feet of the ward. I don’t remember if I said it before, my mom’s toe nails had been curling under, which is why I think she cannot walk right now. She kept getting eye infections because her eyebrow hairs were hitting her eyeballs. There’s just a lot of stuff to do. And if there is photos and documentation that the ward was in a good state, then when—if there are court cases going on, proof will be there.

I know, all right. One more quick thing—

CHIEF JUSTICE HARDESTY: No, Ms. Indig, I think you need to wind it up.

ELIZABETH INDIG: So, not even one more sentence?

CHIEF JUSTICE HARDESTY: One more sentence.

ELIZABETH INDIG: Okay, last meeting you guys said, when wards pass away and there are no heirs, I don’t know where you said the money goes, but can’t that go into the initial evaluation and then I have to throw this in, the pets of the wards are being killed and thrown into shelters. If the wards have money, there should be pet trusts made. Also, I love Rana’s idea about senior citizens helping to do the assessment in the beginning, in fact, as soon as I get more time, I would be willing to do that too. I’m sure other citizens would be too, instead of lawyers who can be making \$500 an hour somewhere else. Okay, I’m done, sorry.

No further public comment.