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Arizona State Bar  
4201 N. 24<sup>th</sup> Street  
Phoenix, AZ 85016

RE: Formal Ethics Complaint Against:  
Joe M. Romley – SBN #001786  
4647 N. 32<sup>nd</sup> Street, Suite 120  
Phoenix, AZ 85018  
(602) 528-4710

June 11, 2018

Dear State Bar of Arizona,

The factual basis for this complaint arises from Joe M. Romley (Bar No. 025910) misconduct in Case No. FC2011-005859, Lois Ann Flynn vs. Charles David Rodrick (*hereafter*, “family case”) that was adjudicated in the Superior Court of the State of Arizona in and for the County of Maricopa before the Honorable Timothy J. Thomason (*hereafter*, “Judge Thomason”). Due to the unethical conduct of Joe M. Romley making knowingly false and defamatory allegations, Brent Oesterblad (*hereafter*, “Oesterblad”) was intentionally damaged solely for the purpose of harassment toward an opposition litigant.

On April 18, 2018, Joe Romley filed in the family case Petitioner’s Position Statement. In the public record document Joe Romley would knowingly falsely claim Oesterblad as a “business associate” with Rodrick had engaged in “fraud upon the petitioner” (*see*, Exhibit A). This fabricated assertion is categorically false. A licensed attorney in the State of Arizona is required to follow the Rules and NOT use both the knowledge and experience of the judicial system as a hammer that ignores the dictates of pursuing justice.

Violating his ethical duties and obligations as an attorney as defined by the Arizona Duties and Obligations as stated by the Arizona Rules of Professional Conduct contained within Rule 42 (*hereinafter*, “Rules”), Arizona Revised Superior Court, by engaging in repeated instances of violating ER 3.1, ER 3.3, ER 4.4 and ER 8.4. The intentional nature and scope of the misconduct perpetrated by Joe Romley has been perpetrated over many years’ calls for an appropriate review of the ethical violations identified below. The specific violations committed by Joe M. Romley are governed by the following Rule 42 dictates:

1. **ER 3.1 – Meritorious Claims and Contentions.** A lawyer shall not bring or defend a proceeding, or assert or controvert an issue therein, unless there is a good faith basis

in law and fact for doing so that is not frivolous, which may include a good faith and nonfrivolous argument for an extension, modification or reversal of existing law.

2. **ER 3.3 – Candor Toward the Tribunal.** (a) A lawyer shall not knowingly: (1) make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer.
3. **ER 4.4 – Respect for Rights of Others.** (a) In representing a client, a lawyer shall not use means that have no substantial purpose other than to embarrass, delay, or burden any other person, or use methods of obtaining evidence that violate the legal rights of such a person.
4. **ER 8.4 – Misconduct.** It is professional misconduct for a lawyer to: (a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another.

It is requested that the State Bar of Arizona (*hereafter, "SBA"*) assign a Bar Counsel to review the misconduct of Joe M. Romley and recommend the appropriate disciplinary procedures for the circumstances involved in repeated ethical violations of the Rules. Oesterblad is requesting Joe M. Romley be disciplined in the form of an appropriate probation period and that such outcome be made publically available for review.

The allegations herein regarding Joe Romley misconduct are summarized as follows:

- 1) **For years Joe Romley has harassed Oesterblad solely as a means to antagonize his legal adversary Rodrick without legal or factual basis in violation of the Rules.**

Oesterblad has been dealing with the harassment of Joe M. Romley for years. He was named by Joe Romley a third-party Defendant in a civil lawsuit, Superior Court of Arizona Maricopa County, Case No. CV2013-003800. Oesterblad was brought into the lawsuit by Joe Romley due to his business association with his long time nemesis Rodrick.

Despite cooperating with all aspects of the case, agreed upon deposition without requiring service, providing requested affidavits and all discovery documents without subpoena, Oesterblad would be required to go through the entire litigation process over fifteen (15) months until the trial commenced on May 5, 2014. Oesterblad participated in the jury selection. However, on the second day of the trial before it went before the jury, all claims against Oesterblad were dismissed by the Court due to Joe M. Romley and his co-plaintiffs having NOT preserved any of their claims as they pertained to Oesterblad. He was dismissed from the case by the Honorable Douglas Gerlach (see, Exhibit B, pg. 2). What is important to note is despite no case to proceed against Oesterblad in regard to the claims alleged by Joe M. Romley, it required the Court (opposed to Romley) to intervene and acknowledge the legal deficiencies and dismiss Oesterblad from the case.

This was a clear abuse of process of the judicial system to harass Oesterblad over a fifteen (15) month period without any legal or factual basis to the claims alleged. It was not even an eleventh hour departure, the trial had begun. Despite the egregious conduct of Joe Romley, Oesterblad did not pursue a justified SBA complaint for the multitude of ethical violations and ignoring the most basic of due diligence requirement of Rule 11.

It was a conscious choice for Oesterblad to simply move on from Joe Romley's legal practice transgressions back in 2014, however, to once again be attacked with the outrageous unfounded allegation of "fraud" four years later is not acceptable and will not abide. Enough is enough of being dragged into Joe M. Romley's obsessive quest of a zealous agenda of harassment to facilitate the never ending litigation battles with Rodrick.

Joe Romley has for years engaged in harassment against Oesterblad using the judicial system as a means to attack his real objective being Rodrick. This has been a clear violation of ER 3.1 – Meritorious Claims and Contentions, ER 3.3 – Candor Toward the Tribunal, ER 4.4 – Respect for Rights of Others, and ER 8.4 – Misconduct.

- 2) After four (4) years since claims were dismissed in the civil lawsuit, Joe Romley claims that Oesterblad as a "business associate" of Rodrick engaged in "fraud" in a family court matter that has been litigated six and half (6.5) years.**

The continued assault on the Rules by Joe Romley to wage his vindictive quest against Rodrick utilizing the legal process as leverage to harass non-involved third party Oesterblad must be investigated. To put the ludicrous allegation that Oesterblad had engaged in "fraud" as a "business associate" with Rodrick requires just a cursory review of the context of the legal argument that was before the Court. Joe Romley had filed a Motion for Contempt of Court specifically demanding that Rodrick be incarcerated – in a family court case.

The Court being presided over by the Judge Thomason made it abundantly clear the absolute frivolous nature of the Motion for Contempt of Court seeking the incarceration of Rodrick. Despite articulating in clear language, Joe M. Romley was NOT dissuaded from pushing his unjustified abuse of process. Specifically, the Court stated with no ambiguity its position within the Minute Entry of April 5, 2018 (*see*, Exhibit C): "The Court, however, is not about to incarcerate someone for not paying a fee award." Further, "The Court is not pleased that we are wasting time on this, but there does not appear to be a basis for dismissal." Even such clearly stated Court "guidance" was not enough of a deterrent; it had to be followed up with the Minute Entry of April 18, 2018 (*see*, Exhibit D): "Frankly, there is little left to be done at that hearing. The Court is not going to incarcerate Mr. Rodrick. The Court has read what has been submitted by Mr. Forshey (Rodrick's attorney at the time) and further legal argument by Mr. Forshey would not be of assistance." The Court was so emphatic in its position it openly stated

that Rodrick did NOT need an attorney to provide legal representation at the scheduled hearing. That should have been more than adequate warning for Joe M. Romley.

Despite the Court's attempted guidance, the hearing for the Motion for Contempt of Court demanding Rodrick be incarcerated would occur on April 24, 2018. True to the Court's previous stated position, the Minute Entry filed on May 1, 2018 stated in no uncertain terms its Order when ruling (*see*, Exhibit E): "IT IS ORDERED denying the Petition for Contempt. Most of the evidence presented by Petitioner at the hearing was irrelevant. There was insufficient evidence presented that Respondent intentionally has failed to pay the Judgment. Mr. Rodrick has satisfied his spousal maintenance and child support obligation and it was proper for him to prioritize the payments of those obligations."

The relevance to the complaint filed with SBA is the discourse preceding the Order and the very specific language of the ruling itself, was the Court clearly found Joe Romley had engaged in bad faith conduct. Filing the Petitioner's Position Statement and involving Oesterblad claiming to be a 'business associate' of Rodrick engaging in "fraud" against the Petitioner was not only a complete fallacy, the Court clearly determined the inclusion to have been "irrelevant" and "insufficient" to support the fabricated claims of the Motion. None the less the filing and false accusations against Oesterblad are part of the official court record and now public record. Joe Romley needs to be investigated by the SBA and held accountable for such abuse of process. Harassing Oesterblad in his almost seven (7) years of legal entanglements with Rodrick is a repeated ethical violation of the Rules which demands the appropriate consequences of disciplinary oversight by the SBA and ultimately the Arizona Supreme Court.

The recent filing by Joe M. Romley once again for the sole purpose of abusing the judicial system to harass Oesterblad in his never ending legal battles with Rodrick must stop. The latest iteration of this pattern of misconduct represents clear ethical violations of the Rules. The filing of April 18, 2018 in its involving Oesterblad has been a clear violation of **ER 3.1 – Meritorious Claims and Contentions, ER 3.3 – Candor Toward the Tribunal, ER 4.4 – Respect for Rights of Others, and Supervisory Lawyers, and ER 8.4 – Misconduct.**

## **CONCLUSION**

The SBA is charged with the responsibility of protecting the public from problematic attorneys. In the case of Joe Romley, he has demonstrated a propensity to engage in ethical violations with willful disregard to Rules. As part of its duty, the SBA should ensure that the public has ready access to information about attorney misconduct, so it can make informed decisions about who to retain when seeking counsel.

It is perplexing to understand why the SBA does not offer a thorough profile of attorneys licensed to practice law in Arizona. The SBA website disclosures fall far short of the stated

objective of protecting the public from attorneys with a history of extremely corrupt conduct. In the case of Joe Romley it only requires a cursory Internet search to find a plethora of extremely troubling issues Joe Romley has been involved with. A simple public's record search returns a civil lawsuit wherein a Linda Vela sued Joe Romley (CV1999-001968). The Honorable Paul A. Katz **concluded** "that Romley **engaged in a pattern of racketeering activity**" and "that the acts of alleged racketeering were **continuous**." In another, James P. Elia alleged FRAUD against Joe Romley (CV1992-015891). And still another, Steven J. Valentine sued not only Joe Romley (CV2002-017008), but also his wife Toni Romley. The case highlighting that the practice of FRAUD would also involve the wife Toni Romley represents a pattern of activities that are very upsetting. To top off an extensive history of potentially "problematic" associations was Joe Romley's office had been "raided by Phoenix Police Department" as the Associated Press claimed he was being "accused of illegally conducting an enterprise – felony racketeering charges" involving the Sex-Club family Aldabbagh. The public has a right to know if an Arizona attorney has such a long and sordid resume and it is the duty of the SBA to insure the "protection" promised in the Mission Statement. Is question is does the SBA have a real commitment or are such sentiments nothing but toothless public relations rhetoric.

For these reasons, the SBA should conduct an in-depth investigation into the allegations outlined in detail in this complaint in regards to attorney Joe M. Romley. The damages realized by Oesterblad due to the misconduct of Joe Romley are completely unwarranted and must be thoroughly reviewed to determine the amount of culpability that can be associated with the identified malpractice. Oesterblad requests that the SBA take action against Joe Romley in the form of sanctions being an appropriate probation period. Any such outcome should be made publically available for review. The complaint is submitted to the SBA in order to initiate an investigation into Joe Romley's continued disregard demonstrated in conducting himself in violation of the Rules, and also make public the various acts of misconduct described herein.

Respectfully submitted this 11<sup>th</sup> day of June, 2018,

Brent Oesterblad