

State Bar of Arizona
4201 N. 24th Street
Phoenix, AZ 85016

RE: Notice of Public Concern Involving:
Joe M. Romley – SBN #001786
4647 N. 32nd Street, Suite 120
Phoenix, AZ 85018
(602) 528-4710

August 17, 2018

Dear State Bar of Arizona,

The basis for this Notice of Public Concern is to document the behavior of attorney Joe M. Romley who has demonstrated a clear and pervasive deterioration of his cognitive abilities to appropriately continue to practice law in Arizona. The catalyst to bring this matter to the attention of the State Bar of Arizona (“SBA”) has been the years of interaction with Joe M. Romley and witnessing through firsthand experience via direct observation, multiple communications and dealing with a multitude of official court filings that document the degeneration of the work product. Over time it has become impossible to ignore the repeated incidences of physical frailty, repetition of the same point, pronounced slurred speech, along with court submissions that had already been filed and ruled upon by the courts. It has reached a level of occurrences that it has become indisputably **NOT** a simple single moment of forgetfulness. The incidences are frequent and have gotten noticeably more pervasive.

The legal dealings with Joe M. Romley date back to early 2012 when he was retained to handle the dissolution of marriage (Case No.: FC2011-005859) representing the Petitioner Lois Ann Flynn (“Flynn”) versus (me) the Respondent Charles Rodrick (“Rodrick”). The interactions would be expanded to address a civil litigation that would navigate the entire judicial process to be adjudicated to completion with a jury trial. It is undeniable both of these cases were contentious between the parties; however, this should not deter from the veracity of the circumstances that are documented in the submission of this Notice of Public Concern. The incidences put forth are **NOT** provided as a complaint of alleged ethical violations committed by Joe M. Romley seeking some form of disciplinary action. The believed condition affecting the competency of the legal work product and physical ailments apparent via speech patterns and extreme patterns of forgetfulness of Joe M. Romley are a condition not identified to be cause of personal ridicule but concern for the general public and the integrity of the AZ judicial system.

It is likely the SBA will ignore this sincere attempt to address a problem that is in fact prevalent within the ranks of Arizona practicing attorneys. It is a problem no one wants to acknowledge. This avoidance due to discomfort is understandable, but does not make the reality of the matter any less significant when it tarnishes the reputation and effectiveness of our judicial system. Ignoring a problem does not make it go away.

The purpose of this submission to the SBA is **NOT** to seek some form of retribution with an issuance of the usual disciplinary outcomes of diversion, public admonishment, censure, probation, suspension or disbarment. It is a sincere concern that the standards of legal representation that are to be practiced by Arizona licensed attorneys are undermined when a member of the legal profession falls prey to the cruel ravages of Mother Nature such as senility and/or early stage dementia. It is an unfortunate reality for many victimized by these conditions of physical ailments and **ALWAYS** an uncomfortable discussion for all in the sphere of interactions. However, the SBA has been enacted to “**SERVE AND PROTECT THE PUBLIC**” and to adequately abide by such lofty claims of oversight, it is the duty of the SBA to deal with the undeniable occurrences of attorneys demonstrating clear signs of senility and/or dementia as it clearly falls under their purview. There is **NO ONE ELSE** to address these situations when they occur. There would clearly be obvious privacy issues that would need to be vehemently protected by the SBA, but the matter could be handled discretely and with the appropriate level of sensitivity while staying true to the mission statement that the protection of the public is job one.

Providing a detailed iteration of the circumstances observed and factual events that have occurred that are supported with documentation constitute the unwitting violations of the Arizona Duties and Obligations as defined within Rule 41(g), Ariz. R. Sup. Ct. (*hereafter*, “Duties”) and the Arizona Rules of Professional Conduct contained within Rule 42, Ariz. R. Sup. Ct. (*hereafter*, “Rules”). Although unintentional in the occurrences, it is required that a practicing licensed attorney must still adhere to the Rules. The specific Rules that have been repeatedly violated due to the medical condition afflicting Joe M. Romley are the following:

1. **ER 1.1 – Competence.** A lawyer shall provide competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.
2. **ER 1.3 – Diligence.** A lawyer shall act with reasonable diligence and promptness in representing a client.
3. **ER 3.2 – Expediting Litigation.** A lawyer shall make reasonable efforts to expedite litigation consistent with the interest of the client.
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.

FACTUAL BACKGROUND

A Pattern of Conduct by Joe M. Romley That Extends Over Many Years

There is long list of behavior witnessed by Rodrick demonstrating a clear pattern of decline over six and half (6.5) years that has noticeably accelerated in the last year to a level that clearly has reached the tipping point where Joe M. Romley condition no longer allows him to function at a level that can be viewed as a reasonably competent practicing attorney.

The issue of an attorney’s mental fitness to practice law is a serious matter that demands the attention of the SBA. There simply is not any other authority that has resources and guidelines to offer solutions that would best serve and protect the public. After the years of dealing with a

deluge of legal matters that have involved hundreds of interactions with Joe M. Romley, there is not a better agent to provide a litany of documented evidence and perspective of the observed decline that appears to be senility and/or early stage dementia. The work product produced over the many years involving multiple cases in both civil and family courts are the best source that provides a plethora of undeniable evidence to support the stated perspective. Granted such a conclusion needs to be professionally diagnosed in an appropriate, private and thoughtful manner. However, it is an issue that must be taken seriously as it is the duty of the SBA to assure the public that a licensed attorney is in fact competent to practice law.

Factual Circumstances of Joe M. Romley Observed Over Many Years

The following observations are provided in a reverse chronological order as the more recent occurrences are far more alarming and demonstrate undeniable cognitive and physical limitations.

Specific examples of Romley “forgetfulness” observed directly before the Court this past year.

As previously stated, the severity and frequency of Joe M. Romley’s condition of senility and/or dementia has escalated to a level of an unavoidable observance this year (2017/2018) in several court matters and appearances. The following brief descriptions are a limited list of occurrences that could be elaborated upon with further details and documentation at the request of the SBA:

- Romley confirms an agreement on an amount to be paid satisfying **ALL** child support issues. The agreed upon payment is satisfied and documented with the clearinghouse. Months later Romley would submit a filing with the Court claiming unpaid child support. He had completely forgotten the matter had been satisfied and that **HE** had submitted a filing with the Court himself acknowledging this fact. This required the interjection of Judge Thomason to overrule Romley’s filed Objection.
- The **PAID IN FULL** documentation associated with the child support and spousal support had been independently delivered directly to Romley – he claimed no recollection.
- Despite Judge Thomason clearly communicating in a Minute Entry that Romley’s Petition for Contempt and Attorney’s Fees was a waste of the Court’s time that would **NOT** be granted, Romley would **NOT** abide by the Judge’s analysis and forced a completely unnecessary hearing – that was the waste of time as foretold by the Court.
- In a hearing before the Court, Romley was slurring his words to a degree of almost being incomprehensible.
- In a hearing, Romley demonstrated and was admittedly physically limited with severe frailty that he had an extremely hard time navigating to the podium to address the Court.
- In hearing, Romley repeatedly demonstrated a difficulty in remembering the subject matter being discussed and would be repetitive in stating previously discussed matters (is verifiable with the recording that is the Court’s record).

- In hearings Judge Thomason openly showed his frustration with the subject matters presented by Romley as it would be noted for the record they involved issues previously addressed and resolved before the Court.
- Romley claimed to the Court that an asset (boat) had been sold and payment not received. The Court dismissed the complaint when copy of the **CASHED** check received years earlier was presented for review. He appeared to have completely forgotten.
- A Hearing before the Court with Romley alleging contempt would quickly devolve as **ALL** the evidence would be deemed "**IRRELEVANT**" which Judge Thomason would note in the Minute Entry denying the Motion.
- One of the exhibits of supposed evidence was a sales brochure for a Mexico condo presented somehow to verify ownership. It was astounding to the point of all present felt genuine embarrassment **FOR** Romley. An uncomfortable awkward moment.
- In filings and during Hearings before the Court, Romley brought up an issue involving an insurance policy with Farmer's Insurance. The Court would be presented the documentation that the insurance policy issue had been resolved before the Court years before – Romley appeared to have no recollection of this documented fact.
- A repeated controversy for years surrounded approximately eighteen hundred dollars (\$1800) in U.S. Treasury bonds in Rodrick's name that had been received from a Credit Card Rewards Program over **MANY** years. After many Court filings by Romley that Rodrick had possession of the bonds – when Rodrick had no idea to their whereabouts – they were officially reported "lost/stolen" with the Government by Rodrick. Miraculously this report resulted in the discovery of the 43 missing U.S. Treasury bonds by Romley's client Flynn despite previous claims Rodrick had possession. Romley apparently had forgotten his client had the bonds in her possession the entire time.
- Romley could not provide an explanation to the Court how, why, by whom and when someone attempted to forged Rodrick's signature on 18 of 43 of the bonds that were "missing" for six years.
- In a Hearing, Romley would deny he had any knowledge of a settlement offer for an attorney fee judgment despite the claim documented in a Court filing by AZ licensed attorney Timothy Forshey had discussed "multiple times."
- After multiple times Romley filed a "Supplemental Response," Judge Thomason would have to deny such filings noting for the Court's record that the Rules of Family Procedure" do **NOT** have such a provision for such a filing. It does **NOT** exist. Romley after 53 years of practicing family law had either forgotten the Rules or clearly was knowingly abusing the process.
- The non-existent opportunity to file "Supplemental Response" was but one example of many submissions of frivolous filings and/or repetitive filings previously addressed by the Court.
- At an open Hearing, Judge Thomason deemed each and every one of the above issues barred by *res judicata* and *collateral estoppel* and warned Romley to stop his plight against Rodrick for issues previously litigated.
- At an open Hearing on the record, Judge Thomason had to repeatedly remind Romley that these issues were already litigated and that he lost. He seemed rattled and very

confused and had to be reminded multiple times that his claims were not going to be heard again.

- One incident before the Court, Romley was arguing about a perceived asset to which Rodrick simply decided to acquiesce right there in the courtroom and offered to just give it to Flynn and relinquish any claim. Romley suddenly stated to the Court his client didn't want it. Judge Thomason was completely perplexed and had to ask Romley – “What do you want?” Romley was obviously dazed, confused and flustered and did not have a response. Again, this was one of those experiences for all present where the reaction was one of uncomfortable embarrassment – **FOR** Romley.
- Romley filed a Post-Decree Petition for Enforcement of Property Division **YEARS AFTER** these matters had been addressed and finalized by Judge Whitten.
- Romley would allege unfounded allegations concerning a number of URLs owned by the family community. The URL issues had been addressed specifically by Judge Whitten in the Divorce Degree. Romley had no idea what had been previously Ordered by the Court as he once again engaged in an attempt to re-litigate resolved issues.
- The Post-Degree Petition filing also claimed issues involving an online database with 775,000 profiles of convicted sex offenders. Again, an issue Romley apparently had no recall had already been addressed and ruled upon by the Court.
- In a Petitioner's Prehearing Statement Romley claimed his client had no knowledge of the sale of a Jet Ski and trailer. The Court would be supplied the **CASHED CHECK** prepared by AZ attorney Stephen J. Przeslicke and drawn off his Trust account for half of the monies received – **YEARS EARLIER**. Again, Romley apparently forgot all about the payment and was perplexed when presented with the cashed check.

There can be no ignoring the obvious explanation of the ongoing and now serious decline in mental acumen that Joe M. Romley has demonstrated repeatedly in Court hearings, his official filings with the court, his “forgetfulness” in dealing with case matters outside the courts not in the direct purview of the Court with his communications and in meetings. The only explanation, although admittedly an uncomfortable realization and acknowledgement, is after 53 years of practicing law in Arizona he is experiencing the inevitable results of aging. Unfortunately, the degree of the witnessed behavior and frailty being demonstrated by Joe M. Romley has reached a tipping point to suggest clear signs of senility and/or early stage dementia.

Specific examples of Romley “forgetfulness” documented over the years of associated with the dissolution case.

Like many dissolution cases (divorce is messy), they have a tendency to be contentious with much animosity between the parties. This was the case with the Flynn v. Rodrick case that languished in the Family Court for six years. The factual occurrences that is relevant to question the issue of competency involving Romley:

- On the very day of the trial that had been previously delayed and postponed by Romley he would file to remove Judge Whitten – it was denied.

- Romley was completely unprepared for the Trial and attempted to introduce exhibits **NEVER** disclosed in the discovery process. The result would **NOT** result in decisions not to Romley's liking due to his confusion and chaotic representation.
- Not one exhibit had been submitted to the Court to be numbered as required by Romley.
- Romley would file for a New Trial – it was denied.
- Romley would file for a "Supplement to Motion for New Trial." Not allowed and subsequently denied.
- Romley filed a "Supplemental Memorandum in Support of Request for New Trial." The Rules of Family Procedure do **NOT** allow for such a filing – it does **NOT** exist. The Motion was denied.
- Judge Whitten would deny all attempts by Romley to secure a new trial to overcome the outcome realized after **NOT** being properly prepared for the trial that occurred.
- Over the six years of litigation of the Dissolution case there are **MANY** examples of Romley filing repetitive Motions concerning matters already addressed by the Court. The occurrences are too numerous to list in this Notice but upon request documentation is available for the SBA review. In several of these incidents Romley would convey he had no recollection of the previous filings.
- Romley has openly disclosed to multiple parties that he cannot access his emails without assistance from his secretary.
- Romley has openly disclosed that he cannot operate his office without the direct assistance of his long-time secretary being available. He has stated too many people he has to close the doors if his secretary cannot come into the office because he "cannot function." There are witnesses that can verify this claim.
- Romley submitted support documentation as exhibits to Court filings that were clearly **FORGED – ALTERED – EDITED** or were simply **FAKE**. The original documents were obtained as a source of comparison.
- Many documented incidents of Romley forgetting important aspects of the case discussed in meetings and phone calls.
- Many documented instances where Romley could not remember the dates and times for telephonic conferences and had to ask Rodrick and others what date and time the telephonic conferences were scheduled for.
- A group of family assets were sold for thousands of dollars by his client. After the title transfers for multiple Quads were brought to the Court's attention Romley would produce a sale receipt dated **7 MONTHS** before monies were deposited into Romley's Trust account. He could not offer the Court an explanation how this documented discrepancy occurred.
- After litigating a number of specific issues through being fully briefed Romley would change his mind and position when before the Court to decide the matter.
- Despite the client Flynn having retained a certified public accountant specializing in forensic accounting for litigation, Romley submitted a "Financial Analysis" prepared by a co-worker of Flynn who was a high school educated bookkeeper.

- Sworn deposition testimony was obtained that Romley had ordered the “Financial Analysis” to be “manufactured” by the co-worker bookkeeper and overseen by the boss and boyfriend of Flynn.
- Romley could **NOT RECOLLECT** why the “manufactured” accounting was submitted to the Court and the licensed CPA was not used to prepare the filing.
- Romley would argue an issue concerning the “opening” of a simple QuickBooks file provided on a DVD. Romley was so incapable of dealing with a basic spreadsheet program a so-called expert “JEL Enterprises” would be retained to assist. The firm would prepare a report that Romley would submit to the Court claiming Rodrick had made “too many corrections to the files” to have not been tampering with the data. The ludicrous accusations would be thrown out by the Court.
- Romley would forget all about the JEL Enterprise report in later filings in the case.
- Romley would state for the record he had no recollection of receiving documents from opposing parties.
- Romley would state for the record he had no recollection of sending documents to opposing parties.
- Romley over the years would repeatedly demonstrate he had no working knowledge of the Rules and Procedures in both Family and Civil Court. These documented lapses of memory would become more frequent and pervasive over time.

The truth is there are dozens and dozens of examples of additional incidences that could be brought the attention of the SBA. The real point is to be just thorough enough to garner the appropriate attention to justify a discreet examination to obtain a professional evaluation.

The Joe M. Romley legal practice was directly involved in civil litigation alleging RICO Fraud.

It is a matter of public record found in court records available in the public domain that the legal work of Joe M. Romley has been challenged in civil litigation. The SBA can easily access the available information to learn that after prolonged litigation involving accusation that Romley had been a central participant in defrauding the Plaintiff in the case, he was specifically alleged to have been engaged in RICO Fraud. What is important is the case would navigate through the litigation process and finally be adjudicated in a jury trial. During the trial, Romley would agree to a settlement that would satisfy the demands of the Plaintiff. This settlement occurred after the Judge overseeing the jury trial would state for the record that adequate proof had been presented to establish that Romley had in fact engaged in fraudulent conduct.

Joe M. Romley has a history of associations with particular clients that led to criminal investigation into his law practice.

The law practice of Joe M. Romley has for years received a good deal of media attention. This is not particularly unusual considering Joe M. Romley has been practicing law in the Phoenix area for 53 years. That is a very long time. However, it is worth noting that some of the media attention hasn't always been exactly the kind of publicity that expands the good reputation of an attorney.

It is a rather scandalous situation when a licensed attorney is unexpectedly served a Court Ordered subpoena by law enforcement to raid the law offices for documents and evidence associated to a criminal investigation. As the SBA is aware, it is **VERY** rare for such a subpoena to be issued by a Judge. When it does occur there were additional requirements involved for the prosecutors to provide the due diligence necessary to have a Judge sign off in allowing law enforcement to initiate the raid as there are obvious potential attorney client privilege that must be considered. Romley's law office met the standards that allowed the raid as he was a target of the investigation involving an infamous strip club owner.

Upon request the SBA can be provided all the documentation and exhibits in the form of court filings, email communications, relevant records and affidavits to support all issues referenced in the Notice.

As the submission to the SBA is **NOT** a complaint seeking some response and/or recourse in the form of a disciplinary ruling, it was not the intention to burden the request for a mental examination or review of Joe M. Romley with hundreds of pages of support documentation of the events referenced. This was **NOT** due to such exhibits not existing and/or easily retrievable; they can be accessed and provided to the SBA upon request. It really is the case the available evidence that can be provided for the SBA review is voluminous and likely overwhelming in scope that would likely hinder the desired result that is the least intrusive and burdensome.

A Catch-22 issue in reviewing the conduct of Joe M. Romley associated with his law practice.

The problem with a review by the SBA that would determine Joe M. Romley was **NOT** suffering from physical ailments associated to age deterioration, would conversely be an undeniable verification that he has for years been knowingly and intentionally engaged in a wide variety of ethical violations of the Rules. This would represent a classic CATCH-22 situation. The bottom line still would be the protection of the public's interest. This requires an investigation by the SBA to arrive at the appropriate conclusion in order to make the correct recommendation for a solution to an obvious problem demanding immediate attention.

CONCLUSION

This Notice of Public concern has diligently attempted to provide factual, objective, and credible information to assist in determining whether a review of competence is warranted to ascertain if the Arizona licensed attorney Joe M. Romley is mentally fit to continue to practice law. Although the physical conditions that demonstrate clear signs of senility and/or early stage dementia are certainly not ailments that should warrant any form of disciplinary review, it does **NOT** change that a practicing attorney **MUST** be in compliance with the dictates and requirements as described by the Rules (within Rule 42) and Duties (within Rule 41(g)). Something that the overwhelming evidence provided proves is Joe M. Romley has **NOT** been meeting the dictated standards to be in line with and adhering to the Rules. Even unintentional derelict of duty and not abiding to the Rules cannot be quietly swept under the rug due to the circumstances connected to an uncomfortable subject of mental competency. The practice of law is serious business whose integrity must be rigorously protected with SBA assurances that it

is administered by mentally fit practitioners. Joe M. Romley no longer can meet the minimal level of mental competency to continue to be a practicing attorney due to the natural decline of the aging process.

The Arizona Supreme Court “has long held the objective of disciplinary proceedings is to protect the public, the profession and the administration of justice and not to punish the offender.” *In re Alcorn*, 202 Ariz. 62, 74, 41 P.3d 600, 612 (2002) (quoting *In re Kastensmith*, 101 Ariz. 291, 294, 419 P.2d 75, 78 (1966)). It is also a goal of lawyer regulations to protect and instill public confidence in the integrity of individual members of the State Bar. *In re Horowitz*, 180 Ariz. 20, 29, 881 P.2d 352, 361 (1994) (citing *In re Loftus*, 171 Ariz. 672, 675, 832 P.2d 689,692 (1992)). The Joe M. Romley current mental capacity is in question due to clear signs of decline associated with aging and the resulting senility and/or early stage dementia. A proper medical exam that can be conducted with the proper protection of privacy to ascertain if intervention by the SBA is warranted in order to fulfill their stated duty of serving and protecting the public.

Thank you in advance for your consideration and anticipated review of the available facts. Please do not hesitate to make contact if I may be of further assistance.

Respectfully submitted this 17th day of August, 2018,

A handwritten signature in blue ink that reads "Charles Rodrick". The signature is written in a cursive, flowing style.

Charles Rodrick