

Testimony in Support of Rule Petition 10-08

I was hoping to be the last speaker on this topic October 4th, and put a face to the discussion. However, my son had a seizure and we had to leave. I was not upset over the seizure because I am confident in managing them with my years of practice. I was upset because I thought I lost a valuable opportunity to feel heard, have you see my son's face and understand, and help you reach a reasoned decision.

I was told I could forward this written document after the fact in order to still be heard. Although I did submit partial records from my hearings before our State Board of Bar Examiners, after hearing the morning speakers I wanted to address a few new issues for your consideration in light of my personal experience.

Our story is a perfect example of why the Wisconsin Constitution Article 1, Section 9 providing a "Remedy For Wrongs" is not possible without this Rule. And while I have great respect for all the judges who spoke and mean no disrespect to this audience, I disagree that all judges try to be fair. Just like any profession, some are good and some are not. As a pharmaceutical representative for 17 years I can tell you not all doctors are created equal and some should not be practicing.

But sadly, in Milwaukee County I believe the situation for judges is more dire. I have seen judges lie, claim to have no jurisdiction to provide a safe level of care for a protectively placed child, suggest an HIV infection is OK refusing to provide for the necessary results and treatment, and even that slavery was OK. All parties had agreed my son needed two people 24-hours a day to be safe due to his rare brain tumor, but expected me to be the second person for free. For 11 months I provided this care with no

compensation emptying my 401K to survive, confident the law would correct this injustice and we would be made whole.

But that has not happened. My disabled son and I have been unsafe for nearly four years now. I have been attacked and injured numerous times to the point the West Allis Police called to ask me what agency was responsible because they planned to criminally prosecute them for the unsafe situations they saw so often when I called 911. But when they learned it was Milwaukee County, they said it was a civil matter and they could not help us. My son can't help these attacks. His rare tumor causes him to get explosively violent for no reason.

This affects the general public in addition to my son and I because he has a history of running into the street to try and get hit by a car when upset. Without adequate staffing of two people, he has nearly been hit a few times and could have caused serious accidents, injury and death to any innocent person driving down Oklahoma Avenue at the wrong time. How do the judges not see this foreseeable harm and their duty to act in my son's best interest.

I learned about tort law at Marquette University Law School. I am not a typical *pro se* plaintiff. I used to be a productive member of society. I have an MBA and a JD. I made \$160,000 a year, bought a home, paid taxes, gave generously to charities, raised my two boys alone when the alcoholic ex-husband left.

Now I am 50 years old with no job, no health insurance, no savings or 401K, every credit card maxed out on the verge of bankruptcy and foreclosure. All because Milwaukee County did not want to pay for the expensive care my son needed to be safe,

and the court would not stand up to them. The Guardian ad Litem is best friends with Corporation counsel, and even the judges who seem to start out fair, turn.

The latest was Judge Amato on our tort claim. At first in chambers he gave me a knowing look after bringing up the case from a recent Journal Sentinel article about a doctor out East who killed herself and her 13-year old disabled son out of despair, and said “You need a judge from outside Milwaukee County”. He then recused himself, but a few weeks later the chief judge refused to honor the recusal. Judge Amato held the hearing and denied my every motion.

My guardianship was taken away in September 2009 causing further harm with corporate guardians appointed by Milwaukee County willing to institutionalize my son, deny adequate medical care, and reduce his level of care from the \$1000 a day agencies testified in court was necessary to \$460 a day. I have no savings left to save us. My appeal is still pending, but our heating oil tank is on empty, my son’s medical bills are unpaid, and I no longer have a cell phone. My parents are feeding us, but they should not have to go bankrupt in their old age as well.

Two more points before my eight minutes are up. First, I am not the only one who sees “something rotten in Milwaukee County”. During the hearings on my character and fitness before the State Board of Bar Examiners they admitted my struggle was extreme and that “Everyone knows Milwaukee County is broken” The attorney representing my son in the guardianship struggle from Disability Rights Wisconsin admitted she has no hope for the probate court to ever be reasonable with us, and that she never saw Judge Flanagan rule against Milwaukee County. Even a few court reporters told me they were shocked by the words they typed and thought we had not been treated fairly.

So how do you fix a broken system and get judges who do not feel indebted to Milwaukee County willing to deny even basic constitutional rights to the vulnerable disabled? No *pro se* plaintiff has a chance.

Lastly I wanted to address the money/funding issue. In my struggle these last four years Milwaukee County has held numerous hearings paying for corporation counsel, guardian ad litem, sometimes adversary counsel, outside counsel, sheriffs to stand in court, writing many briefs and motions. It would have been cheaper to just support my son to keep him safe.

I got a copy of the Milwaukee County budget one year and read they hired five new parks workers. I thought, great. We have award-winning parks and now they can cut the grass every 4 days instead of 7, but my son and I lay bleeding in the street. It did happen where I ran and tackled my son about 50 feet away from a busy street to prevent an accident and we were both in the side street bleeding; no one to help. I complained and they took away my guardianship and reduced his care.

Aaron and I would like to ask you to pass rule 10-08 and help other people like us.

Sincerely,

Margaret and Aaron Bach